

## Chapter 15.50

### TIME LIMITS FOR COMPLETION OF CONSTRUCTION

#### Sections:

15.50.010	Short title.
15.50.020	Purpose.
15.50.030	Application.
15.50.040	Construction completion.
15.50.050	Time limits for construction completion.
15.50.060	Other time limits.
15.50.070	Effect of failure to comply with time limits for construction completion.
15.50.080	Construction completion deposit.
15.50.090	Appeal of penalties.
15.50.100	Administration and enforcement.

\* Prior ordinance history: Ord. 469, 1989; 482, 548 and 579.

15.50.010 Short title. This chapter shall be known as the "Construction Completion Chapter." (Ord. 579 §1(part), 2003).

15.50.020 Purpose. It is the intent of this chapter to:

(a) Implement the goals and purposes of the town of Ross general plan by maintaining the town's high quality and fragile natural environment and the existing small town qualities and feeling of the community.

(b) Assure the safety of construction practices, structures, and other improvements, through encouragement of completion inspections on all construction requiring building permits.

(c) Set and enforce reasonable time limits for the completion of all construction requiring building permits.

(d) To provide a mechanism to require property owners seeking to improve their properties to complete said construction in a reasonable amount of time as provided in the code. The goal is to ensure neighbors and neighborhoods quality of life is maintained and activities associated with construction such as increased noise, traffic and associated impacts are managed in a way to ensure construction is completed in a timely way. (Ord. 643 (part), 2013; Ord. 579 §1(part), 2003).

15.50.030 Application. This chapter shall apply to all construction, including all additions, alterations, modifications, repairs, and improvements, which requires a building permit; hereafter referred to as "applicable work." Compliance with the provisions of this chapter shall be made a condition of any approvals or permits granted under Title 18 of the Code. The obligations imposed by this chapter to timely complete construction and pay all penalties for construction not timely completed shall run with the land and apply not only to the original building permit property owner applicant but to all subsequent owners of the subject property until all obligations imposed by this chapter are fully satisfied. (Ord. 643 (part), 2013; Ord. 601 (part) 2007; Ord. 579 §1(part), 2003).

**15.50.040 Construction completion.** For the purposes of this chapter, construction shall be deemed complete upon the satisfactory performance of all construction work, including but not limited to, compliance with all conditions of application approval and the clearing and cleaning of all construction-related materials and debris from the site, and the final inspection and written approval of the applicable work by Town Building, Planning and Ross Valley Fire Department staff. (Ord. 688 (part), 2018; Ord. 643 (part), 2013; Ord. 601 (part) 2007; Ord. 579 §1(part), 2003).

**15.50.050 Time limits for construction completion.** The maximum time for completion of construction shall not exceed the following:

(a) For new construction, or additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is less than or equal to two hundred thousand dollars, the maximum time allowed shall be twelve months from the issuance of a building permit.

(b) For new construction, or additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is greater than two hundred thousand dollars and less than or equal to five hundred thousand dollars, the maximum time shall be fifteen months from the issuance of a building permit.

(c) For new construction, or additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is greater than five hundred thousand dollars and less than one million dollars, the maximum time allowed shall be eighteen months from the issuance of a building permit.

(d) For new construction, or additions, alterations, modifications, repairs, and improvements, the estimated value of which, as determined by the town building official, is greater than one million dollars, the maximum time allowed shall be twenty months from the issuance date of a building permit.

The above limits are summarized in the table below:

<b>Valuation Range</b>	<b>Maximum Allowed Time for Construction</b>
\$0 - \$200,000	12 Months
\$200,001 - \$500,000	15 Months
\$500,001 - \$1,000,000	18 Months
Greater than \$1,000,000	20 Months

(g) Extensions. The time limits for construction completion set forth above may be extended as follows:

1) At time of project design review approval or prior to the issuance of a building permit for the project, the town council may extend the established timeline for completion of construction by up to 90 days if the Council finds that there are extraordinary circumstances involved with the construction of the project that require additional time for completion, such as exceptional off-site street or other infrastructure requirements, unusual site topography, or other exceptional construction constraints caused by the construction site or construction requirements. The granting of the extension of time shall not be based on the size of the residence being constructed. In granting a time extension, the Council will consider adverse impacts on the neighborhood and benefits to the neighborhood in deciding whether to extend the time limit.

