



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

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Consent
May 25, 2010

**Honorable Mayor and
Members of the City Council**

**Title: Ordinance Relating to Administrative Provisions of the Building Code
Addressing Building Permit Applications, Processing, and Inspections**

Location/Council District: Citywide

Recommendation: Approve an **Ordinance** repealing and re-enacting Chapter 15.08 of Title 15 of the Sacramento City Code, and making conforming amendments to section 3.36.010 and Chapter 15.10

Contact: Emilie Schell, Program Analyst, (916) 808-5908; Carl Hefner, Chief Building Official, (916) 808-8779

Department: Community Development Department

Division: Building

Organization No: 21001211

Description/Analysis

Issue: Appendix Chapter 1, Administration of the 2007 California Building Code (CBC) was adopted by reference into Title 15 of the Sacramento City Code, which is the City Building Code. Chapter 15.08 of Title 15 contains the City's local administrative rules relating to application requirements, the plan review process, permit issuance, the inspection process, and requirements for the collection of fees and the issuance of refunds. The proposed amendments to Chapter 15.08 and related City Code provisions update and streamline the City's building permit administrative procedures to better coordinate with the provisions of CBC Appendix, Chapter 1 and related state laws. The amendments will also allow for the development and implementation of innovative customer service programs, such as the Facilities Permit Program, while ensuring fair and consistent enforcement of building standards, collection of fees, and compliance

with state laws and the City Codes.

Updating Chapter 15.08 will remove conflicting and duplicative Building Code administrative provisions. Additionally, antiquated language referring to the International Conference of Building Officials (ICBO) will be replaced with reference to the current code body, the International Code Council (ICC). ICC building valuation data will be referenced and new language will direct the use of the most recent data. These changes will align City Building Code language with the CBC, increasing compliance with legal obligations and allowing for consistency in the industry.

The proposed amendments allow fees to be charged at an hourly rate when deemed appropriate by the Building Official allowing for full cost recovery and the creation and implementation of innovation programs. The use of phased permits is clarified to align City practices with CBC Appendix, Chapter 1. The new Building Code language allows streamlining of the building permit process and implementation of customer service programs such as the Facilities Permit Program.

Policy Considerations: The regulations included in the 2007 California Building Standards Code (California Code of Regulations, Title 24) and related state laws are applicable to the City of Sacramento.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under CEQA guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability Considerations: There are no sustainability considerations applicable to amending City Code relating to the City Building Code and adoption of local amendments to the California Building Code.

Commission/Committee Action: The Law and Legislation Committee reviewed this item on May 4th, 2010, and forwarded a recommendation of approval to City Council.

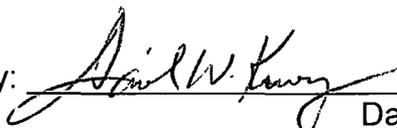
Rationale for Recommendation: The proposed Ordinance to repeal and to re-enact Chapter 15.08 of the Building Code, and to make conforming amendments to section 3.36.010 and Chapter 15.10 would align City Code with the regulations published in the 2007 California Building Code and related state laws. It would also allow for new programs that increase customer service and streamline the building permit process. The Title 15 amendments will help ensure enforcement of building standards, collection of fees, and compliance with state law and the City Code.

Financial Considerations: There are currently no fiscal impacts associated with this report. As programs are developed, Council will be notified of any additional revenues

and/or expenses the City will incur.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
Carl Hefner
Interim Chief Building Official

Approved by: 
David Kwong
Acting Director of Community Development

Recommendation Approved:

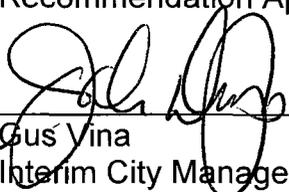

Gus Vina
Interim City Manager

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 3.36.010 OF TITLE 3, AND REPEALING AND ADDING CHAPTER 15.08 TO AND REPEALING CHAPTER 15.10 OF TITLE 15 OF THE SACRAMENTO CITY CODE (THE BUILDING CODE) RELATING TO BUILDING PERMIT APPLICATIONS, PROCESSING, AND INSPECTIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 15.08 of the Sacramento City Code is repealed.

SECTION 2.

