

## Expirations and Extension from other jurisdictions

I put this together for **concepts** used by other municipalities to be used for Board consideration/discussion/ideas to build on for City of Madison fee recommendations.

Note these code sections are all out of context and each municipality may have different ways to collect fees and pro-rate the amount of fees they collect from different categories. Thus the actual application of the parts of ordinances below probably cannot be directly compared to Madison's overall fee schedule concept without a great deal of complete evaluations.

The way I read the codes below, some of the concepts were:

- a. State of Wisconsin: Expiration if the shell is not enclosed within 2 years and ready for occupancy in 3 years. Extension fee of \$120
- b. City of Milwaukee: Expiration if not started within 6 months or construction ceases for more than 3 months, 2 years from permit issuance, however if > 100,000 sq ft expire in 3 years. Permit fee based on the amount of work left to complete.
- c. City of Green Bay: Expiration if not commenced within 6 months and completed in 1 year. Takes council action to extend. Fees?
- d. City of Eau Claire: Expired if not commenced within 6 months, ceased for 12 months, not completed within 36 months. Fee is regular permit fee.
- e. City of Oshkosh: Expired if not commenced within 6 months, completed in 12 months. Extension by the Board of Public Works. Waived if 75% complete and progressing.
- f. City of Kenosha: Expired if not commenced within 6 months, completed in 12 months. 1 year extension. Fee ?
- g. City of Racine: Expired if not started within 4 months, work suspended for 60 days. Extension for 18 months from permit issuance at the regular rate.
- h. City of Waukesha: Expiration 120 days if work not started. Can extend within 60 days of expiration for renewal fees (1/2 of fees) or if > 60 days from expiration, new permit required and full fees required.

Submitted by Randy Baldwin

## STATE of Wisconsin

### SPS 361.36 Expiration of plan approval and extension of plan approval.

#### (1) EXPIRATION OF PLAN APPROVAL.

- (a) *Building shell*. Except as provided in par. (f) and sub. (2)(b), plan approval by the department or its authorized representative for new buildings and building additions shall expire 2 years after the approval date indicated on the approved building plans if the building shell is not closed in within those 2 years.
- (b) *Occupancy*. Except as provided in sub. (2), plan approval by the department or its authorized representative for new buildings and building additions shall expire 3 years after the approval date indicated on the approved building plans if the building is not ready for occupancy within those 3 years.

- (c) *Alterations*. Except as provided in sub. (2), plan approval by the department or its authorized representative for interior building alterations shall expire one year after the approval date indicated on the approved building plans if the alteration work is not completed within that year.
- (d) *HVAC construction only*. Except as provided in sub. (2), plan approval by the department or its authorized representative for heating, ventilating, or air conditioning construction that does not include any associated building construction shall expire one year after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within that year.
- (e) *Fire protection systems only*. Except as provided in sub. (2), plan approval by the department or its authorized representative for a fire protection system that does not include any associated building construction shall expire 2 years after the approval date indicated on the approved plans if the building or building area affected by the plans is not ready for occupancy within those 2 years.

**State of Wisconsin**

**SPS 361.36**

**(2) EXTENSION OF PLAN APPROVAL.**

- (a) Except as provided in par. (b), upon request and payment of the fee specified in ch. SPS 302, the expiration dates in sub. (1)(b) to (g) may be extended provided the request is submitted prior to expiration of the original approval.

**Note:** According to s. 193.17, Stats., the local governmental body or building inspector may order the razing of buildings or portions thereof, where there has been a cessation of normal construction for more than 2 years.

**SPS 302.02 Handling, copying and miscellaneous fees (5) FEE FOR EXTENSION OF PLAN APPROVAL.**

The examination fee for a plan previously approved by the department for which an approval extension is requested shall be \$120.00 per plan.

**SPS 302.04 Miscellaneous plan reviews, inspections and services. (1) MISCELLANEOUS PLAN REVIEWS.**

Unless specified otherwise in this chapter, the fee for department costs incurred in performing miscellaneous plan reviews shall be \$80.00 per hour per plan, with a minimum fee of \$80.00 per plan

**SPS Table 302.04 Miscellaneous Inspections and Investigations Fees**

Individual Special Inspections Fee Per Hour Per Inspector	1. Inspections performed between the hours of 7:45 a.m. and 4:30 p.m. on weekdays Monday through Friday . . . . .	\$80.00
	2. Inspections performed on Saturdays, Sundays, holidays and at times other than scheduled in 1. . . . .	\$120.00
	3. For supervising the American Society of Mechanical Engineers (ASME) joint review and audit and for conducting shop audits, Monday through Friday . . . . .	\$120.00

**City of Milwaukee**

<https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-2/Master-V2.pdf>

200-30. Lapse of Permit, Refunds.

