

7-0-13 EXCEEDING THE SCOPE OF ISSUED PERMITS

PURPOSE

To establish a procedure for staff to follow when a complaint is received or when inspection staff determines that work performed or in progress exceeds the scope of work of issued permits.

DEFINITIONS

Unpermitted construction in progress: Construction that is occurring or is completed at the time of observation.

Exceeding the scope of permit (minor): Any work underway or completed that exceeds the scope of the issued permit but does not meet the criteria below for exceeding the scope of the permit (major) or (gross).

Exceeding the scope of permit (major): Any work underway or completed that exceeds the scope of the issued permit in one or more of the following ways:

1. Adds an additional floor area or rooms to any structure;
2. Adds additional bedrooms to any structure;
3. All grading and drainage issues; and/or
4. Any additional work that requires construction documents as determined by the Building Inspector.

Exceeding the scope of permit (gross): Any work underway or completed that exceeds the scope of issued permit in 1 or more of the following ways:

1. Unpermitted work that is more than 2 times the permitted work as determined by the Building Inspector; and/or
2. Any change to a project where fire sprinklers were not required that results in fire sprinklers being required.

GENERAL

Building Inspection staff may determine that the work being performed exceeds the approved scope of work following a requested inspection, or it may be brought to the Department's attention in a complaint regarding an active permit. Building Inspection staff will address scope of work issues for active or issued building permits, and Code Enforcement will be assigned scope of work complaints for pre-issued, finalized, or expired permits. This policy does not apply to use or zoning permit issues.

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Because work is assumed to be underway on active permits, Building Inspection staff must make a timely determination if the work being performed exceeds issued permits. To accomplish this, upon receipt of a complaint, Building Inspection staff shall proactively schedule a site inspection rather than wait until an inspection is requested. This inspection shall follow the guidelines contained in [Policy 7-0-3 Entry Onto Private Property](#).

It is an expectation that Building Inspection staff take measures to bring issued permits into alignment with the work performed or proposed. Building Inspection staff should take a measured response in proportion to the amount of work exceeding permit.

AUTHORITY

Sonoma County Code Chapter 7, Article 1, Section 7-5 Building Permit Required
California Building Code Chapter 1 Section 107.4

PROCEDURE

For purposes of this policy, exceeding the scope of permit is placed in 1 of 3 categories: 1. Exceeding Scope of Permit (Minor); 2. Exceeding the Scope of Permit (Major); or 3. Exceeding the Scope of Permit (Gross).

- A. If Building Inspection staff determine the work exceeding the scope of permit is a relatively minor deviation of the approved permit or building plans, staff shall issue a Correction Notice giving the responsible party a reasonable amount of time to revise the scope of their permit. The Correction Notice should fully document the work requiring additional permits. Construction in progress and inspections may proceed up to final inspection; however, final inspection should not be granted until the Correction Notice is resolved. These matters should not be referred to Code Enforcement.
- B. The second category identifies substantial issues that exceed the scope of issued permits. In these cases, Building Inspection staff shall issue a written Correction Notice, which requires the permittee to stop work and revise the permit within an allotted time. No additional inspections should be performed during this correction period. If work proceeds or the permittee does not meet the deadline noted in the Correction Notice, Building Inspection staff shall refer those issues to Code Enforcement to begin abatement proceedings. Civil penalties will be assessed on permit revisions or new permits issued to address the previously unpermitted work. If the permittee complies with the Correction Notice, no referral is required and no penalties shall be applied.
- C. The third category identifies run-away projects or permits that only address a token amount of the work actually being performed. In these cases, the inspector should place an ORDER TO STOP WORK Notice (Red Tag) on the project, document the specific onstruction where the scope of work has been exceeded using a written Correction Notice, and refer the issue to Code Enforcement. Penalties will always apply to revised or newly issued building permits to address the work in this category.

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D. For all cases, referrals from Department staff shall follow the guidelines contained in [Policy 7-0-1 Code Violations Encountered by Staff](#).

1. All exceeding scope of permitted work complaints/referrals from Building Inspection staff shall be documented using the Violation Complaint Form and routed to the Building Inspector supervisor or manager for review. The Building Inspection supervisor or manager shall review the complaint and determine if a referral to Code Enforcement is appropriate. If the complaint is unrelated to active permits, the issue may be referred to Code Enforcement staff directly.

If the complaint appears to be related to issued permits other than building permits, the complaint will be forwarded to the supervisor or manager of the permit-issuing division for review prior to a Code Enforcement referral. The respective permit-issuing division supervisor or manager shall oversee the timely investigation of the complaint to determine if a referral to Code Enforcement is appropriate.

2. Referring staff shall include a clear description of the work that has exceeded the scope of the permit and include careful documentation and photographs. This should include what types of work were observed, what portions of the structure or site were affected, what types of permits are necessary to correct the violations, whether or not an ORDER TO STOP WORK Notice (Red Tag) was posted, and if work continued after the Red Tag was posted. A copy of any related Correction Notices shall be referred no later than the next business day.
3. Code Enforcement shall send a Notice & Order letter based on the documentation and information contained in the staff referral.
4. If a Notice & Order letter is sent, penalties shall be imposed on the portion of the project exceeding the scope of issued permit or new permit.

ATTACHMENTS

None

APPROVED BY: Tennis Wick, Director

Reviewed By Department Manager: Tyra Harrington, Code Enforcement Manager

Reviewed By County Counsel: N/A

Lead Author: Mark Franceschi, Code Enforcement Supervisor

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