Chapter 15.08 of the Sacramento City Code is added top Title 15 of the Sacramento City Code (the Building Code) to read as follows:

Chapter 15.08 PERMITS AND INSPECTIONS

15.08.010 Permits—Permit procedures.

Except as provided in this code, all permits shall be obtained in accordance with the 2007 California Building Standards Code as adopted in this Title 15herein.

15.08.020 Permits—To whom permits may be issued.

A permit to do or to cause to be done any work regulated by this code shall be issued only to the property owner, an authorized agent of the property owner, or a licensed contractor as provided, and under the terms and conditions as specified, in State law~~persons holding a valid contractor's license issued by the state authorizing said person to undertake such work or to a person exempt from the contractor's licensing requirements of the state.~~

15.08.030 Permits—Scope of permit.

A permit shall authorize only that work specified in the application for the permit therefor.

15.08.040 Permits—Single permit for all work.

~~Where an application for a building permit includes electrical, mechanical, or plumbing work, a single permit shall be issued for all work specified in the application. Where the work for which a permit application is to be made does not include work for which a building permit is required, a separate permit application shall be made for the electrical, mechanical, or plumbing work to be done.~~

15.08.0450 Permits—Exemptions.

A. No permit is required for work that is exempt from the requirement to obtain a permit as provided for in the 2007 California Building Standards Code as adopted herein or as provided in this section.

B. Notwithstanding any other provisions of this chapter, to the same extent work is exempt from the requirement to obtain a permit as provided for in the 2007 California Building Standards Code for buildings, structures and applications regulated by the California Department of Housing and Community Development, work is exempt from the requirement to obtain a permit for buildings, structures and applications that are not regulated by state agencies.

15.08.050 Permits—Permit fees.

A. Fees shall be charged to permit applicants to cover all aspects of administration of the building permit program under this title, including but not limited to application intake and processing, plan review, inspections, expedited reviews, hearings and appeals, consultation and research, certification programs, fee refund calculations, and other service charges, enforcement, and administrative overhead.

B. Plan review fees and building permit fees (inspections) shall be based either on the estimated value of the work to be done at the time of application, as determined by the chief building official under section 15.08.110, or on an hourly rate to be charged for actual time expended performing plan review or inspections. The chief building official shall determine whether the fee shall be based on the estimate of value or on an hourly rate, based on type of work or program. The chief building official shall issue administrative rules and regulations establishing when valuation-based fees and when hourly-based fees shall be charged.

C. The amounts of all fees (including deposits) authorized by and charged under this chapter shall be established by resolution of the city council.

15.08.060 Permits—~~Submission of plans and specifications~~Applications.

~~In addition to the requirements of the 2007 California Building Standards Code for the submission of plans and specifications for checking, plans and specifications submitted shall include all work to be done including plumbing, mechanical and electrical work and shall contain all computation, details, systems, layouts, etc., that are necessary to assure that the proposed installations conform to the requirements of this code.~~ the 2007 California Building Standards Code as adopted in this Title 15, the following shall be included with an application for a permit:

A. All declarations, authorizations, and notices required by this code or state law including the Licensed Contractor Declaration, the Owner-Builder Declaration, the Workers' Compensation Declaration, the Declaration Regarding Construction Lending Agency, and the Authorization to Act on Property Owner's Behalf, as applicable and fully executed; and

B. A plan review fee, where plans are required; provided, that

1. If the plan review fee is to be based on an hourly rate and not the estimated value of the work to be done, a deposit shall be paid at the time of application submittal and the balance shall be billed as plan review is conducted. The plan review fee shall be paid in full prior to issuance of the building permit;

2. If the plans submitted are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged.

15.08.070 Permits—Permit issuance.

In addition to the requirements of the 2007 California Building Standards Code as adopted in this Title 15, the following provisions shall apply to the issuance of a permit:

~~No permit for new construction shall be issued until all provisions of Title 12 of the Sacramento City Code have been complied with.~~ A. When an Owner-Builder Declaration has been executed with a permit application, no permit shall be issued until the Notice to the Property Owner required under Health and Safety Code section 19825 has been completed and signed by the owner of the property on which the proposed work is to be located and submitted to the chief building official.

B. No permit shall be issued until the applicant has paid the building permit

fee (inspection) and all other required fees (including the plan review fee), taxes, and other charges; provided, that if the building permit fee (inspection) is to be based on an hourly rate and not the estimated value of the work to be done, a deposit shall be paid at the time of permit issuance, and the balance shall be billed as inspections are conducted. The building permit fee (inspection) shall be paid in full prior to final inspection approval.

