

**ORDINANCE NO. 2023-498**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 12.72 PENALTY FOR EXPIRED PERMITS AND AMENDING CHAPTER 12.08 AND 12.10 TO TITLE 12 BUILDINGS AND CONSTRUCTION OF THE LOS ALTOS MUNICIPAL CODE**

**WHEREAS**, the amendments was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, the City Council held a duly noticed public hearing on August 22, 2023, and September 12, 2023; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

**NOW, THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF TITLE 12 OF THE MUNICIPAL CODE.** Chapter 12.72 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

**SECTION 2. AMENDMENT OF TITLE 12 OF THE MUNICIPAL CODE.** Chapter 12.08 and 12.10 are hereby amended of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.


**SECTION 3. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

**SECTION 4. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on August 22, 2023, and was thereafter, at a regular meeting held on September 12, 2023, passed and adopted by the following vote:

AYES: Dailey, Fligor, Lee Eng, Meadows, Weinberg  
NOES:  
ABSENT:  
ABSTAIN:

  
Sally Meadows, MAYOR

Attest:

  
Melissa Thurman MMC  
City Clerk

## **Chapter 12.08 BUILDING CODE**

### **12.08.010 Adoption of the California Building Code.**

The 2022 California Building Code (2 volumes), contained in the California Code of Regulations, Title 24, Part 2, which incorporates and amends the International Building Code 2021 Edition, published by the California Building Standards Commission and the International Code Council, with the amendments and certain appendices as set forth in Section 12.08.020, is hereby adopted by reference as if fully set forth here. One copy of said code is on file in the office of the building official for use and examination by the public.

### **12.08.020 Amendments.**

The 2022 California Building Code referred to in Section 12.08.010 is adopted, together with Chapter 1 of the 2022 California Building Code, with the following amendments and certain Appendix Chapters as follows:

Chapter 1, Division II, Section 105.2 Building: #1, is deleted and replaced to read as follows, based upon the express finding of necessity set forth in Section 6.B.1 of this Ordinance.

- A. Work exempt from building permits. Building permits shall not be required for freestanding unenclosed play structures. Enclosed accessory structures used as playhouses, tool and storage sheds and similar uses that are less than 120 square feet constructed without electrical, plumbing, or mechanical features do not require building permits, but do require zoning approval to comply with local zoning regulations.

Chapter 1, Division II, Section 110.3.4 is deleted and replaced to read as follows, based upon the express findings of necessity set forth in Section 6.B.2 of this Ordinance.

- B. Frame Inspection. Framing inspection shall be made after the following components are completed: Roof deck and/or sheathing has been inspected and approved; complete finish roofing materials are installed; the building exterior envelope has all windows and doors installed; all framing, fire-blocking, bracing, pipes, chimneys and vents to be concealed are complete; and all sub-trades including, but not limited to, building, electrical, plumbing and mechanical are roughed in and under required tests.
- C. Only the following Appendix Chapters from the Building Code are adopted:
  - 1. Appendix I, Patio Covers.
  - 2. Appendix J, Grading.

#### **Section 903.2 is amended to read as follows:**

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

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1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:
    - a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
    - b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
    - c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following:
      - i. Noncombustible construction.
      - ii. Maximum 5,000 square feet in building area.
      - iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter.
      - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706.
    - d. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.
  2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception: Detached Accessory Dwelling Unit, provided that all of the following are met:

- a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
  - b. The existing primary residence does not have automatic fire sprinklers.
  - c. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
  - d. The unit is on the same lot as the primary residence.
  - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.
  4. An approved automatic sprinkler system shall be provided throughout all existing buildings, when additions are made that exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages).
  5. An approved automatic sprinkler system shall be provided throughout all new and existing basements.
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6. An approved automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18
  7. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety<sup>1</sup> or increased fire risk<sup>2</sup>, shall require the installation of an approved fire automatic fire sprinkler system.

<sup>1</sup> Life Safety - Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities housing non-ambulatory clients.

<sup>2</sup> Fire Risks - Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

8. The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions and/or alterations undertaken over a three-year period and/or two code cycles. The permit issuance dates of past additions and/or alterations where these regulations were in effect shall be used for determining compliance.
  - a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.
  - b. No waiver shall be granted from compliance with fire sprinklers.

**Section 903.2.11.7 is amended to read as follows:**

903.2.11.7 Chemical Fume Hood Fire Protection. Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled
2. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

**Section 907.8 is amended to read as follows:**

907.8 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

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### 12.08.030 Correction of violations.

The issuance or granting of a permit or approval of plans under this Title shall not prevent the administrative authority from thereafter requiring the correction of errors in such plans and specifications, or from preventing construction operations being carried on thereunder when in violation of this Code or of any other law, or from revoking any certificate of approval when issued in error.