2) For any development project which involves extensive demolition, and employs enhanced recycling techniques, such as manual separation and reuse of certain components where careful and selective demolition and deconstruction techniques provide for reuse and conservation of building elements and natural resources (such as redwood framing, antique glazing, light fixtures, millwork, etc.) over and above the customary single-stream recycling techniques typically performed at an approved recycling facility for CalGreen construction waste diversion compliance, the town building official may grant up to 60 days of additional time to complete construction depending upon the difficulty and amount of the enhanced recycling. The permittee shall notify building department staff of their intent to perform enhanced deconstruction and reuse processes at the commencement of demolition, and periodically request building department inspection and verification of those efforts during the process. Any extension of time granted will reflect only the additional time required for the enhanced deconstruction in excess of what the typical heavy equipment demolition and single-stream recycling process would take. This Subdivision (g)(2) shall apply to any project that was issued a building permit after September 1, 2015.

3) For renovation of an existing structure that the town council determines, at the time of project design review approval or prior to the issuance of a building permit, has architectural, historical or cultural importance requiring special construction techniques adding considerable time over conventional construction, the town building official may grant up to 180 additional days to the construction time limit based on the number of additional days that can be reasonably demonstrated to be required due to these special construction needs.

4) For landscaping work that was approved as part of a larger construction project, following final building inspection approval of landscape work or issuance of an occupancy permit, the applicant may file an application for an extension not to exceed 30 days after the established time limit (Ord. 697 (part), 2019; Ord. 688 (part), 2018; Ord. 668 (part), 2016; Ord. 579 §1(part), 2003).

15.50.060 Other time limits. No building permit shall be issued within nine months of final inspection or expiration of an antecedent building permit unless the building official determines that the earlier issuance of a building permit will not harm or adversely affect the surrounding neighborhood. In making this determination, the building official shall consider traffic, noise and other environmental impacts on the neighborhood from waiving the nine month waiting period and the visual, drainage, safety and other environmental impacts of any uncompleted construction. (Ord. 643 (part), 2013; Ord. 579 §1(part), 2003).

15.50.070 Effect of failure to comply with time limits for construction completion.

(a) Upon failure of a property owner to complete construction by those time limits established in this chapter, the following penalties shall apply:

(1) For the first thirty days that the project remains incomplete the town shall not impose a penalty.

(2) For the thirty-first through sixtieth days that the project remains incomplete, the town shall impose a penalty of two hundred fifty dollars (\$250) per day.

(3) For the sixty-first through the one hundred twentieth days that the project remains incomplete, the town shall impose a penalty of five hundred dollars (\$500) per day.

(4) For the one hundred twenty-first day, and any additional days thereafter that the project remains incomplete, the town shall impose a penalty of one thousand dollars (\$1,000) per day.

(b) Penalties, fees, and costs due to the town pursuant to this chapter shall accrue for

each day the project exceeds the construction completion deadline.

(c) Upon failure of a property owner to complete construction by the time limits established by this chapter, the building official may suspend the building permit and stop work at the site for such construction and require the submission of an additional construction completion deposit in excess of the amount provided by Section 15.50.080 to ensure that all penalties related to the late construction are fully paid to the town. The amount of the additional deposit shall be computed by the building official's estimate of the amount of time that will be required to complete the construction and the amount of the penalties that will accrue during this time period. The building official may impose additional conditions on the building permit to mitigate any adverse impacts on the surrounding area due to the continued construction. Upon the submission of the additional deposit by the property owner, the building official shall declare the suspension of the building permit terminated and the property owner may recommence work under the permit in accordance with its terms.

(d) The building official may declare construction abandoned after the building permit expires and construction activities on the subject property cease for a period of more than 90 days. At that time, the building official may impose conditions requiring remedial measures to be implemented by the property owner that clean-up the site, remove any hazardous or unsightly conditions, and restore the property and all improvements on the property to an attractive condition. After making an abandonment declaration, the building official shall send written notice to the property owner that abandonment has been declared. This notice also shall state the penalties incurred to the date of the notice. Penalties will continue to accrue when construction has been abandoned until all remedial measures required by the building official have been completed to the satisfaction of the building official.

(e) It is declared that any violation of the provisions of this chapter shall, in addition to any other remedy, constitute a public nuisance, and such nuisance may be abated as provided by law. (Ord. 668 (part), 2016; Ord. 643 (part), 2013; Ord. 579 §1(part), 2003).