C. Issuance of a building permit shall not entitle the permit holder to commence the work authorized by the permit unless and until the permit holder has obtained all other approvals required by, and has complied with, all other applicable laws, rules, and regulations relating to the proposed work.

~~Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the required fees have been paid, he or she shall issue a permit therefor to the applicant.~~

~~15.08.080 Permits—Permit fee.~~

~~Every permit application shall pay the revenue manager a permit fee based upon the valuation of the work to be done pursuant to the permit. No permit shall be valid until the fee therefor is paid. Permit fees shall be assessed in accordance with the fee schedule established by resolution of the city council.~~

~~Note: Notwithstanding the provisions of Sections 15.08.080 and 15.08.100 of this chapter, no fees for plan inspection or for issuance of the building permit otherwise required under the aforementioned sections shall be imposed on building permits required to undertake repair and reconstruction work which is necessary to repair damage attributable to, and caused by, the conditions of disaster or of extreme peril which are the basis for the declaration of local emergency. This exception to the fee requirements of Sections 15.08.080 and 15.08.100 of this chapter shall be limited to repair and reconstruction work necessary to restore the building or structure to the condition in which it existed immediately prior to the occurrence of the conditions of disaster or extreme peril which are the basis of the declaration of emergency.~~

15.08.0890 Work without pPermits—Additional fee for work done without a permit.

A.—Where work for which a permit is required is commenced prior to the obtaining of the required permit(s), the chief building official shall charge up to four times all applicable plan review and permit (inspection) fees related to the required permit(s) therefor shall be quadrupled, including, but not limited to, building permits, sign permits and demolition permits. The payment of such the increased fee(s) shall not

relieve any person from fully complying with the requirements of ~~the city~~this code, other codes adopted by the city, or the requirements of the zoning ordinance. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in ~~the city~~this code.

~~Exception: Fee will be a maximum of five hundred dollars (\$500.00) plus double the permit fee.~~

15.08.090 Work without permits—Exception to additional fees—Emergencies.

B. ~~Where an emergency or urgent necessity is shown to exist or to have existed to the satisfaction of the manager~~chief building official, the commencement of work for which a permit is required is not a violation of this code and does not subject the person doing such work to an increased permit application and plan review fee pursuant to ~~subsection A of this Section 15.08.080~~Section 15.08.080; provided, ~~the person commencing such work shall notify the manager thereof immediately upon commencing such work or as soon thereafter as the office of the building inspections division is open for business; and provided further that in every such case, an application for a permit for the~~such work shall be is filed with the ~~manager~~chief building official within twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays, after ~~the~~such work has commenced.

15.08.100 Permits—Plan check fee~~Fee waiver--~~Emergencies.

~~At the time a plan is submitted with the application for a permit, the applicant shall pay a plan check fee as established by resolution of the city council.~~

~~Where the plans submitted are incomplete or are changed so as to require additional plan checking, an additional plan check fee shall be charged at a rate established by the manager.~~

Note: Notwithstanding the provisions of Sections ~~15.08.080-060~~15.08.080-060 and ~~15.08.100-070~~15.08.100-070 of this chapter, no plan review fees for plan inspection or for issuance of the building permit fees (inspection) otherwise required under the aforementioned sections shall be imposed on building permits required to undertake repair and reconstruction work which is necessary to repair damage attributable to, and caused by, ~~the conditions of disaster or of extreme peril and for which are the basis for the~~a declaration of local emergency is made. This exception to the fee requirements of Sections ~~15.08.080-060~~15.08.080-060 and ~~15.08.100-070~~15.08.100-070 of this chapter shall be limited to repair and reconstruction work necessary to restore the building or structure to the condition in which it existed

immediately prior to the occurrence of the conditions of disaster or extreme peril which are the basis of the declaration of emergency.

15.08.110 ~~Permits—Manager~~ Chief building official to determine valuation establish project value for purposes of determining permit fees.