1. LAPSE OF PERMIT.

- a. Except as regulated in s. 200-28-2 and ch. 240, if any construction for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if new construction ceases for more than 3 months, then the permit shall lapse and be void, and no construction shall be begun or resumed until a new permit is obtained and the fees as prescribed in this code are paid.
- b. Except as provided for in s. 200-28- 2, after the issuance of a permit, if for any reason construction is not started, or there is a cessation of construction, and the commissioner is notified within 30 days of such delay, **an extension of time not exceeding 3 months may be granted. Additional extensions of time may be granted if the circumstances warrant such extensions.**
- c. Extensions of time shall not preclude the commissioner of city development from requiring the permit holder to comply with amended, more restrictive building code regulations which become effective during the time extension period.

200-30.2. Permit Expiration and Renewal. 1. PERMIT EXPIRATION. Any permit required by s. 200-24 shall expire 2 years from the date of issuance of the permit. However, a permit for a structure containing more than 100,000 square feet of floor area shall expire 3 years from the date of issuance. 2. PERMIT RENEWAL. If the work authorized by a permit required by s. 200-24 is not complete at the end of the 2-year period or 3-year period, as the case may be, the permit may be renewed for an additional period of time at the discretion of the commissioner of city development. In no case may the permit be renewed for more than 2 additional years.

**200-30.5. Expiration or Extension of Plan Approval.**

1. EXPIRATION. If a building permit has not been obtained within 6 months from the date that a plan was approved by the commissioner of city development, the approval shall expire, except as provided in subs. 2 or 3.
2. EXTENSION. A plan approval may be extended 3 months by the commissioner of city development, provided the following conditions are met:
  - a. A written request is submitted to the commissioner of city development prior to the expiration of the original 6 month approval period.
  - b. The approval period has not been extended previously.
  - c. The fee as specified in s. 200-33-36 has been paid.
  - d. If necessary, the plans have been revised to comply with the existing code.
3. **EXEMPTION. A building permit that was not issued within 6 months from the date a plan was approved that was caused by governmental action and without any contributing fault by the applicant shall not be considered as expired. In calculating the length of time for expiration, the delay time caused by governmental action shall be added to the 6-month period.**

200- 34. PERMIT RENEWAL. a. The fee for renewal of a permit in accordance with s. 200-30.2 shall be calculated **on the basis of the amount of work authorized by the original permit that remains incomplete** at the end of the initial 2-year period or 3-year period, as the case may be. b. There shall be a processing fee of \$10 for each permit issued.

200- 36. PLAN EXAMINATION, EXTENSION. The fee for the extension of an approved plan examination shall be 50% of the original plan examination fee, not to exceed \$3,300.

## City of Green Bay

[https://library.municode.com/wi/green\\_bay/codes/code\\_of\\_ordinances?nodetd=CH15BUCO](https://library.municode.com/wi/green_bay/codes/code_of_ordinances?nodetd=CH15BUCO)

### Sec. 15.05. - Building permits.

(8)d. *Lapse.* A building permit shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof and completed or resumed within one year from the date thereof. If further construction is necessary after one year, the permit holder shall make written application in duplicate to the building inspection superintendent, stating the reasons for the request for an extension, at least 90 days prior to the expiration of the building permit. Upon receipt of the written application, the building inspection superintendent shall furnish recommendations for approval or rejection to the protection and welfare committee for action and recommendation to the council. A renewal permit shall be issued only by action and authority of the council.

Didn't find fees for extensions in Green Bay site

<https://greenbaywi.gov/DocumentCenter/View/944/Fee-Schedule-PDF>

## City of Eau Claire

16.04.100 Permit--General conditions.

- B. A building or wrecking permit shall have lapsed and be void unless building or wrecking operations are commenced within six months from the date of issuance thereof. Lapsed permits may be renewed at a fee as stated in the City of Eau Claire Fees and Licenses Schedule within six months from the date of expiration. A permit shall expire if work on a building project is **ceased for a period of twelve months or if 36 months has elapsed since permit issuance.** Expired permits may **be re-issued at the regular permit fee.** All code and ordinance requirements in effect at the time of renewal or re-issuance shall apply to the building or wrecking project.

## City of Oshkosh

**SECTION 7-28 LAPSE OF BUILDING PERMIT UPON FAILURE TO COMMENCE WORK**

Except as may otherwise be provided:

A building permit shall have lapsed and be void unless building operations are commenced within six (6) months from the date thereof.

A building permit for residential and non-residential structures shall lapse and be void from and after twelve (12) months from the date of issuance.

If further construction is necessary after one year, the permit holder shall make written application in duplicate to the Chief Building Inspector, stating the reasons for the request for an extension, at least 90 days prior to the expiration of the building permit. Upon receipt of the written application, the Chief Building

Inspector shall furnish the duplicate copy to the Director of Community Development for examination; and thereafter recommendations for approval or rejection shall be forwarded by the Chief Building Inspector to the Board of Public Works for action. A renewal permit shall be issued only by action and authority of the Board of Public Works.

The aforementioned renewal process shall be waived if the project is approximately 75 percent complete and the project has maintained steady, significant progress during the last 90 days prior to the expiration of the building permit.

**City of Kenosha**

**C. Commencement of Construction.** The Permit shall become null and void unless construction commenced within sixty (60) days of the date of Permit issuance, or the Permit or the Work

**F. Completion of Construction.** All Work authorized by a Permit shall be completed in accordance with this Code and all applicable State and local laws, rules and regulations within the following specified time period(s):

- New One and Two Family and Multi-Family Dwelling..... 1 Year
- Residential Addition/Alteration..... 6 Months
- New Public Buildings/Additions to Public Building..... 2 Years
- Electric/Plumbing/HVAC..... 6 Months
- Accessory Building..... 6 Months

**G. Extensions of Time To Complete Work.** Any applicant who obtains a Permit and fails to complete the Work in the time specified in Section 9.06 F., may apply to the Code Official for a time extension not to exceed one (1) year. Extensions may be granted if the Work commenced has proceeded in a professional and workmanlike manner which exhibits reasonable progress. Extended Permits shall not impose new conditions unless required by this Code or any other State or local law, rule or regulation. Upon a violation of Section 9.06 F., no new Work may proceed without the issuance of an approved extension or a new Permit.

## City of Kenosha

[https://library.municode.com/wi/racine/codes/code\\_of\\_ordinances?nodeId=PTIIMUCO\\_CH114ZO\\_ARTVIOVDI\\_DIV1ACCOOVDI\\_S114-644TILIPLAP](https://library.municode.com/wi/racine/codes/code_of_ordinances?nodeId=PTIIMUCO_CH114ZO_ARTVIOVDI_DIV1ACCOOVDI_S114-644TILIPLAP)

### Sec. 114-644. - Time limit on plan approval.

No development plan approval under this article shall be valid for a period longer than one year from the date of approval unless a **building permit** is issued and construction is actually begun within that period. Time extensions may be provided by the director of city development provided the applicant demonstrates that there are circumstances, difficulties or practical hardships which make compliance with the original one-year approval period unreasonable.

## City of Racine

- **Sec. 18-92. - Time in which permit becomes void.**

The building permit shall become void unless operations are commenced within four months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of 60 days. Such period of time may be extended by the chief building inspector if the delay was due to conditions beyond the control of the applicant.

(Code 1973, § 30.06.020)

- **Sec. 18-93. - Lapse of permit; completion of work.**

Before any work is commenced or recommended after a building permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within **18** months from date of issuance of the permit.

## City of Waukesha

<https://www.waukesha-wi.gov/DocumentCenter/View/514/1603-Permits-PDF>

16.03 (4) Permit Expiration and Renewal. All permits expire 120 days after issuance, and if work performed under the permit has not been completed and received final inspection and approval within that period, all work must cease and a renewal of the permit shall be required. An application for renewal shall be submitted, accompanied by the Renewal Fee required by Municipal Code §16.07(3), within 60 days of the expiration of the original permit. After 60 days, no renewal is allowed, and an application for a new permit must be submitted, accompanied by payment of the full permit fees required by the Fee Schedule under Municipal Code §16.07(1).

16.07(3) Renewal Fee. All applications for permit renewal pursuant to Municipal Code §16.03(4) shall be accompanied by payment to the City of a Renewal Fee equal to one-half of the fee paid with the application for the permit being renewed. If the renewal application includes any materials in addition to those submitted with the original application, then in addition to the Renewal Fee, a Plan Examination fee or other applicable fees shown in the Fee Schedule may be required with respect to the additional materials.