



COMMUNITY DEVELOPMENT DEPARTMENT

1505 Tiburon Boulevard

Tiburon, CA 94920

(415) 435-7390 (Ph) (415) 435-2438 (Fax)

www.townoftiburon.org

REQUEST FOR COPIES OF PLANS

(Requestor to Obtain Required Notarized Signatures)

California law provides certain limited protections for building owners and for the certified, licensed, or registered professionals who prepared the official plans for those buildings regarding duplication of official plans on file with the Tiburon Community Development Department. Should you desire to secure the required signatures for copying of official plans without using the Town's process, the attached forms must be completed and returned prior to duplication of protected plans that are on file with the Town. Also attached is the applicable state law regarding duplication of official plans.

INSTRUCTIONS FOR COMPLETING FORMS INDEPENDENT FROM THE TOWN OF TIBURON PROCEDURE EITHER BY PROPERTY OWNER OR THIRD PARTY

- A. PLAN COPY AFFIDAVIT form. Plan requestor must complete this form fully and sign it before a notary public.
- B. OWNER CONSENT FOR COPIES form. Plan requestor must ensure that the form is completed fully and that the authorizing signature of the current or original owner of the building is notarized. A copy of the fully-completed and notarized Plan Copy Affidavit form shall be provided to the building owner, as well as a copy of the State Law for Duplication of Plans sheet.
- C. PERMISSION TO COPY form. Plan requestor must:
 1. Where indicated, print the street address of the subject building(s).
 2. Where indicated, print the name of the certified, licensed, or registered professional who prepared the official plans or documents for which copying is requested.
 3. Secure the notarized signature of the certified, licensed, or registered professional (or his or her successor) who prepared the official plans. A copy of the fully-completed and notarized Plan Copy Affidavit form shall be provided to the official plan preparer, as well as a copy of the State Law for Duplication of Plans sheet, prior to obtaining of their signature.
- D. Return the completed and notarized forms to the Town of Tiburon Planning Division.

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**TOWN OF TIBURON
PLAN COPY AFFIDAVIT
(This document must be notarized)**

I am requesting copies of official plans for a building located at the following street address:

_____ in Tiburon,
California, said plans being on file with the Town of Tiburon Community Development Department.

I hereby swear under penalty of perjury that the statements below are correct, as required by California Health and Safety Code Section 19851, in order to obtain copies of official plans:

1. The copy of the plans shall only be used for the maintenance, operation, and use of the building.
2. Drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
3. Subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those 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.

Signature: _____ Date: _____
(must be notarized)

Print Name: _____

Mailing Address: _____

Phone: _____

E-mail: _____



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**TOWN OF TIBURON
OWNER CONSENT FOR COPIES
(This Document Must Be Notarized)**

SECTION A

I, _____ have placed a request with the Town of Tiburon for copies of official plans on file with the Town of Tiburon for a building or buildings located at the street address below:

SECTION B

Owner of Building(s)

I, the undersigned, attest under penalty of perjury that I am the current or original owner of the building(s) located at the above street address, and I hereby give my consent to the Town of Tiburon Community Development Department to provide copies of the official plans to the person named above. I further attest under penalty of perjury that I have received a copy of the notarized Plan Copy Affidavit completed by the Plan requestor and that I have received and read a copy of the State Law for Duplication of Plans sheet.

OR

Governing Body for Common Interest Development

I, the undersigned, attest under penalty of perjury that: (1) I am a representative of the board of directors or governing body of the association established to manage the common interest development containing the building(s) located at the above street address; (2) I have the authority to sign the Owner Consent for Copies form on behalf of such board of directors or governing body; (3) the board of directors or governing body gives its consent to the Town of Tiburon Community Development Department to provide copies of the official plans to the person named above, and (4) I have received a copy of the notarized Plan Copy Affidavit completed by the Plan requestor and that I have received and read a copy of the State Law for Duplication of Plans sheet.

SECTION C

Owner's Name: _____

Mailing Address: _____

Owner's Signature: _____ **Date:** _____

Title: _____ (if representative of an association)

Name of Association (if applicable): _____



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**TOWN OF TIBURON
PERMISSION TO COPY
(Certified, Licensed, or Registered Professional)
(THIS DOCUMENT MUST BE NOTARIZED)**

I, _____, as Plan Requestor, have placed a request with the Town of Tiburon for copies of official plans on file with the Town of Tiburon for a building or buildings located at the street address below:

(Street address)

As Plan Requestor, I have also signed the attached notarized affidavit, as required by California law, prior to duplication of the official copy of plans or documents by the Town. The affidavit pertains to the above street address and to plans or documents that were stamped and/or signed by:

(Name of certified, licensed, or registered professional)

In accordance with California Health and Safety Code Section 19851, the Town of Tiburon is requesting your permission for the Town to provide copies to the Plan Requestor. Health and Safety Code Section 19851 regarding duplication of official copies of plans is attached for your reference.

The Town of Tiburon must have your response within thirty (30) days of receipt of this request. If you are unable to respond to this request in the thirty (30) days due to serious illness, travel, or other extenuating circumstances, please contact the Town of Tiburon Planning Division at (415) 435-7390, and we may extend the response date by up to thirty (30) days. Failure to respond to this request for duplication of official plans within the specified time limits will be deemed an unreasonable withholding of permission, and the Town will honor the request to copy the official plans.

Authorization: I am the certified, licensed, or registered professional (or his or her successor) who signed or stamped the official plans or documents and I hereby authorize duplication as requested above. I acknowledge that I have received a copy of the notarized Plan Copy Affidavit completed by the Plan Requestor and that I have received and read a copy of the State Law for Duplication of Plans sheet (Health & Safety Code Section 19851).

Print Name: _____ Date: _____

Signature: _____

(Please return this form to the Town of Tiburon Planning Division at 1505 Tiburon Boulevard, Tiburon, CA 94920)

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).