~~_____ An application for a permit required by this code shall include an estimate of value of work to be done pursuant to such permit.~~

~~_____ The determination of the estimated value of the work to be done for purposes of determining plan review and permit (inspection) fees under this chapter or valuation under any of the provisions of this code shall be made by the chief building official. In making an estimate of value, the chief building official may use, in addition to other sources, the International Code Council's then most recently published Building Valuation Data. manager and may be adjusted annually in accordance with the International Conference of Building Officials May/June standard index for both residential and commercial properties. The valuation to be used in computing the plan review and permit (inspection) and plan check fees shall be the total value of all work, including all labor, finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire extinguishing systems, and any other permanent work or permanent equipment for which the permit is issued.~~

15.08.120 Permit Fees--Refunds--When --Procedurerefund of permit fee prohibited.

A. Plan review fees.

No permit-plan review fee or portion thereof shall be refunded.;

B. Building permit fees (inspections).

No building permit fee (inspection) or portion thereof shall be refunded;

1A. Where any portion of the work authorized by the permit has commenced;
or

2B. Where the permit has expired or has been lawfully suspended or revoked by the ~~manager~~ chief building official.

C. Refund Procedure.**~~15.08.130 Permits—Procedure for refund of permit fee.~~**

A1. Except where the refunding of building permit fees (inspection) is prohibited by ~~Section subsection B., above, 15.08.120 of this chapter,~~ building permit fees (inspection) may be refunded only if a written demand for refund, together with the ~~paid-issued~~ permit form, is presented to the ~~manager~~ chief building official within one hundred twenty (120) days following the issuance of the permit.

B2. The ~~manager~~ chief building official shall deduct from any refunded permit fee a fee refund service charge ~~established by resolution of the city council.~~

~~15.08.140 Permits—Refund of plan check fee prohibited.~~

~~No plan checking fee or portion thereof shall be refunded.~~

~~15.08.130~~ 150 Permits—Permits not transferable.

No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person for the purpose of completing the work for which the permit was issued. When the permit holder ~~permittee~~ to whom the permit has been issued no longer has a vested interest in the project or is no longer responsible for the project or work covered by the permit, the permit shall automatically become null and void. No person shall proceed with such a project or work without first obtaining a new permit from the ~~manager~~ chief building official.

~~15.08.140~~ 160 Permits—Expiration of permits--Extension.

A. Every permit issued by the chief building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. For the purpose of this section, work shall be considered abandoned if the chief building official reasonably determines that the permit holdertee does not intend or is unable to complete the work authorized by the permit. The permit holdertee's failure to timely request any necessary inspections or obtain any necessary approvals of work authorized pursuant to the permit may be factors considered by the chief building official in making his or her determination. Before such work can be recommenced, a new permit shall first be obtained to do so.

B. Any permit holdertee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this section for good and satisfactory reasons. The chief building official may extend the time for action by the permit holdertee for a period not exceeding one hundred eighty (180) days upon written request by the permit holdertee showing that circumstances beyond the control of the permit holdertee have prevented action from being taken. No permit shall be extended more than once.

C. Building permits issued to repair under Chapters 8.96 or 8.100 of this code shall expire in sixty (60) days from the date such permit is issued unless the housing code advisory and appeals board authorizes a longer period of time in which to complete the work in which event such permit will expire at the end of such longer period of time.

15.08.170 Inspections—Authority of manager.

~~All work for which a permit is required shall be subject to inspection by the manager. The manager may make or require inspections, to the extent authorized by law, of any other work where necessary to ascertain compliance with the provisions of the Sacramento City Code enforced by him or her~~

15.08.150 180 Inspections—Lot survey.

A survey of the lot on which construction of a building is planned may be required by the ~~chief building official~~manager, at the permit holdertee's expense, to verify compliance of the structure location or lot size with the approved plans.

15.08.190 Inspections—When required.

~~The inspections required by this code shall include all inspections required by the uniform codes adopted herein by reference.~~

~~Exceptions:~~

- ~~1. Interior gypsum board in R-3 occupancies.~~
- ~~2. Permits issued pursuant to Chapter 15.10.~~

15.08.160 200 Inspections—Approval required before work may continue.

Without the written approval of the chief building official~~manager~~, no work shall be done beyond the point where an inspection is required by this code. No work shall be done beyond the point indicated on the inspection record card until all inspections required up to that point have been made and the chief building official~~manager~~ has approved the work in writing. The chief building official~~manager~~'s dating and signing opposite an individual required inspection indicated on the inspection record shall be written approval of such inspection for the purposes of this section. In addition to its general application, this provision shall also be specifically applicable to work required by corrections notices.

15.08.170 210 Inspections—Inspection record card replacement.

