

Expired Building and Grading Permits

PURPOSE

To provide a policy that will enable Permit and Resource Management Department (PRMD) staff to assist customers with expired building and grading permits.

GENERAL

The Sonoma County Code Section 7-13(a)(5) amends Appendix Chapter 1, 2007 California Building Code (CBC) Section 105.5 as follows: *Unless otherwise authorized, every permit issued by the Permit and Resource Management Department under the provisions of this code shall expire by limitation three (3) years from the date of permit issuance. The Chief Building Official may limit a permit to a lesser time period when necessary to abate dangerous or substandard conditions. The Chief Building Official's decision regarding the limitation period shall be final.*

Before any work can be recommenced on any expired permit, a new permit shall first be obtained. The new permit shall be obtained for all work necessary to finish the project including work already completed that has not been previously inspected and approved by the department. As described in California Building Code Section 108.3.1, the provisions regulating the erection and construction of dwellings and appurtenant structures shall **not** apply to existing structures for which construction was lawfully commenced or approved prior to the effective date of this code. The building standards for the work authorized by a new permit for all structures shall be governed by the codes in force at the time of the expired permit application.

Exception: When a new building permit is obtained to complete the work on a building permit where the work has not commenced, as defined below, the work authorized by the new permit shall be governed by the codes in force at the time of the expired permit application, provided not more than two subsequent model California Building Codes have been adopted. If more than two subsequent model California Building Codes have been adopted, the work authorized by the new permit shall be governed by the codes in effect when the new permit is issued.

This requirement is summarized in the following table:

CODES WHICH APPLY TO PERMITS ISSUED TO COMPLETE WORK WHEN WORK HAS NOT COMMENCED		
Code in effect when expired permit was applied for:	Time period this code was in effect:	New permit must comply with:

2007 CBC, CPC, CMC, CEC	Jan 1, 2008 to present	2007 CBC, CPC, CMC, CEC
2001 CBC, CPC, CMC, CEC	Oct 1, 2002 to Dec 31, 2007*	2001 CBC, CPC, CMC, CEC*
1998 CBC, CPC, CMC, CEC	July 1, 1999 to Sep 30, 2002	1998 CBC, CPC, CMC, CEC
BEFORE 1998 CBC, CPC, CMC, CEC	Before July 1, 1999	2007 CBC, CPC, CMC, CEC

* 2004 CEC was in effect from July 1, 2005 to Dec 31, 2007

Commencement of work shall mean (1) Construction of all or part of a foundation, or (2) demolition or construction of other parts of the structure. Excavation or grading alone is not considered commencement of work on a building permit. Demolition or construction of other parts of the structure may be verified by receipts or other evidence, when approved by the Building Official.

It is the intent of this policy to: a) provide procedures that will enable PRMD staff to assist customers with an expired building or grading permit(s); b) ensure that any new permit issued to complete the project receives all required approvals; and, c) assess all applicable plan review and permit fees.

This policy supercedes prior policies on Expired Building Permits.

AUTHORITY

Sonoma County Code Section 7-13.

PROCEDURE

Unless otherwise authorized, any building or grading permit issued after July 1, 1999, shall not be extended beyond the three (3) year limitation. When a building or grading permit expires, a new permit is required to complete the work started under the expired permit.

When a building or grading permit is issued in connection with a code violation, Code Enforcement staff may require that the work be completed in less than three (3) years. In this situation, the permit will expire even though the date of expiration is less than three (3) years from the date of permit issuance. Customers with these expired permits will be referred to Code Enforcement staff who will determine if the permit(s) can be extended up to the three (3) year

limitation.

Upon receipt of a building or grading permit application, the permit history will be reviewed for expired or inert (same as expired) permits and the date(s) of expiration. If the date of expiration is equal to or greater than five (5) years old, the property owner will **not** be required to obtain a final on that expired permit as a condition to receiving another permit unless the expired permit was issued to legalize a code violation.

If the date of expiration is less than five (5) years old and is applicable to a structure or grading project for which a permit is now being requested, the property owner will be required to apply for a new permit to complete the work under the expired permit as a condition to obtaining another permit for that structure or grading project. The Director of PRMD or his designee may waive this requirement when necessary to protect health and safety and for storm or other disaster damage repair.

If PRMD is informed that no work was done under an expired permit and there is no evidence to indicate otherwise, the property owner must submit a signed letter verifying that no work was done and request that the expired permit be cancelled. A notice will be entered into Permits Plus verifying receipt of the letter and the permit status changed to CANCELLED. The letters will be retained pursuant to the current retention schedule.