- A. The 2022 California Building Code referred to in Section 12.08.010 is adopted, together with Chapter 1 of the 2022 California Building Code, with the following amendments and certain Appendix Chapters as follows:

Chapter 1, Division II, Section 105.5 and 105.5.1 is deleted and replaced to read as follows, as an administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Los Altos.

**Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within twelve (12) months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of twelve (12) Months after the time the work is commenced. ~~The building official is authorized to grant, in writing, one or more extensions of time for periods not more than one hundred eighty (180) days each. For the purpose of this section, failure to progress a project to the next level of required inspection, as determined by the building official, shall be deemed to be suspension of the work. The extension shall be requested in writing and justifiable cause demonstrated.~~

The building official is authorized to grant, in writing, no more than three extensions or reactivations of permits that would otherwise expire or reactivations of expired permits, for periods not more than 180 days each and may require:

1. That construction documents be revised to partially or fully to comply with current codes and ordinances; and
2. Payment of all applicable permit fees; and
3. Payment of a penalty pursuant to Chapter 12.72 of the Los Altos Municipal Code.

Extensions and reactivations shall be requested in writing and justifiable cause demonstrated. Additional extensions or reactivations beyond three may only be granted with the approval of the City Council.

Term limit for permits. All work associated with a building permit must be completed, and final inspection issued, within forty-eight (48) months of permit issuance. Once a term limit has been exhausted without obtaining an approved final inspection the permit will automatically become void. The building official is authorized to allow a new permit application to be applied for the original scope of work and may require:

1. That construction documents be revised to partially or fully to comply with current codes and ordinances; and
  2. Payment of all plan review and permit fees; and
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3. Payment of a penalty pursuant to Chapter 12.72 of the Los Altos Municipal Code.

~~Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half the amount required for a new permit for such work provided no changes have been made, or will be made, in the original plans and specifications for such work; and provided, further, that such a suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year expiration, the permittee shall be required to pay original full building permit fees.~~

~~For the purpose of this section, failure to progress a project to the next level of required inspection shall be deemed abandonment of the project.~~

For those projects that are residential only, the Building Official may modify expired permit fees when the owner can demonstrate that the project has received all required inspections, except for the Building Division final. The fee amount of ~~one~~ five hundred dollars (\$~~1500~~) shall be required within ten (10) working days of notice and the project shall achieve a final inspection within thirty (30) days of payment received, otherwise expired permit fees as noted above shall be required.

- B. Work commencing before permit issuance. Whenever any work for which a permit is required by the California Code of Regulations as adopted in this chapter has been commenced without first obtaining said permit, the building official shall charge a minimum of two times and/or up to four times, for repeat offenders, on all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits (including, but not limited to electrical, fire, mechanical and plumbing), sign permits and demolition permits. The legal registered owner of said property shall obtain a building permit within thirty (30) days of any violation letter or stop-work notice issued by the City of Los Altos. 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. This provision shall not apply to emergency work when the administration authority determines that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to the commencement of such work. In such cases, a permit shall be obtained as soon as it is practical to do so; and if there is an unreasonable delay (exceeding two working days) in obtaining such permit, a fee as provided in this section shall be charged.

Once building permits are issued pursuant to work commenced without required permits, it is the responsibility of the permit holder to obtain their first required building inspection within thirty (30) days from permit issuance date and shall receive a project final inspection within a one-year period. Any further delays will require additional building permit fees charged again in the original amount with an additional 30-day extension. If the project continues without meeting these deadlines, Administration Citation Fees and/or other legal remedies allowed by local, or state law shall be imposed.

Failure to contact the Building Division within five business days of receiving the violation notice may result in Administration Citation Fees, Chapter 1.30 of the Los Altos Municipal Code.

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**12.08.040 Fee refunds.**

The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.



## **Chapter 12.10 RESIDENTIAL CODE**

### **12.10.010 Adoption of the California Residential Code.**

The 2022 California Residential Code, contained in the California Code of Regulations, Title 24, Part 2.5, published by the California Building Standards Commission and the International Code Council, which incorporates and amends the 2021 International Residential Code 2021 Edition, is hereby adopted. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

### **12.10.020 Amendments.**

The 2022 California Residential Code referred to in Section 12.10.10 is adopted, together with Chapter 1 of the 2022 California Residential Code, with the following amendments to read as follows:

Chapter 3 Section R301.1.3.2 is deleted and replaced to read as follows, based upon the express finding of necessity set forth in section 9.B.1. of this Ordinance.

**R301.1.3.2 Wood frame structures.** The building official shall require construction documents to be approved and stamped for structural compliance by a California licensed architect or engineer for all dwellings of wood frame construction more than one story in height located in Seismic Design Category D0, D1, D2, or E.