~~Work requiring a permit shall not be commenced until the permit holder or his or her agent has posted an inspection record card in a conspicuous place on the premises and in a position that will allow the manager conveniently to make entries thereon regarding inspection of the work. This card, issued to the permittee at the time the permit is issued, shall be maintained in such position until all required final inspections have been made and approved and until a certificate of occupancy or certificate of final inspection has been issued.~~

~~If in the event the permit holdertee loses the inspection record card, it will be replaced by the chief building official~~manager~~ including indication thereon of all approvals previously made, upon the payment of a replacement fee established by resolution of the city council for each card lost and for each time it is lost.~~

15.08.180 220 Inspections—Requests for inspection—Re-inspection fees.

A. The permit holdertee shall notify the chief building official~~manager~~ orally or in writing that the work is ready for inspection. ~~Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.~~

B. The prime contractor or any of the subcontractors on the project may call for inspection when required, but if the subcontractor requests an inspection he or she shall also notify the prime contractor.

C. The permittee holder shall ascertain that the work to be inspected will stand the required tests prescribed elsewhere in this code, before requesting an inspection or notifying the chief building official~~manager~~ that such work is ready for inspection. If the work is not ready for inspection, does not pass the required tests, or otherwise is required to be re-inspected, a re-inspection fee shall be charged.

15.08.230 Inspection—Notice of failure to comply with code.

~~_____ If the manager finds that any work fails to comply with this code, in lieu of or in addition to issuing a stop work order, the manager shall notify the permit holder or his or her agent that the work fails to comply with this code and the reason or reasons for such failure. Such notification may be made by leaving a written notice upon or immediately adjacent to the inspection record card or on the premises in the event an inspection record is not obviously posted. Said correction notice shall contain date and time of inspection, description of work inspected, location of violations on job, name of inspector, and telephone number of inspector.~~

15.08.240 Inspections—Duty of permit holder.

~~_____ The permit holder or his or her agent shall provide supervision of the work being done and shall be responsible for ascertaining from the inspection record card and correction notice whether the required inspections and any required correction have been accomplished before proceeding with the next phase of the work.~~

15.08.190 250 Inspections—Unsafe working conditions.

The chief building official~~manager~~ may refuse to make any requested inspection on any site or building where a major violation of the California Occupational Safety and Health Act exists in the area where such inspection must be made. The chief building official~~manager~~ shall notify the permit holdertee of his or her refusal to make the inspection and the reasons therefor by posting such notice near the inspection record card or on the premises. The permit holdertee shall correct the hazardous condition to provide the required safe working area for the chief building official~~manager~~ to make the necessary inspection and shall then request that such inspection be made. If, at the time the request for re-inspection is made, any such hazardous condition has not been corrected, the chief building official~~manager~~ shall notify the California Division of Industrial Safety of the existence thereof.

15.08.200 260 Inspections—Final inspection.

A final inspection and approval of all buildings and equipment installed therein is required when completed and ready for occupancy. ~~Such~~The final inspection and approval shall be made prior to the building being occupied, and, except as otherwise provided herein, it shall be a violation of this code for the permit holdertee to permit the occupancy of asuch building without thesaid final inspection and approval. No final inspection approval shall be given until the building permit fee (inspection) has been paid in full.

15.08.270 Inspections—Conditional certificate of occupancy.

~~—A conditional certificate of occupancy may be issued by the manager when authorized by the construction codes advisory and appeals board. The certificate shall not be effective until the conditions thereon have been agreed to by all persons having an interest in the structure and the real property upon which it is situated. Notice of such certificate and a written acceptance of the conditions contained therein by the interested person indicated above shall be recorded in the official records of the county of Sacramento.~~

15.08.280 Application fee for conditional certificate of occupancy, or approval of alternate materials or systems of construction.

~~—The filing fee for a conditional certificate of occupancy and the filing fee for a request for approval by the construction codes advisory and appeals board of new or alternate materials or systems of construction shall be as established by resolution by the city council. All fees shall be paid to the revenues manager at the time a request is filed with the secretary of the board.~~

15.08.290 Reinspection fees.

~~—Reinspection fees shall be as established by resolution of the city council.~~

15.08.210 300 Building permits—Impacted school areas.

Building permits for residential construction within the attendance areas of impacted schools shall not be issued except in compliance with the provisions of Chapter 15.132 of this title. The director of building inspections and the planning department shall be responsible to maintain current information as provided by affected school districts as to the real property subject to the provisions of Chapter 15.132 of this title.

