

LEGISLATIVE DIGEST

[Building Code - Waiver and Refund of Investigation Fee for Persons Registered with the Office of Cannabis]

Ordinance waiving and refunding investigation fees imposed by Building Code, Section 107A.5, for persons (as defined in Police Code Section 1602) registered with the Office of Cannabis.

Existing Law

To obtain a Temporary Cannabis Business Permit, applicants must register with the Office of Cannabis.

Registered cannabis businesses are required to submit to inspections of their premises by the Department of Building Inspection, in addition to other City agencies. These DBI inspections have discovered work that was performed without required Building Code permits. Building Code Section 107A.5 imposes a fee (which Section 107A.5 describes as an "investigation fee") for work performed without a required Building Code permit. The amount of this fee is substantial-generally, "9 times the Permit Issuance Fee plus the original permit fee."

Amendments to Current Law

This ordinance waives the "investigation fee" imposed by Building Code Section 107A.5 with respect to potential cannabis businesses registered with the Office of Cannabis. This fee waiver is retroactive to September 26, 2017 (the date on which the Office of Cannabis began accepting registrations); thus, the ordinance would require the City to refund fees collected since that date.

The ordinance sunsets after December 31, 2018. After that date, registered cannabis businesses shall again be subject to "investigation fees" under Building Code Section 107A.5.

Nothing in this ordinance would exempt registered cannabis businesses from the responsibility to bring their premises into compliance with the Building Code, or from any other fees imposed by the Building Code.