A. Procedure for Expired A-BLD Permits

1. The applicant submits a completed building permit application and a copy of the field inspection record card from the job site (job card).
2. The Permit Technician initializes the new permit and enters the description that will reference the expired permit and identify the scope of work. For example: COMPLETE WORK STARTED UNDER EXPIRED PERMIT BLD03-1234 ISSUED TO UPGRADE ELECTRICAL SERVICE TO SFD.
3. The Permit Technician relates the new permit to the old permit in Permits Plus.
4. Required Permits Plus approvals for the expired permit will be reviewed and all required *final* approvals will be carried forward to the new permit by the Permit Technician. It will **not** be necessary to route customers back to those divisions or sections who have approved a *final* approval on the expired permit. However, the new permit application will be reviewed by those divisions or section staff who entered only an approval for *permit issue* on the expired permit. Those division/section staff will be responsible for electronically entering required final approvals on the new permit in Permits Plus as well as applicable conditions from the approval screen of the expired permit.

Exception: Customers will always be routed to the Code Enforcement Cubicle if there is a violation of record.

5. Building permit fees will be charged as follows:

- If there is electrical work included, select the minimum electrical fee.
- If there is plumbing work included, select the minimum plumbing fee.
- For water heaters, select the minimum plumbing fee only.
- If there is mechanical work included, select the minimum mechanical fee.
- For furnaces, select the minimum mechanical fee only.
- If there is work which is part of a minor remodel on the walls, ceilings, roofs or floors, the fee is calculated using four value ranges. This results in the fee ranging from the minimum building fee up to 2.5 hours inspection time.
- For re-roofs the fee is calculated using four value ranges. This results in the fee ranging from the minimum building fee up to 2.5 hours inspection time.

B. Procedure for Expired B-BLD Permits

1. The applicant submits a completed building permit application, two copies of the previously approved plans and calculations (the job and file set), and the field inspection record card. The file set of approved plans is obtained from the File Room either by the applicant or by staff. These documents are required for a complete application. Incomplete applications cannot be accepted.
2. A Permit Technician initializes the new permit in Permits Plus and completes the description including the scope of work and a reference to the expired permit. For example: PERMIT TO COMPLETE WORK STARTED UNDER EXPIRED PERMIT BLD99-1234 ISSUED FOR A 643 SQUARE FOOT KITCHEN ADDITION TO SFD - 15%. (See number B. 9. below for percentage of permit fees.)
3. The Permit Technician relates the new permit to the old permit in Permits Plus.
4. Required Permits Plus approvals for the expired permit will be reviewed and all required *final* approvals will be carried forward to the new permit by the Permit Technician. It will **not** be necessary to route customers back to those divisions or sections who have approved a *final* approval on the expired permit. However, the new permit application will be reviewed by those divisions or section staff who entered only an approval for *permit issue* on the expired permit. Those division/section staff will be responsible for electronically entering required final approvals on the new permit in Permits Plus as well as applicable conditions from the approval screen of the expired permit..

Exception: Customers will be routed to the Code Enforcement Cubicle if there is a violation of record.

Exception: Customers will be routed to the Zoning Cubicle if the building has not been completed and inspected through close-in.

5. The Permit Technician will carry forward all applicable Locks, Holds and Notices to the

new permit. If necessary, the applicant will be referred to the appropriate staff for resolution of any issues related to those entries.

6. The permit history will be reviewed on all previously known parcel numbers (inactive parcels) to determine if a violation exists on the property. If a violation exists, the applicant will be referred to the Code Enforcement Cubicle.
7. Any unpaid fees, such as fire and reinspection fees, will be carried forward to the new permit for payment.
8. The on-duty Plans Examiner will review and compare the job and file set of plans to ensure they are complete and legible.
 - a) Any new permits issued on or after January 1, 2008 to complete work started under an expired permit will be based on the codes in effect at the time of the original expired permit.

Exception: When a new building permit is obtained to complete the work on a building permit where the work has not commenced, as defined below, the work authorized by the new permit shall be governed by the codes in force at the time of the expired permit application, provided not more than two subsequent model California Building Codes have been adopted. If more than two subsequent model California Building Codes have been adopted, the work authorized by the new permit shall be governed by the codes in effect when the new permit is issued. See the table on page 1 for details.