SECTION 2.

Chapter 15.10 of Title 15 of the Sacramento City Code (the Building Code), entitled Permits for Minor Repairs, Replacements or Installations, is repealed.

SECTION 3.

Section 3.36.010 of Title 3 of the Sacramento City Code is amended as follows;

A. Subsection B of Section 3.36.010 is amended to read as follows:

B. The rate of said excise tax shall be eight-tenths of a percent of the valuation determined in accordance with the most recently published International Conference of Building Officials May/June standard index for both residential and commercial properties~~by the director pursuant to Section 15.08.110 of this code.~~

~~Said~~The tax shall be due and payable at the time the building permit is issued; provided, however, the tax shall be refunded on application for refund by the permit holdertee in the event the permit expires or is revoked prior to the commencement of the activity for which it was issued. Said excise tax shall be paid at the address at which the ~~director~~chief building official then conducts business.

B. Except as specifically amended by the amendments to subsection B, section 3.36.010 shall remain unchanged and in full force and effect.

SECTION 4.

If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected by that holding and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 3.36.010 OF TITLE 3, AND REPEALING AND ADDING CHAPTER 15.08 TO AND REPEALING CHAPTER 15.10 OF TITLE 15 OF THE SACRAMENTO CITY CODE (THE BUILDING CODE) RELATING TO BUILDING PERMIT APPLICATIONS, PROCESSING, AND INSPECTIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

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SECTION 2.

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Chapter 15.08 PERMITS AND INSPECTIONS

15.08.010 Permits—Permit procedures.

Except as provided in this code, all permits shall be obtained as required by and in accordance with the 2007 California Building Standards Code as adopted in this Title 15.

15.08.020 Permits—To whom permits may be issued.

A permit to do or to cause to be done any work regulated by this code shall be issued only to the property owner, an authorized agent of the property owner, or a licensed contractor as provided, and under the terms and conditions as specified, in State law.

15.08.030 Permits—Scope of permit.

A permit shall authorize only that work specified in the application for the permit.

15.08.040 Permits—Exemptions.

A. No permit is required for work that is exempt from the requirement to obtain a permit as provided for in the 2007 California Building Standards Code as adopted herein or as provided in this section.

B. Notwithstanding any other provisions of this chapter, to the same extent work is exempt from the requirement to obtain a permit as provided for in the 2007 California Building Standards Code for buildings, structures and applications regulated by the California Department of Housing and Community Development, work is exempt from the requirement to obtain a permit for buildings, structures and applications that are not regulated by state agencies.

15.08.050 Permits—Permit fees.

A. Fees shall be charged to permit applicants to cover all aspects of administration of the building permit program under this title, including but not limited to application intake and processing, plan review, inspections, expedited reviews, hearings and appeals, consultation and research, certification programs, fee refund calculations, and other service charges, enforcement, and administrative overhead.

B. Plan review fees and building permit fees (inspections) shall be based either on the estimated value of the work to be done at the time of application, as determined by the chief building official under section 15.08.110, or on an hourly rate to be charged for actual time expended performing plan review or inspections. The chief building official shall determine whether the fee shall be based on the estimate of value or on an hourly rate, based on type of work or program. The chief building official shall issue administrative rules and regulations establishing when valuation-based fees and when hourly-based fees shall be charged.

C. The amounts of all fees (including deposits) authorized by and charged under this chapter shall be established by resolution of the city council.

15.08.060 Permits—Applications.

In addition to the requirements of the 2007 California Building Standards Code as adopted in this Title 15, the following shall be included with an application for a permit:

A. All declarations, authorizations, and notices required by this code or state

law including the Licensed Contractor Declaration, the Owner-Builder Declaration, the Workers' Compensation Declaration, the Declaration Regarding Construction Lending Agency, and the Authorization to Act on Property Owner's Behalf, as applicable and fully executed; and

B. A plan review fee, where plans are required; provided, that

1. If the plan review fee is to be based on an hourly rate and not the estimated value of the work to be done, a deposit shall be paid at the time of application submittal and the balance shall be billed as plan review is conducted. The plan review fee shall be paid in full prior to issuance of the building permit;

2. If the plans submitted are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged.

15.08.070 Permits—Permit issuance.

In addition to the requirements of the 2007 California Building Standards Code as adopted in this Title 15, the following provisions shall apply to the issuance of a permit:

A. When an Owner-Builder Declaration has been executed with a permit application, no permit shall be issued until the Notice to the Property Owner required under Health and Safety Code section 19825 has been completed and signed by the owner of the property on which the proposed work is to be located and submitted to the chief building official.

