



9

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 500, 95814-2987
(916) 264-5571
FAX (916) 264-7185
BUILDING INSPECTIONS
ROOM 200, 95814-2998
(916) 264-5716
FAX (916) 264-7046
ECONOMIC DEVELOPMENT
ROOM 300, 95814-2987
(916) 264-7223
ENVIRONMENTAL SERVICES
ROOM 301, 95814-3982
(916) 264-7037
PLANNING
ROOM 200, 95814-2998
(916) 264-5381

812 TENTH STREET
SACRAMENTO, CA 95814-2694
NEIGHBORHOOD SERVICES
(916) 264-5948
FAX (916) 264-7722

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

April 7, 1993

Law and Legislative Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: An Ordinance Adding Article II (Sections 9.100 Through 9.107) to the Sacramento City Code Authorizing the Manger of the Building Inspections Division to Implement a Certification Program in lieu of Staff Inspections for Certain Categories of Work

LOCATION AND COUNCIL DISTRICT: All Districts

RECOMMENDATION:

It is recommended that the Law and Legislative Committee recommend to the City Council adoption of the Certification Program Ordinance.

CONTACT PERSON: Tim Sullivan, Manager
264-5956

FOR COMMITTEE MEETING OF: April 20, 1993

SUMMARY:

This report concerns the adoption of the Certification Program Ordinance. The attached ordinance would allow holders of a City of Sacramento Certified Contractors Certificate of Registration to perform certain construction installations and appliance replacements in one and two family dwellings, and then inspect and certify such installations as a substitute for inspections performed by the City.

COMMITTEE/COMMISSION ACTION:

The City of Sacramento Construction Codes Advisory and Appeals Board has recommended City Council adoption of this program and ordinance at their January 19, 1993, meeting.

BACKGROUND INFORMATION:

We have recognized a significant trend in the reduction of the number of permits obtained for the replacement of water heaters, furnaces, similar appliances, and other minor construction projects. In discussing this issue with a number of small contractors we have learned that often times they can complete their work in less time than it takes to drive to the job site to assess the work, drive to our office, find a parking space, obtain the permit, return to the site, begin their work, and then wait for an inspector. Therefore, they often do the work without the necessary permits, inspections, and approvals which is in violation of City and State Building Regulations.

In an effort to be more responsive to the needs of these small businesses, we have reviewed the circumstances surrounding their concerns and have discussed possible solutions with these contractors as well as with several contractors associations and as a result are proposing this program and companion ordinance. We feel that this program would obtain a higher standard of installation than the current system provides. A higher percentage of installations will be inspected by the contractors and by City Building Inspectors under this program.

Under this program, the contractor would be given a brief examination which would establish that they were aware of the code related requirements for the particular work for which he or she wished to be certified. There will be a fee to cover the administrative cost of the examination. Upon certification, the contractor would purchase, at a cost considerably lower than a building permit, two-part certificates to perform the work. When the work is complete, the certified contractor would inspect the work and, if satisfactory, sign the certificate and mail one part to the Building Inspections Division for recordation and leave the other part with the property owner. Building Inspection staff would spot check work that would be done under this program.

FINANCIAL CONSIDERATIONS:

No increase in appropriations will be required as it is projected this will be a revenue neutral program. The reduced cost of installation certificates, as compared to conventional permits, will be offset by the anticipated increase in volume of certificates issued as more contractors participate in the program.

POLICY CONSIDERATIONS:

This program and ordinance will allow participating contractors to self-inspect their installations with the elimination of inspection performed by the City.

The City will still retain the option of performing inspections if the Building Inspections Division Manager deems the inspections necessary or appropriate.

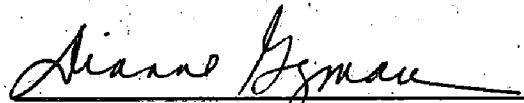
MBE/WBE EFFORTS: None

Respectfully submitted,



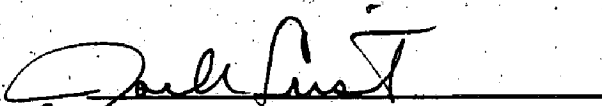
Daniel. T. Sullivan, Manager
Building Inspections Division

Approved:



Dianne Guzman, AICP
Director, Planning and Development

Recommendation Approved:



For David Martinez
Deputy City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING ARTICLE II (SECTIONS 9.100 THROUGH 9.107) TO THE SACRAMENTO CITY CODE AUTHORIZING THE MANAGER OF THE BUILDING INSPECTIONS DIVISION TO IMPLEMENT CERTIFICATION PROGRAM IN LIEU OF STAFF INSPECTIONS FOR CERTAIN CATEGORIES OF WORK

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article II (Sections 9.100 through 9.107) is hereby added to Chapter 9 of the Sacramento City Code, to read as follows:

ARTICLE II. CONTRACTOR CERTIFICATION OF CODE COMPLIANCE

Sec. 9.100. Certification of Certain Work by Licensed Contractors.