Chapter 3 Section R313.1 and Section R313.2 are deleted and replaced to read as follows, based upon the express finding of necessity set forth in section 9.B.2. of this Ordinance.

#### **Section R313.1 is amended to read as follows:**

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in accordance with National Fire Protection Association's (NFPA) Standard 13D in all new townhouses and in existing townhouses, when additions are made that increase the building area to more than the allowable Fire-Flow Appendix B, Tables B105.1(1) and B105.1(2) of the 2022 California Fire Code, and/or additions exceeding fifty (50) percent of the existing living area (existing square foot calculations shall not include existing basement) and/or additions exceeding seven hundred and fifty (750) square feet. When automatic fire sprinkler systems are required by this section, all associated attached garages shall be included. Additions over fifty (50) percent and/or seven hundred and fifty (750) square feet as referenced above, shall be treated as a new structure regarding installation of fire sprinkler systems. For the purpose of this section, removal of roof framing with associated exterior walls down to, or below the subfloor/slab shall be included in the above calculations. Therefore, the following shall apply:

The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions undertaken over a three-year period. The permit issuance dates of past additions where these regulations were in effect shall be used for determining compliance.

- a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.

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- b. No waiver shall be granted from compliance with fire sprinklers.

**Section R313.2 is amended to read as follows:**

**R313.2 One and two-family dwellings automatic fire sprinklers systems.** An automatic residential fire sprinkler system shall be installed in accordance with National Fire Protection Association's (NFPA) Standard 13D in all new one and two-family dwellings and in existing dwellings, when additions are made that increase the building area to more than the allowable Fire-Flow Appendix Tables B105.1(1) and B105.1(2) of the 2022 California Fire Code, and/or additions exceeding fifty (50) percent of the existing living area (existing square foot calculations shall not include existing basement) and/or additions exceeding seven hundred and fifty (750) square feet. When automatic fire sprinkler systems are required by this section, all associated garages shall be included. Additions over fifty (50) percent and/or seven hundred and (750) square feet as referenced above, shall be treated as a new structure regarding installation of fire sprinkler systems. For the purpose of this section, removal of roof framing with associated exterior walls down to, or below the subfloor/slab shall be included in the above calculations. Therefore, the following shall apply:

The obligation to provide compliance with these fire sprinkler regulations may not be evaded by performing a series of small additions undertaken over a three-year period and/or two California Building Standards Code Cycles. The permit issuance date of past additions where these regulations were in effect shall be used for determining compliance.

- a. Any submittal for building permits which exceed fifty (50) percent and/or seven hundred and fifty (750) square feet of existing floor areas (area calculations shall not include existing basement floor areas and any non-habitable floor areas i.e., garages) during the three-year period shall comply with fire sprinkler regulations.
- b. No waiver shall be granted from compliance with fire sprinklers.

**Exceptions:**

- 1. Detached Accessory Dwelling Unit, provided that all of the following are met:
  - 1.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
  - 1.2. The existing primary residence does not have automatic fire sprinklers.
  - 1.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
  - 1.4. The unit is on the same lot as the primary residence.
  - 1.5. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.

Chapter 6 Section R602.10.4.3.1 and Table R602.10.3 (3) footnote "i" are new sections added to read as follows, based upon the express finding of necessity set forth in section 9.B.3. of this Ordinance.

**Amend Section R328.7 to read as follows:**

**R328.7 Fire detection.** Rooms and areas within dwelling units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314. A heat detector, listed and interconnected to the smoke alarms, shall be installed in locations

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within dwelling units and attached garages where smoke alarms cannot be installed based on their listing.

ESS installed in Group R-3 and townhomes shall comply with the following:

1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314.
2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units, and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

**Add a new subsection R602.10.4.3.1 to read as follows:**

**R602.10.4.3.1 Limits on methods GB and PCP.** In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to accessory structures.

**Add a new footnote "i" to the end of CRC Table R602.10.3(3), after the five footnotes (a) - (f) currently shown, to read:**

g. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, and the use of Method PCP is limited to accessory structures.

C. Only the following Appendix Chapters from the California Residential Code are adopted:

1. Appendix H, Patio Covers.

## **12.10.030 Correction of violations.**

Correction of violations shall be pursuant to Chapter 12.08 of the Los Altos Municipal Code.