B. No permit shall be issued until the applicant has paid the building permit fee (inspection) and all other required fees (including the plan review fee), taxes, and other charges; provided, that if the building permit fee (*inspection*) is to be based on an hourly rate and not the estimated value of the work to be done, a deposit shall be paid at the time of permit issuance, and the balance shall be billed as inspections are conducted. The building permit fee (*inspection*) shall be paid in full prior to final inspection approval.

C. Issuance of a building permit shall not entitle the permit holder to commence the work authorized by the permit unless and until the permit holder has obtained all other approvals required by, and has complied with, all other applicable laws, rules, and regulations relating to the proposed work.

15.08.080 Work without permits—Additional fee for work done without a permit.

Where work for which a permit is required is commenced prior to the obtaining of

the required permit(s), the chief building official shall charge up to four times all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits, sign permits and demolition permits. The payment of the increased fee(s) shall not relieve any person from fully complying with the requirements of this code, other codes adopted by the city, or the requirements of the zoning ordinance. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in this code.

15.08.090 Work without permits—Exception to additional fees—Emergencies.

Where an emergency or urgent necessity is shown to exist or to have existed to the satisfaction of the chief building official, the commencement of work for which a permit is required is not a violation of this code and does not subject the person doing such work to an increased permit application and plan review fee pursuant to Section 15.08.080; provided, that an application for a permit for the work is filed with the chief building official within twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays, after the work has commenced.

15.08.100 Permits--Fee waiver--Emergencies.

Notwithstanding the provisions of Sections 15.08.060 and 15.08.070, no plan review fees or building permit fees (inspection) otherwise required shall be imposed on permits required to undertake repair and reconstruction work which is necessary to repair damage attributable to, and caused by, conditions of disaster or of extreme peril and for which a declaration of local emergency is made. This exception to the fee requirements of Sections 15.08.060 and 15.08.070 shall be limited to repair and reconstruction work necessary to restore the building or structure to the condition in which it existed immediately prior to the occurrence of the conditions of disaster or extreme peril which are the basis of the declaration of emergency.

15.08.110 Permits—Chief building official to establish project value for purposes of determining permit fees.

The determination of the estimated value of the work to be done for purposes of determining plan review and permit (inspection) fees under this chapter shall be made by the chief building official. In making an estimate of value, the chief building official may use, in addition to other sources, the International Code Council's then most recently published Building Valuation Data. The valuation to be used in computing the plan review and permit (inspection) fees shall be the total value of all work, including all labor, finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire extinguishing systems, and any other permanent work or permanent

equipment for which the permit is issued.

15.08.120 Fees--Refunds----Procedure.

A. Plan review fees.

No plan review fee or portion thereof shall be refunded.

B. Building permit fees (inspections).

No building permit fee (inspection) or portion thereof shall be refunded;

1. Where any portion of the work authorized by the permit has commenced;
or
2. Where the permit has expired or has been lawfully suspended or revoked by the chief building official.

C. Refund Procedure.

1. Except where the refunding of building permit fees (inspection) is prohibited by subsection B., above, building permit fees (inspection) may be refunded only if a written demand for refund, together with the issued permit form, is presented to the chief building official within one hundred twenty (120) days following the issuance of the permit.

2. The chief building official shall deduct from any refunded permit fee a fee refund service charge.

15.08.130 Permits—Permits not transferable.

No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person for the purpose of completing the work for which the permit was issued. When the permit holder to whom the permit has been issued no longer has a vested interest in the project or is no longer responsible for the project or work covered by the permit, the permit shall automatically become null and void. No person shall proceed with such a project or work without first obtaining a new permit from the chief building official.

15.08.140 Permits—Expiration of permits--Extension.

A. Every permit issued by the chief building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. For the purpose of this section, work shall be considered abandoned if the chief building official reasonably determines that the permit holder does not intend or is unable to complete the work authorized by the permit. The permit holder's failure to timely request any necessary inspections or obtain any necessary approvals of work authorized pursuant to the permit may be factors considered by the chief building official in making his or her determination. Before such work can be recommenced, a new permit shall first be obtained to do so.