- b) If the engineer/architect stamp on the previously approved set of plans was valid at the time of permit issuance and there is no change in the building, the applicant will not be required to obtain new stamps.
 - c) Plans for nonresidential or multi-residential building permits must include accessibility requirements in effect on the date the original plans were submitted.
9. The Plans Examiner will re-stamp the previously approved plans and enter an approval electronically and on the new permit application in Permits Plus. The minimum plan review fee will be charged at ½ hour of the current Plan Examiner’s hourly rate. Additional fees will be charged based upon the amount of time spent reviewing the plans.
10. Building permit fees are prorated using a percentage of current permit fees as shown below. The percentages are based upon the amount of work completed and approved as determined by the Plans Examiner.

Work Completed and Approved

Percentage of Permit Fees

- Foundation 85%

• Underfloor	75%
• Shear, siding, roof nailing	65%
• Close-in	45%
• Wallboard	15%
• Final with corrections	05%
• Final inspection with outstanding approval(s)	05%
• Temporary occupancy	05%

Applicable minimum electrical, plumbing and mechanical fees must be included.

Exception:

- (a) If the above calculation results in a fee less than two (2) hours of inspection time, the minimum building permit fee shall be based on two hours of inspection or 100% of the current building permit fee, whichever is lower.
- (b) If the above calculation results in a fee greater than the fee for 10 hours of inspection time, the maximum building permit fee shall be based on 10 hours of inspection time or the above table, whichever is lower.
- (c) When the 10 hours of inspection time is used, delete the building permit fee and replace it with the 10 hour amount. Then, update the valuation with the amount that will result in a building permit fee of 10 hours inspection time as per current fee schedule.

11. The Plans Examiner enters the % of permit fees electronically in Permits Plus in the permit description of the application and directs the customer back to a Permit Technician.

C. Procedure for Expired Grading Permits

1. The procedures outlined above for expired B-Bld permits will be followed for expired grading permits, except that the customer will be referred to Grading/StormWater Cubicle staff for review and approval of plans, calculation of plan review and permit fees, and for providing the job card to the applicant. The fee for the new grading permit will be charged at 100% of the current grading permit fee. A plan check fee will be charged only when a full plan review is required.

D. Procedure for Expired Building and Grading Permits Without Plans or Other Records

1. Applicants who do not have a copy of the previously approved plans and the field inspection record card should be referred to the File Counter to request a record search. If the records are located, Records staff may then hand deliver the file set to the receptionist who will route them to a Permit Technician. As an alternative, a Permit Technician or other staff may retrieve the file set of plans. If the plans have been scanned, and the building has been completed and inspected through close-in, the floor and site plans are acceptable.

2. If the applicant does not have the job set of plans, the file copy may be copied following PRMD Policy & Procedure, *1-0-5 Public Record Availability*.
3. If the applicant does not have the job card, either a copy of the inspector's file copy or a copy of the electronic inspection records is acceptable.
4. In the absence of previously approved plans, the applicant will be required to submit new plans for the *as-built* construction and proceed through the plan check process. The codes which apply to building permits shall be the codes shown in the table on page 2 above. In addition, the applicant may be required to uncover a percentage of any concealed construction to verify code compliance per PRMD Policy & Procedure, *1-4-2 Concealed Construction Verification Guidelines*.
5. If the expired permit was issued for a minor addition (less than 500 sf.) or minor remodel (kitchen, bath, electric upgrade, etc.), it may be appropriate to issue a permit for compliance verification (2-hr life/safety). Staff should consult with a supervisor or manager to ensure that this is appropriate. The fee for compliance verification is calculated at two hours of the current building inspector's hourly rate. If it is determined that it is appropriate to issue a permit for compliance verification, the customer will be informed that any concealed construction may be subject to exposure/removal per PRMD Policy & Procedure, *1-4-2 Concealed Construction Verification Guidelines*. The following standard language will be used in the project description: COMPLIANCE VERIFICATION INSPECTION FOR EXPIRED PERMIT BLD00-1234 FOR REMODEL OF A KITCHEN IN SFD.

The PRMD Building Inspector may either decide that the compliance verification inspection is sufficient and final the permit, issue a correction notice or identify work that requires an additional permit.

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

Lead Author: Debra Watts/John deCourcy

12/31/97

12/15/03

1/29/04

Formerly: Expired Building Permits

2/25/08

8/25/08

11/7/08

1/15/09

Intranet Intranet and Internet