

Exceeding the Scope of Issued Permits

PURPOSE

The purpose of this policy is to establish a procedure for staff to follow when a complaint is received or when inspection staff determines that work exceeds permits issued.

GENERAL

Work that exceeds the scope of issued permits can take several forms. Field inspection staff may make a determination as a result of a requested inspection or it may be brought to our attention in a complaint on active or finalized permits.

As a rule of thumb, field inspection staff will be assigned scope of work issues for active permits and Code Enforcement will be assigned scope of work issues for approved, finalized or expired permits. This policy does not apply to zoning issues.

Since work is assumed to be underway on active permits, inspection staff must make a timely determination if work exceeds issued permits. To accomplish this, inspection staff assigned such a complaint shall proactively schedule an inspection rather than wait until an inspection is requested.

Regardless of how the issue was identified, it is an expectation that inspection staff take measures to bring permits issued into alignment with the work, or vice versa if the additional work cannot be permitted. Inspection staff should take a measured response in proportion to the amount of work exceeding permit. For the purposes of this policy, exceeding the scope of permit is placed in one of three categories.

The first category addresses relatively minor issues where an inspector observes minor deviations from the approved plans. The additional work observed should be identified in a *Correction Notice*. There is no expectation the work be stopped and inspections may be approved up to final inspection. However, final inspection shall not be granted until the *Correction Notice* is addressed. The issue should not be referred to Code Enforcement.

The second category identifies substantial issues that exceed the scope of issued permits. In these cases, a written *Correction Notice* should be given that notifies the permittee to stop work and revise the permit within an allotted time. No additional inspections should be performed. If work proceeds without inspection or the permittee does not meet the deadline noted in the *Correction Notice*, staff shall refer those issues to Code Enforcement. If the permittee complies with the *Correction Notice*, penalties will not be applied.

The third category identifies run away projects or permits that only address a token amount of the

project. In these cases, the inspector should place a *ORDER TO STOP WORK NOTICE* (Red Tag) on the project, document the scope of work completed and refer the issue to Code Enforcement. Penalties will always apply to this category.

AUTHORITY

- A. Section 11.14.030 (F) Sonoma County Code
- B. Appendix Chapter 1, Section 114, California Building Code

FORMS

Violation Complaint Form CDE-001
Correction Notice Form CNI-005
ORDER TO STOP WORK NOTICE (Red Tag) ENF-005
Notice and Order Letters

DEFINITIONS

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

Exceeding scope of permit (minor) means 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 scope of permit (major) means any work underway or completed that exceeds the scope of the issued permit in one or more of the following ways: (1) adds additional floor area or rooms to any structure; (2) adds additional bedrooms to any structure; (3) all grading and drainage issues, and (4) for A-BLD permits, additional work which requires plans.

Exceeding scope of permit (gross) means any work underway or completed that exceeds the scope of issued permit in one or more of the following ways: (1) unpermitted work that is more than 2 times the permitted work; or (2) any change to a project where fire sprinklers were not required that results in fire sprinklers being required.

PROCEDURE

- I. All complaints received shall be documented using Permit and Resource Management Department (PRMD) *Violation Complaint Form* and routed to Code Enforcement. Code Enforcement clerical staff will assign a VCM number in Permits Plus (PP).

- A. Clerical staff shall forward the complaint to the Code Enforcement supervisor or manager to determine if the complaint will be investigated by Code Enforcement or the respective field inspection staff. If the complaint is unrelated to active permits, the issue will be investigated by Code Enforcement staff. If the complaint appears to be related to issued permits, the complaint will be forwarded to the respective division.
 - B. If referred to the respective division, the complaint shall be given to the division supervisor who will schedule a progress inspection as staff schedules allow. The site inspection shall follow PRMD policy 7-0-3 *Entry onto Private Property*.
 - 1. Code Enforcement clerical staff shall document that the complaint was referred to field inspection staff and close the VCM activity in PP, documenting the status as CLOSED.
 - C. The respective division supervisor shall oversee the timely investigation of the complaint and ultimate resolution or referral to Code Enforcement.
 - D. Complaints assigned to Code Enforcement staff shall be processed as all other complaints.
- II. If inspection staff determines the work exceeding the scope of permit is minor, staff shall issue a *Correction Notice* giving the responsible party a reasonable time to revise the scope of their permit. The *Correction Notice* should fully document the work requiring additional permits. 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.
- III. If inspection staff determines the work exceeding the scope of permit is major, staff shall issue a *Correction Notice* informing the permittee to stop all work in progress. If the permittee is not present during the inspection, an *ORDER TO STOP WORK NOTICE* (Red Tag) should be placed on the project in addition to the *Correction Notice*. The *Correction Notice* shall give the permittee five working days to revise the scope of permit for non-plan check permits and twenty working days to submit a plan check revision. No additional inspections should be approved.
- A. Staff should schedule a reinspection after the time given in the *Correction Notice* for the purpose of determining if the permittee complied with the notice. If the permittee complies with the *Correction Notice*, penalties will not be imposed. However, if neither the scope of the permit is revised nor the plan check revision submitted within the allowed time period, staff shall refer the matter to Code Enforcement using a *Violation Complaint Form* and a copy shall be provided to the referring staff's supervisor. This form should be completed as soon as possible after staff verifies the

- permittee failed to comply with deadline noted in the *Correction Notice*.
- B. Referring staff shall fully document in writing the scope of work observed that exceeded permit, also 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 the *Correction Notice* shall be included with the referral.
 - C. Code Enforcement shall send a Notice and Order letter based on the staff referral.
 - D. If a Notice and Order letter is sent, penalties shall be imposed on the portion of the project exceeding the scope of issued permit.
- IV. If inspection staff determines the work grossly exceeds the scope of permit, staff shall immediately place an *ORDER TO STOP WORK NOTICE* (Red Tag) on the project. Staff shall take photos of the work completed (if a camera is available) and fully document the scope of work completed. Staff shall refer the matter to Code Enforcement per the steps noted in section III no later than the next working day after observing the violation.

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

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