B. Any permit holder holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this section for good and satisfactory reasons. The chief building official may extend the time for action by the permit holder for a period not exceeding one hundred eighty (180) days upon written request by the permit holder showing that circumstances beyond the control of the permit holder have prevented action from being taken. No permit shall be extended more than once.

C. Building permits issued to repair under Chapters 8.96 or 8.100 of this code shall expire in sixty (60) days from the date such permit is issued unless the housing code advisory and appeals board authorizes a longer period of time in which to complete the work in which event such permit will expire at the end of such longer period of time.

15.08.150 Inspections—Lot survey.

A survey of the lot on which construction of a building is planned may be required by the chief building official, at the permit holder's expense, to verify compliance of the structure location or lot size with the approved plans.

15.08.160 Inspections—Approval required before work may continue.

Without the written approval of the chief building official, no work shall be done beyond the point where an inspection is required by this code. No work shall be done beyond the point indicated on the inspection record card until all inspections required up to that point have been made and the chief building official has approved the work in

writing. The chief building official's dating and signing opposite an individual required inspection indicated on the inspection record shall be written approval of such inspection for the purposes of this section. In addition to its general application, this provision shall also be specifically applicable to work required by corrections notices.

15.08.170 Inspections—Inspection record card replacement.

If the permit holder loses the inspection record card, it will be replaced by the chief building official including indication thereon of all approvals previously made, upon the payment of a replacement fee for each card lost and for each time it is lost.

15.08.180 Inspections—Requests for inspection—Re-inspection fees.

A. The permit holder shall notify the chief building official orally or in writing that the work is ready for inspection not less than twenty-four (24) hours before the work is to be inspected.

B. The prime contractor or any of the subcontractors on the project may call for inspection when required, but if the subcontractor requests an inspection he or she shall also notify the prime contractor.

C. The permit holder shall ascertain that the work to be inspected will stand the required tests prescribed elsewhere in this code, before requesting an inspection or notifying the chief building official that such work is ready for inspection. If the work is not ready for inspection, does not pass the required tests, or otherwise is required to be re-inspected, a re-inspection fee shall be charged.

15.08.190 Inspections—Unsafe working conditions.

The chief building official may refuse to make any requested inspection on any site or building where a major violation of the California Occupational Safety and Health Act exists in the area where such inspection must be made. The chief building official shall notify the permit holder of his or her refusal to make the inspection and the reasons therefor by posting such notice near the inspection record card or on the premises. The permit holder shall correct the hazardous condition to provide the required safe working area for the chief building official to make the necessary inspection and shall then request that such inspection be made. If, at the time the request for re-inspection is made, any such hazardous condition has not been corrected, the chief building official shall notify the California Division of Industrial Safety of the existence thereof.

15.08.200 Inspections—Final inspection.

A final inspection and approval of all buildings and equipment installed therein is required when completed and ready for occupancy. The final inspection and approval shall be made prior to the building being occupied, and, except as otherwise provided herein, it shall be a violation of this code for the permit holder to permit the occupancy of a building without the final inspection and approval. No final inspection approval shall be given until the building permit fee (inspection) has been paid in full.

15.08.210 Building permits—Impacted school areas.

Building permits for residential construction within the attendance areas of impacted schools shall not be issued except in compliance with the provisions of Chapter 15.132 of this title. The director of building inspections and the planning department shall be responsible to maintain current information as provided by affected school districts as to the real property subject to the provisions of Chapter 15.132 of this title.

SECTION 2.

Chapter 15.10 of Title 15 of the Sacramento City Code (the Building Code), entitled Permits for Minor Repairs, Replacements or Installations, is repealed.

SECTION 3.

Section 3.36.010 of Title 3 of the Sacramento City Code is amended as follows;

A. Subsection B of Section 3.36.010 is amended to read as follows:

B. The rate of said excise tax shall be eight-tenths of a percent of the valuation determined in accordance with the most recently published International Conference of Building Officials May/June standard index for both residential and commercial properties. The tax shall be due and payable at the time the building permit is issued; provided, however, the tax shall be refunded on application for refund by the permit holder in the event the permit expires or is revoked prior to the commencement of the activity for which it was issued. Said excise tax shall be paid at the address at which the chief building official then conducts business.

B. Except as specifically amended by the amendments to subsection B, section 3.36.010 shall remain unchanged and in full force and effect.

SECTION 4.

If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected by that holding and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.