RECOMMENDED ACTION AND JUSTIFICATION:

☑ Waive First Reading and Introduce Ordinance ☑ Waive Second Reading and Adopt Ordinance amending Section 15.10.050 of the Mariposa County Code.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Currently, Mariposa County Code Section 15.10.050 allows for the recording of a Notice of Non-Compliance against owners who have taken out a permit but not requested a final inspection (Ord. 739, 1989). A Notice of Non-Compliance is not authorized for projects which had no permit applied for or issued. In this circumstance, a Notice of Non-Compliance would be appropriate in that it would provide constructive notice of the violation to any prospective buyer or other intended person.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative: Status Quo: Continue the limited recording non-conformance without consistent policies and procedures.

Consequences: 1. Continue to allow unpermitted buildings to be built which may be unsafe.
2. Continue to lose tax money and school developer fees on buildings built without permits or without a Certificate of Occupancy.

Financial Impact? ( ) Yes ( ☑ ) No Current FY Cost: $  
Budgeted In Current FY? ( ) Yes ( ☑ ) No ( ☑ ) Partially Funded
Amount in Budget: $  
Additional Funding Needed: $  
Source:
Internal Transfer
Unanticipated Revenue  4/5's vote
Transfer Between Funds  4/5's vote
Contingency  4/5's vote
( ) General ( ☑ ) Other

Annual Recurring Cost: $  

List Attachments, number pages consecutively
Exhibit A - Policy & Procedure for Expired Permits
Ordinance entitled Code Violation Penalties
Amnesty Period Resolution
New Permit Expiration Resolution

CLERK’S USE ONLY:  
Res. No.: 760 Ord. No. 1021  
Vote – Ayes:  Noes:  
Absent:  
( ) Approved  
(+ ) Minute Order Attached  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By:  
Deputy

COUNTY ADMINISTRATIVE OFFICER:

☑ Requested Action Recommended  
( ) No Opinion

Comments:

CAO:  

Revised Dec. 2002
TO: MICHAEL KINSLOW, Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Waive the First Reading and Introduce an Ordinance Amending Section 15.10.050 of the Mariposa County Code to Allow for Recording of a Notice of Non-Compliance Against Owners in Circumstances Where Construction Work has been Commenced or Completed without the Required Permit(s) or where there has been a Failure to Obtain Final Inspection Approval Prior to Expiration of the Required Permit(s) (Ordinance 739, 1989)

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on July 13, 2010

ACTION AND VOTE:

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Building
Waive the First Reading and Introduce an Ordinance Amending Section 15.10.050 of the Mariposa County Code to Allow for Recording of a Notice of Non-Compliance Against Owners in Circumstances Where Construction Work has been Commenced or Completed without the Required Permit(s) or where there has been a Failure to Obtain Final Inspection Approval Prior to Expiration of the Required Permit(s) (Ordinance 739, 1989)

BOARD ACTION: Mike Kinslow, Building Department Director, reviewed the requested amendment; and discussion was held. Supervisor Allen asked whether fees are charged for the insurance companies and banks, etc. that request permit information; and he asked the County Administrative Officer to review this with the Building Department Director. (M)Allen, who read the ordinance title into the record, (S)Bibby, the first reading was waived and the Ordinance was introduced amending Section 15.10.050 as recommended/Ayes: Unanimous. County Counsel responded to a question from the Board relative to the status of review of the fees for Planning, Building and Health, and he noted that he asked for consideration of a fee for time in providing public records.

Cc: Richard J. Benson, CAO
    Steven W. Dahlem, County Counsel
    File
MARIPOSA COUNTY ORDINANCE NO. 1071

AN ORDINANCE AMENDING SECTION 15.10.050
OF CHAPTER 15.10 OF THE MARIPOSA COUNTY CODE
ENTITLED “NOTICE OF NON-COMPLIANCE”

WHEREAS, property owners have on occasion performed construction work without first obtaining the required permit(s) or failed to obtain final inspection approval prior to the expiration of the required permit(s), and

WHEREAS, the Building Department desires to record with the County Recorder’s Office a “Notice of Non-Compliance” on those properties wherein the required permit(s) were not obtained or final inspection approval was not obtained prior to the expiration of the required permit(s), thereby providing constructive notice of the violation to any prospective buyer or other interested party, and

WHEREAS, the Board of Supervisors desire to amend Section 15.10.050 of the Mariposa County Code in that Section 15.10.050 as currently adopted only authorizes the Building Department to record a Notice of Non-Compliance in circumstances where construction work has been completed after a building permit has been issued and no final inspection is voluntarily requested, and

WHEREAS, this revision to Chapter 15.10 is declarative of the current County enforcement policies;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 15.10.050 of Chapter 15.10 of the Mariposa County Code is hereby created to read as follows:

15.10.050 Notice of Non-Compliance.
In circumstances where construction work has been commenced or completed without the required permit(s) or where there has been a failure to obtain final inspection approval prior to the expiration of the required permit(s), a County Building Inspector shall record a “Notice of Non-Compliance” against the parcel with the Mariposa County Recorder’s Office. The notice shall be addressed to the record owner of the property, shall be recorded, and shall contain information that the property has been inspected, the address of the property, a description of the violation of County Code and the section of County Code which has been violated. The notice shall additionally be dated. Upon compliance with the County Code, the Building Department shall record a release of the Notice of Non-Compliance relative to the property.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 27th day of July, 2010 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, AND ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED:  NONE

KÉVIN CANN, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel