

DEPARTMENT: BUILDING

BY: Michael Kinslow  
PHONE: 209-966-3934

**RECOMMENDED ACTION AND JUSTIFICATION:**

Waive First Reading and Introduce Ordinance <sup>7/6</sup>  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 ( <input checked="" type="checkbox"/> ) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Exhibit A - Policy & Procedure for Expired Permits
Source:		Ordinance entitled Code Violation Penalties
Internal Transfer _____		Amnesty Period Resolution
Unanticipated Revenue _____ 4/5's vote		New Permit Expiration Resolution
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
( ) General ( ) Other		

**CLERK'S USE ONLY:** <sup>7/6</sup> Intro Ord.  
 Res. No.: \_\_\_\_\_ Ord. No. 1021 App: 5  
 Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 ( ) Approved  
<sup>7/6</sup>  Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**  
 Requested Action Recommended  
 \_\_\_\_\_ No Opinion  
 Comments:

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

CAO: 



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR  
JIM ALLEN, VICE-CHAIR  
BRAD ABORN  
LYLE TURPIN  
JANET BIBBY

DISTRICT IV  
DISTRICT V  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: MICHAEL KINSLOW, Building Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

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:

- 5            **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.

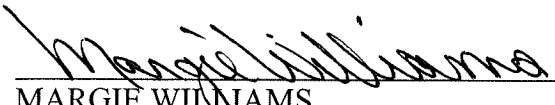
**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 27<sup>th</sup> day of July, 2010 by the following vote:

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

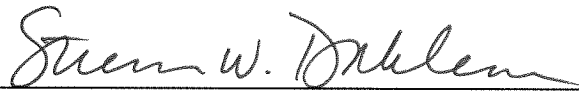
EXCUSED: NONE

  
\_\_\_\_\_  
KEVIN CANN, Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
STEVEN W. DAHLEM  
County Counsel