15.50.080 Construction completion deposit. (a) Before a building permit may be issued, the property owner shall deliver to the building department a refundable deposit of 3% of the estimated value of the work as determined by the Town Building Official for projects greater than \$100,000.

(b) When construction is completed within the time limits provided herein, the construction completion deposit shall be refunded to the property owner.

(c) Upon failure of a property owner to complete construction by the time limits established in this chapter, the deposit shall be incrementally forfeited to the town for the period of time that construction was not timely completed. The Town Manager may waive the imposition of penalties if he or she determines that all construction activities were timely completed but the final inspections by town staff were delayed for reasons not due to the fault of the property owner. (Ord. 697 (part), 2019; Ord. 643 (part), 2013; Ord. 601 (part) 2007; Ord. 579 §1(part), 2003).

15.50.090 Appeal of penalties. (a) A penalty imposed pursuant to this section may be appealed to the town council on the grounds that the property owners were unable to comply with the construction time limit for reasons beyond the control of themselves and their representatives.

(1) For purposes of this section, the grounds for appeal shall include, but not be limited to: labor stoppages; acts of war or terrorism; natural disasters, presence of endangered species and unforeseen discovery of archaeological remains on the building site.

(2) For purposes of this section, the grounds for appeal shall not include: delays caused by the winter-rainy season; the use of custom and/or imported materials; the use of highly specialized subcontractors; significant, numerous, or late design changes; access difficulties associated with the site; failure of materials suppliers to provide such materials in a timely manner; or delays associated with project financing.

(b) An appeal of penalties made pursuant to this section shall be filed in writing with the town clerk within ten calendar days from the date of construction completion, the date that a notice of abandonment is sent to the property owner pursuant to Section 15.50.070(c), or the date that the building official determines that the required remedial measures have been completed satisfactorily with payment of an appeal fee as established by town council resolution. The town council will hold a hearing on the appeal and shall affirm, modify, or cancel the penalty.

(c) When appealing penalties assessed pursuant to this chapter, the appellant shall submit documentary and other evidence sufficient to establish that design decisions, construction drawings and documents, bids and construction contracts, permit applications, and compliance with all required permit conditions were undertaken in a diligent and timely manner. Required documentary and other evidence shall demonstrate to the town council's satisfaction that construction delays resulted from circumstances fully out of his or her control and despite diligent and clearly documented efforts to achieve construction completion within those time limits established in this chapter. Penalties made pursuant to this section shall not be modified or cancelled unless the evidence required in this section is submitted at the time of appeal. (Ord. 643 (part), 2013; Ord. 579 §1(part), 2003).

15.50.100 Administration and enforcement. (a) The full amount of construction completion penalties due the town under Section 15.50.070 shall be due immediately upon the completion of the construction project or the required remedial measures when abandonment has been declared and the Town's subsequent determination of the penalty amount. The Town shall notify the property owner by mail of the number of days the project remained unfinished beyond the time limit for completion of construction established by Section 15.50.050 and the resulting penalty amount owed the Town. Any penalty amount in excess of the construction completion deposit shall be paid within 30 days of the date of mailing the letter by first class mail to the property owner. Any penalty amount not paid within 30 days shall be subject to an additional 10% (ten percent) penalty on the unpaid balance remaining after this 30 period and monthly interest shall accrue on the unpaid balance and penalty amount after 30 days at an annual rate of 12% (twelve percent).

(b) Any amount in excess of the sum deposited with the town as a construction completion deposit and due to the town by property owner(s) as a result of violation of the provisions of this chapter, including all penalties and interest as provided in subsection (b) above, is not only a personal debt owed to the town by the owner(s) of the subject property but also an obligation that runs with the land and all subsequent owners of the property pursuant to Section 15.50.030. In addition to all other means of enforcement and collection, any unpaid penalties and interest may be collected through the placement of a lien against the subject real property in the manner provided by law for the collection of costs related to the abatement of a nuisance.

(c) The provisions of this chapter shall not be the exclusive remedy for addressing delayed completion of construction. In addition to the remedies provided by this chapter, the Town may pursue any other actions and remedies provided by law including but not limited to nuisance abatement proceedings. (Ord. 643 (part), 2013; Ord. 601 (part) 2007; Ord. 579 §1(part), 2003).

