



TOWN OF TIBURON

Administrative Policy and Procedure

Number: 2010-01
Effective: July 1, 2010 (Revised 2-11-2013)
Authority: Director of Community Development

Duplication of Official Plans

PURPOSE:

To establish a policy and process for duplication of official copies of plans maintained by the Community Development Department (i.e. building permit plans, design review plans) that is consistent with applicable state law as set forth in California Health & Safety Code Section 19851, and protects official copies of plans from damage or loss.

POLICY:

California law provides certain limited protections for building owners and for the certified, licensed, or registered professionals who signed the official plans for those buildings, with respect to the duplication of official plans on file with the Town of Tiburon. The Town shall abide by these laws and carefully regulate the duplication of official plans through a formal procedure administered by the Community Development Department.

PROCEDURE FOR OFFICIAL PLAN DUPLICATION:

1. When a member of the public requests duplication of official copies of plans that are protected by Health & Safety Code Section 19851, staff shall advise the requesting person that the Town is a custodian of the records but does not have the authority to duplicate them without following certain procedures prescribed by state law.
2. The person requesting the copies of plans must complete the appropriate Town "Request for Copies of Plans" forms. There are two options: a) following the procedure whereby the Town attempts to secure the required permission(s) or b) securing the required permissions on their own after agreeing to the terms set forth by the Town.

3. Under either method, once the Request for Copies of Plans forms are completed, signed, notarized, and submitted to the Town, the requested official documents may be sent out for duplication. Note that official copies of plans will not be released absent building owner permission or common interest association board of director's permission (where applicable) except by order of a proper court or upon request of any state agency. Any state agency request must be submitted in writing by an official with the authority to make such requests.
4. When using the Town's procedure of notification, Staff shall exercise common due diligence in attempting to mail the affidavit form to the certified, licensed, or registered professional who is the document author if the contact information on the plans is no longer valid and that professional is no longer listed with the appropriate state registry of professionals.* Due diligence beyond the registry search shall be a basic web search and a telephone directory search based on the information on the plans. The Town may authorize duplication of the plans with property owner permission alone if efforts to locate the professional fail after exercise of due diligence, or if permission is unreasonably withheld pursuant to Health & Safety Code Section 19851(f).
5. Once state law is satisfied with respect to permission to copy official plans, staff shall make the arrangements for the documents to be copied in-house (if possible) or picked up by a Town-designated copying service or delivered by staff to said service for duplication. When the copies are completed, the Town-designated copying service will contact Town staff for pick up of original(s) and copies. The copy service will contact the requesting party and arrange for payment and pick up of requested copies at the copy shop. Under no circumstances will the original set of official plans be transported by anyone other than Town staff, Town messenger, or a representative of a Town-designated copying service.

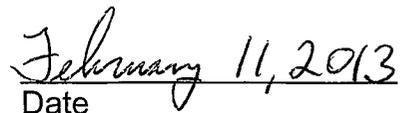
*For architects, use www.cab.ca.gov/

*For engineers and land surveyors, use www.pels.ca.gov/

APPROVED:



Scott Anderson
Director of Community Development



Date

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STATE LAW FOR DUPLICATION OF PLANS

HEALTH AND SAFETY CODE DIVISION 13 HOUSING. PART 3 MISCELLANEOUS. CHAPTER 10 BUILDING RECORDS.

Section 19851 – Inspection of records; duplication of plans

- (a) The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon request of any state agency.
- (b) Any building department of a city or county, which is requested to duplicate the official copy of the plans maintained by the building department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.
- (c) The building department shall also furnish the form of affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all to the following:
- (1) That the copy of the plans shall only be used for the maintenance, operation, and use of the building.
 - (2) Those drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed or registered professional of record.
 - (3) That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.
- (d) The request by the building department to a licensed, registered, or certified professional may be made by the building department sending a registered letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered letter, a copy of the affidavit furnished by the building department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered letters shall be sent by the building department to the most recent address of the licensed, registered or certified professional available from the California State Board of Architectural Examiners.
- (e) The governing body of the city or county may establish a fee to be paid by any person who requests the building department of the city or county to duplicate the official copy of any plans pursuant to this section, in an amount which is determined to be reasonably necessary to cover the costs of the building department pursuant to this section.
- (f) The certified, licensed, or registered professional's refusal to permit the duplication of the plans is unreasonable if upon request from the building department, the professional does either of the following:
- (1) Fails to respond to the local building department within 30 days of receipt by the professional of the request. However, if the building department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the building department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.
 - (2) Refuses to give or her permission for the duplication of the plans after receiving the signed affidavit and registered letter specified in subdivisions (c) and (d).