~~The issuance or granting of a permit or approval of plans under this Title shall not prevent the Administrative Authority from thereafter requiring the correction of errors in such plans and specifications, or from preventing construction operations being carried on thereunder when in violation of this Code or of any other law, or from revoking any certificate of approval when issued in error.~~

~~A. The 2022 California Residential Code referred to in Section 12.10.010 is adopted, together with Chapter 4 of the 2022 California Residential Code, with the following amendments and certain Appendix Chapters as follows:~~

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~~Chapter 1, Division II, Section 105.5 is deleted and replaced to read as follows, as an administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Los Altos.~~

~~**Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each.~~

~~Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work provided no changes have been made, or will be made, in the original plans and specifications for such work; and provided, further, that such a suspension or abandonment has not exceeded one year. In order to renew action on a permit after one year expiration, the permittee shall be required to pay original full building permit fees.~~

~~For the purpose of this section, failure to progress a project to the next level of required inspection shall be deemed abandonment of the project.~~

~~For those projects that are residential only, the Building Official may modify expired permit fees when the owner can demonstrate that the project has received all required inspections, except for the Building Division final. The fee amount of one hundred dollars (\$100) shall be required within ten (10) working days of notice and the project shall achieve a final inspection within 30 days of payment received, otherwise expired permit fees as noted above shall be required.~~

~~B. Work commencing before permit issuance. Whenever any work for which a permit is required by the California Code of Regulations as adopted in this chapter has been commenced without first obtaining said permit, the building official shall charge a minimum of two times and/or up to four times, for repeat offenders, on all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits (including, but not limited to electrical, fire, mechanical and plumbing); sign permits and demolition permits. The legal registered owner of said property shall obtain a building permit within 30 days of any violation letter or stop-work notice issued by the City of Los Altos. 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. This provision shall not apply to emergency work when the administration authority determines that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to the commencement of such work. In such cases, a permit shall be obtained as soon as it is practical to do so; and if there is an unreasonable delay (exceeding two working days) in obtaining such permit, a fee as provided in this section shall be charged.~~

~~Once building permits are issued pursuant to work commenced without required permits; it is the responsibility of the permit holder to obtain their first required building inspection within thirty (30) days from permit issuance date and shall receive a project final inspection within a one year period. Any further delays will require additional building permit fees charged again in the original~~

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~~amount with an additional 30-day extension. If the project continues past this deadline to obtain a required building inspection, Administration Citation Fees and/or other legal remedies allowed by local, or state law shall be imposed.~~

~~Failure to contact the Building Division within five business days of receiving the violation notice may result in Administration Citation Fees, Chapter 1.30 of the Los Altos Municipal Code.~~

~~(Ord. No. 2016-426, § 7, 11-8-2016; Ord. No. 2019-464, §§ 7, 8, 12-10-2019; Ord. No. 2022-487, §§ 7, 8, 11-29-2022)~~

~~Editor's note(s) — Ord. No. 2016-426, § 7, adopted November 8, 2016, repealed former § 12.10.030, and enacted a new § 12.10.030 as set out herein. Former § 12.10.030 pertained to definitions and derived from Ord. No. 2013-395, adopted December 10, 2013.~~

#### **12.10.040 Fee refunds.**

The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

## **Chapter 12.72 PENALTY FOR EXPIRED PERMITS**

### **12.72.010 Application.**

This chapter shall apply to all residential, non-residential, and commercial, construction and demolition, including, but not limited to, all additions, alterations, modifications, repairs, and improvements, that require a building permit or demolition permit.

### **12.72.020 Timely renewal of expired permits.**

In the event a permit expires under Chapter 12 of the Los Altos Municipal Code for suspension or abandonment of work, the property owner shall seek renewal of the permit within thirty (30) days following its expiration.

### **12.72.030 Penalty for expired permits.**

A property owner shall be subject to the following penalties for violation of section 12.72.020:

<b><u>Time for Permit Expiration</u></b>	<b><u>Penalty</u></b>
<u>0 to 30 days</u>	<u>\$0</u>
<u>31<sup>st</sup> day through 60<sup>th</sup> day</u>	<u>\$200.00 per day</u>
<u>61<sup>st</sup> day through 120<sup>th</sup> day</u>	<u>\$400.00 per day</u>
<u>121<sup>st</sup> day and everyday thereafter</u>	<u>\$800.00 per day</u>

- a) For purposes of this section, if a renewed permit expires and the property owner has not advanced a project to the next level of required inspection, the calculation of penalties shall relate back to the date of the previous permit expiration.
- b) The building official may reduce or waive a penalty accrued under this chapter upon finding that the property owner acted in good faith and either: (1) the delay was attributable to circumstances beyond the property owner's control; or (2) imposition of the full accrued penalty would harm the public interest, provided, however, that and reduction or waiver of more than \$10,000 must be approved by the Development Services Director.

### **12.72.040 Appeal of assessed penalty.**

A property owner may request a hearing to contest a citation issued under this chapter in accordance with Title 1 of the Los Altos Municipal Code.

### **12.72.050 Public Nuisance declared.**

Any violation of this chapter shall constitute a public nuisance and, in addition to being subject to any other remedies allowed by law, may be abated as provided in Chapter 11.10 of the Los Altos Municipal Code.