



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
BUILDING DEPARTMENT**

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**NEVADA COUNTY
BUILDING DEPARTMENT POLICY**

Subject:	Temporary Occupancy & Grading Bonds	Policy #:	BD-CSC-07-017
Original Policy:	November 1, 2005	Last Revised:	April 4, 2014

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1. Purpose:

The purpose of this policy is to ensure that all temporary occupancy and grading bonds are processed in a uniform and consistent manner.

2. Definitions:

❖ **Grading Bond:**

Bond required from the property owner or authorized representative prior to issuance of a grading permit. Required bond total is based on the cubic yards of grading material per the fee schedule adopted by the Nevada County Board of Supervisors.

❖ **Grading Bond Form:**

Form completed by the grading permit applicant and submitted with the Grading Bond prior to grading permit issuance.

❖ **Substantially Complete:**

All fire, life and safety construction components are complete. Remaining project items are minor in nature and relate to aesthetics, fixtures, painting, cabinets, counters and/or similar item(s).

❖ **Temporary Occupancy:**

Occupancy that is granted for a temporary period not to exceed 90 days due to the delay in special order items or extraordinary circumstances prior to the completion of the entire work covered by the building permit.

❖ **Temporary Occupancy Application:**

Application required to be completed by the property owner accompanied by the Temporary Occupancy Bond at time of requesting a Temporary Occupancy.

❖ **Temporary Occupancy Bond:**

Bond required from the property owner or authorized representative prior to review and approval of the Temporary Occupancy Application.

3. Temporary Occupancy Policy:

Due to the delay in special order items or in extraordinary circumstances, a property owner or authorized representative may request occupancy of a structure before the building department has approved a final certificate of occupancy. Normally, the incomplete items are minor in nature and are not related to fire, life and/or safety of the structure and its occupants. The following procedure shall be completed to review and approve application for a Temporary Occupancy:

- A building inspection shall be scheduled and completed by a building inspector for the active building permit. A correction notice shall be completed by the building inspector for all incomplete or incorrect items.
- The property owner and/or authorized representative shall complete and submit to the building department the Temporary Occupancy Application, a copy of the most recent building inspection correction notice and the Temporary Occupancy Bond. At time of submittal of the Temporary Occupancy Application the temporary occupancy inspection/processing fee shall be paid by the applicant as shown in the fee schedule adopted by the Nevada County Board of Supervisors.
- The Temporary Occupancy Bond total amount shall be a minimum of \$1 per square foot of overall building area with a maximum of \$2,000.
- The temporary occupancy application shall be reviewed by the Director of Building or authorized representative. Upon review of the application the Director or authorized representative determines that the temporary occupancy will be approved, the applicant will be notified of the temporary occupancy time period given. Copies of the approved/signed temporary occupancy application shall be given to the applicant and placed in the permit file.
- The building permit expiration shall be set to the time period granted for the temporary occupancy.
- Temporary Occupancies shall not be granted for a period exceeding 90 days.
- Once a final building inspection is scheduled, approved and a final certificate of occupancy is issued the building inspector shall complete the bond release form and file with administration staff for processing. Any fees owed to the Building Department will be deducted from the Bond refund. The release form shall be filed within 10 days of building permit finalization.
- It is the responsibility of the property owner to schedule and pass a final building inspection prior to building permit and temporary occupancy expiration. If a final inspection is not approved prior to temporary occupancy expiration, the Temporary Occupancy Bond will not be refunded to the applicant. The bond shall be used to fund staff time to abate the expired building permit and illegal building occupancy (administration, monitoring, inspection, plan review, supervision, etc).
- The Director of Building or authorized representative is authorized to, in writing, suspend or revoke a temporary certificate of occupancy that is issued in error, on the basis of incorrect information supplied, where it is determined that the building/structure or portion

thereof is in violation of any ordinance or regulation or any of the provisions of the California Building Standard Codes.

4. Grading Bond Policy:

A Grading Bond shall be collected before grading permit issuance to ensure that grading work will be performed and erosion control measures are in place. The grading bond form shall be completed by the permit applicant and be submitted with the Grading Bond.

The following are the minimum deposit funds required for grading bonds:

- 500 cubic yards or less: \$500
- 501-1,500 cubic yards: \$2,000
- 1,501 cubic yards & over: \$2,000 plus \$1 for every cubic yard over 1,500 cubic yards

Once a final grading inspection is scheduled, approved and grading permit finalized the building inspector shall complete the bond release form and file with administration staff for processing. The release form shall be filed within 10 days of grading permit finalization. It is the responsibility of the property owner to schedule and pass a final grading inspection prior to grading permit expiration. If a final inspection is not approved prior to permit expiration, the Grading Bond may not be refunded to the applicant. The bond shall be used to fund staff time to abate the expired grading permit and illegal grading activity (administration, monitoring erosion protection, storm water monitoring, site inspections, plan review, supervision, etc).

5. Policy Interpretation:

The Director of Building and/or approved building department designee shall have the authority for the interpretation of this policy.

Approved: _____ Date: _____

Craig Griesbach
Director of Building

Policy originally initiated and approved by: Brian Washko (prior Director of Building) on November 1, 2005.