(a) The Manager of Building Inspections is hereby authorized to designate categories of work on one- and two-family dwellings for which a certification of building code compliance by a registered, licensed specialty contractor who performs the work may substitute for building permits issued by and inspections performed by the City.

(b) Nothing in this article or in rules and regulations established by the Manager shall preclude the Manager from performing inspections of any work designated for the certification program if the Manager deems the inspections necessary or appropriate.

(c) Nothing in this article shall prevent a licensed contractor from obtaining a building permit and calling for inspections by City staff for any work designated for the certification program. The certification program is an alternate, and not exclusive, procedure.

(d) The Manager may establish other rules and regulations consistent with this article to implement the certification program.

Sec. 9.101. Qualifications for Registration.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

To become registered to perform certifications for a category of work designated by the Manager, a licensed contractor shall meet the following requirements:

- (a) Possess a valid, active State of California contractor's license in the same specialty as the registration sought.
- (b) Make application on a form provided by the Manager and pay a non-refundable application/examination fee set by resolution of the City Council.
- (c) Pass an examination administered by the Building Inspections Manager.
- (d) Possess a valid City of Sacramento business operations tax certificate.

If qualified, a contractor may be registered to perform certifications for more than one category of work. A separate application shall be made for each category.

Sec. 9.102. Examinations; Issuance of Certificate of Registration.

The Manager shall prepare and administer for each designated category of work an examination which applicants licensed in the appropriate specialty may take to demonstrate their qualifications to be registered for that category. The Manager may appoint an Examination Committee to assist him, whose members shall serve at the pleasure of the Manager. Examinations shall be offered quarterly, or more often in the Manager's discretion.

The examination shall, in the judgment of the Manager, fairly determine the ability of the applicant to perform and inspect properly the work which he or she would be authorized to certify, and may include any or all of the following: a written test, a practical test, an oral interview, and such other tests and requirements as the Manager deems appropriate.

Based on the examination, if the Manager determines that the applicant is qualified to perform certifications of the applicant's work, the Manager shall issue a Certificate of Registration to the applicant.

The Manager may waive the examination for any category of work for which he determines that the possession of a valid active contractor's license for the specialty provides adequate assurance of the contractors' qualifications for registration.

The Manager shall maintain a list, open to public inspection, of all registered, licensed contractors, showing the type of work each is authorized to inspect and certify.

Sec. 9.103. Performance of Work and Certification.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

A registered contractor shall perform all of the following activities on each installation the contractor certifies:

- (a) Obtain a Certificate of Compliance from the Manager for the installation, in lieu of a building permit. A fee for the Certificate of Compliance shall be set by resolution of the City Council.
- (b) Inspect all materials to be used or concealed within the work.
- (c) Complete each installation in compliance with all applicable codes, including the correction of any existing condition which would cause the installation to be out of compliance.
- (d) Certify, from personal knowledge, that the materials installed and the work performed are in compliance with approved manufacturer's instructions and specifications and the applicable provisions of the Sacramento City Building Code. "Personal knowledge" means actual personal knowledge of the facts certified, or knowledge acquired from an employee of the registered licensed contractor, which employee provided continuous observation of the work or installation at the site in all stages of its progress.
- (e) If required by the Manager, affix a certification label obtained from the Manager to the work certified.
- (f) Submit a complete and executed Certificate of Compliance, including a description of the work performed, the property owner's signature, and the contractor's certification, to the Manager within 15 days after the work is completed.

Sec. 9.104. Renewal of Registration.

Each Certificate of Registration shall be valid for three years from the date of issuance, unless sooner revoked, and shall be renewable for additional three-year periods upon payment of a renewal fee set by resolution of the City Council. During the twelve-month period following expiration, the Certificate may be renewed upon payment of the renewal fee plus a 50% penalty. After twelve months, a new application for registration shall be required.

Sec. 9.105. Revocation of Registration.

The Manager may revoke or refuse to renew a Certificate of Registration if any of the following occurs:

- (a) The registered contractor no longer possesses a valid, active State of California contractor's license for the pertinent specialty.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

- (b) The registered contractor certifies work which does not meet all applicable codes.
- (c) The registered contractor performs substandard work in the pertinent specialty.

Prior to revocation or refusal, the contractor shall be entitled to an informal meeting with the Manager to discuss the grounds for the Manager's proposed action.

Sec. 9.106. Appeals.

Any person aggrieved by the Manager's decision to issue, not issue, not renew, or revoke a registration may appeal the Manager's decision to the Construction Codes Advisory and Appeals Board by filing a written notice of appeal with the Board's secretary within 15 days after the Manager's decision is mailed to the applicant or certificate holder and paying a nonrefundable appeal fee set by resolution of the City Council. The Manager's action shall be stayed until the appeal is decided. The Board shall hold a hearing on the matter, and shall affirm or modify the Manager's decision. The decision of the Board shall be final.

Sec. 9.107. Discontinuance of Program.

The Manager may discontinue a certification program for any category of work at any time if he deems it necessary to protect the health, safety, or welfare of the public. No licensed contractor shall have a vested right to continue certifying work.

DATED PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____