

**City of Carson City
Agenda Report**

Date Submitted: January 6, 2015

Agenda Date Requested: January 15, 2015

Time Requested: 10 minutes

To: Mayor and Supervisors

From: Community Development – Building Division

Subject Title: For Possible Action: To introduce, on first reading, Bill No. _____, an ordinance amending the Carson City Municipal Code Title 15, Buildings and Construction, Chapter 15.05 Building Code, Section 15.05.020, Adoption and Administration of Building Codes, Section 105 Permits, by amending Section 105.5 Validity of Permit to allow the Building Official to approve a second permit extension and to allow the Board of Supervisors to approve subsequent extensions, and other matters property related thereto. (Ray Proffitt, Building Official)

Staff Summary: The proposed amendment would modify the text of the Building Code to allow additional time to complete work authorized by the issued permit. The Code currently only allows one 18-month building permit extension to be granted by the Building Official, after which an applicant must resubmit for a new building permit if work is not completed within that time.

Type of Action Requested:

Resolution

Formal Action/Motion

Ordinance – First Reading

Other (Specify)

Does This Action Require a Business Impact Statement: Yes No

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending the Carson City Municipal Code Title 15, Buildings and Construction, Chapter 15.05 Building Code, Section 15.05.020, Adoption and Administration of Building Codes, Section 105 Permits, by amending Section 105.5 Validity of Permit to allow the Building Official to approve a second permit extension and to allow the Board of Supervisors to approval subsequent extensions, and other matters property related thereto.

Explanation for Recommended Board Action: As noted in the Staff Summary above, the Code currently allows only one 18 month permit extension. With the original 18 month validation, this allows three (3) years for the work to be completed. Local review indicates that, due to unforeseen circumstances, some projects may take longer to complete than the current single extension allows. The Building Division has reviewed other jurisdictions requirements for permit expiration and noted that Washoe County’s Code (WCC) is similar to that being proposed with this amendment. The WCC indicates that permits may be renewed (rather than extended) and that they may only be renewed three (3) times, after which, the applicant must then apply for a new permit. Staff’s proposal for Carson City is to allow two (2) extensions, rather than renewals, but rather than simply require the applicant to then submit new plans and apply for a new permit at the end of that period, the recommendation is to allow the Board to review any subsequent extension requests for determination. The proposed two (2) extensions, along with the original 18 month validation, would provide the permittee four and one half (4 ½) years to complete the permitted work. In comparison, the City of Sparks Municipal Code states that

work shall not be stopped or abandoned for a period of 180 days. If this occurs, the building official is authorized to grant one or more extensions of time, for periods not more than 180 days each, once the applicant requests the extension, in writing, and justifiable cause is demonstrated. In Sparks, once a permit has expired, the permittee is required to pay one half of the permit fee to renew action on the permit. A number of other jurisdictions require action similar to that required in the City of Sparks, although fee requirements vary.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 15.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not amend Title 15 to allow additional extensions of building permits.

Supporting Material:

- 1) Ordinance

Prepared By: Ray Proffitt, Building Official

Reviewed By: 
(Building Official)

Date: 01/02/2014¹⁵ 30


(Community Development Director)

Date: 1-6-15


(City Manager)

Date: 1/6/15


(District Attorney's Office)

Date: 1/6/15


(Finance Director)

Date: 1/6/15

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

BILL NO. ____

ORDINANCE No. 2015 - __

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.05 BUILDING CODE, SECTION 15.05.020, ADOPTION AND ADMINISTRATION OF BUILDING CODES, SECTION 105 PERMITS, BY AMENDING SECTION 105.5 VALIDITY OF PERMIT TO ALLOW THE BUILDING OFFICIAL TO APPROVE A SECOND PERMIT EXTENSION AND TO ALLOW THE BOARD OF SUPERVISORS TO APPROVE SUBSEQUENT EXTENSIONS, AND OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 15 (Building and Construction), Chapter 15.05 (Building Code), a portion of Section 15.05.020 (Adoption and Administration of Building Codes), Section 105 (Permits) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

SECTION 105 - PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Permits for commercial buildings shall be issued only to persons in conformance with Nevada State Contractors law.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 6 feet (1829) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Patios, decks, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Roofing repair if the roof is less than 100 square feet.
15. Door and window replacement when the opening size and location remain the same.
16. For glass only replacements (commercial store fronts) in an existing sash and frame, when minor in scope and located in the same elevation.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building division for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.
8. Prior to issuance of a permit to move or demolish a building or structure, a minimum \$5,000.00 bond shall be posted to guarantee full compliance with all terms and conditions as specified on the application.
9. Exception: With approval of the building official, small structures that don't pose a hazard may be demolished without posting a bond.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such

application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

105.3.2 Time limitation of application. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time frame for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

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

All permits issued by the building official under the provisions of this code expire by limitation and become null and void 18 months after the date of issuance. Any permittee holding an unexpired permit may apply for ~~one~~ **an 18-month extension** when the permittee is unable to complete the permitted work within 18 months of permit issuance **or within 18 months of the granting of an extension.** ~~[No permit shall be extended more than once.]~~ **The building official is authorized to approve not more than two 18-month extensions to a valid permit. If the permittee is unable to**

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complete the work within the time frame allowed by the two aforementioned extensions, the permittee may make application through the Carson City Building Division for a third or subsequent extension. The third or subsequent extension request may only be approved by the Board of Supervisors.

Exception: Permits of a minor nature (ex. Re-roofing, FAU change out, water heaters, electrical service changes, etc.) expire by limitation and become null and void 6 months after the date of issuance.

105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

105.8 Essential Off-Site and On-Site Improvements.

Before a building permit shall be issued, provisions shall be made for the installation of essential off-site improvements in the public right-of-way immediately adjacent to the property on which the permit applied for is applicable if such provisions are required by Section 11.12.081 of the Carson City Municipal Code. The building official may require that the general contractor take out all permits required for essential on-site and off-site improvements and that such permits are to be issued at the same time that the building permit is issued.

Such installation of essential improvements shall be completed before the occupancy of the improvement for which the permit was issued.

SECTION II:

That no other provisions of Title 15 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2015.

PROPOSED by _____.

PASSED _____, 2015.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

ALAN GLOVER
CLERK/RECORDER

This ordinance shall be in force and effect from and after the ____ day of _____, 2015.