

# ***When Is a Building Permit Not Required?***

**BPC-005**

**Purpose:** This handout provides a list of work that does not require a building permit.

**Background:** All construction activity, from initial grading of a site to interior improvements, alterations and most repairs requires a building permit unless the work is specifically exempted by the California Building Code appendix Chapter 1 and Chapter 7 of the Sonoma County Code.

## **WORK EXEMPT FROM A BUILDING PERMIT**

The following is a list of work that may be performed without a building permit. If your project does not appear on this list of exempt work, you should assume that a building permit is required.

**Note:** Although some work is exempt from a building permit, additional permits or review may be required. Before a building or structure is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, it is important to contact the appropriate staff at the Permit and Resource Management Department (PRMD) to determine if any other permit or technical review is required.

Although work may be exempt from a building permit, it may be subject to other county regulations (Well and Septic, Zoning, Drainage, Sewer, etc.). Although a building permit is not required, the exempt construction/work must be code compliant. For example, re-striping a commercial parking lot is exempt from a building permit, however, the striping must conform to building code standards for accessibility and Zoning standards for parking lot design. Failure to comply with code requirements may constitute a violation.

### **Building:**

#### **1. Accessory Structures:**

One-story detached accessory structures used as tool or storage sheds, playhouses or similar uses when located on a parcel which contains an existing single family dwelling or other permitted primary use or structure. Such structures shall not have a floor area that exceeds 120 square feet and the height above grade shall not exceed 12 feet. No more than one structure may be allowed under this exemption unless separated from another permit exempt structure by more than 50 feet.

**Note:** Electrical, plumbing, or mechanical work in connection with such structures requires an electrical, plumbing or mechanical permit even though a building permit is not required for the structure itself.

#### **2. Prefabricated Structures:**

Prefabricated structures not more than 500 square feet in area, constructed of light frame materials and covered with cloth or flexible plastic, accessory to a single family dwelling, with no associated electrical, plumbing, or mechanical work and the height above existing grade does not exceed 12 feet.

3. **Children's Play Structures:**

Tree houses (less than 120 square feet of floor area), skateboard ramps and children's play structures (i.e. jungle gyms) when constructed on a parcel which contains a single family dwelling and not used for commercial purposes.

4. **Wall Treatments:**

Painting, interior papering and similar finish work.

5. **Replacement In-Kind:**

Replacement of windows and doors with others of the same size, and in the same location when the structural frame of the opening is not altered.

6. **Fences:**

Open fences, such as wood lattice or wire mesh, ten (10) feet or less in height do not require a building permit. Solid wood, concrete and masonry fences six (6) feet or less in height do not require a building permit. Solid fences not exceeding six (6) feet in height topped with up to four (4) feet of open fence as measured from the lowest grade to the top of the fence do not require a building permit.

**Note:** While a fence may be exempt from a building permit, other permits or approvals may be required, such as, but not limited to, use permits, design review, and/or coastal permits. In general, fences over than (3) three feet in height within the front yard setback, or over six (6) feet in height within the rear and side yard setbacks are likely to require a use permit, despite the exemption from a building permit. If your fence exceeds these limits, contact the Permit and Resource Management Department planning staff to determine if permits other than a building permit are required. A site plan showing the location of the proposed fence is required to make these determinations.

7. **Retaining Walls:**

Retaining walls, which retain not more than 3 feet of material unless supporting a surcharge or impounding class I, II, IIIA liquids. For the purpose of this section, a retaining wall is considered to be supporting a surcharge if: The wall retains more than one foot of material and the retained material slopes more than two units horizontal to one vertical within a distance equal to twice the height of the wall above the lowest existing grade.

- a. The wall retains more than one foot of material and any road or structure is located on the retaining material within a distance equal to twice the height of the wall above the lowest existing grade.
- b. The wall retains more than one foot of material and any road or structure is located on the retaining material within a distance equal to twice the height of the wall above the lowest existing grade.

8. **Other Features:**

Platforms, walks, non-structural slabs, paving or seal coats on private property not in the county right of way, and decks not more than thirty (30) inches above grade (measured from the walking surface) and not over any basement or story below and are not part of an accessible route.

9. **Movable/Temporary Items:**

- a. Movable cases and partitions not over 5 feet 9 inches high (for commercial occupancies) and temporary motion picture, television and theater stage, seats and scenery.
- b. Membrane structures (i.e. tents and awnings) erected for less than 180 days in any twelve month period.

10 **Shading Devices:**

- a. Window awnings supported by an exterior wall of a residence or residential garage which does not project more than 54 inches.
- b. Shade cloth structures constructed for nursery or agriculture purposes, not including service systems. (Plumbing, electrical or mechanical systems associated with the structure require permits.
- c. Detached shade structures (i.e. trellises, arbor or gazebo) when the height above grade does not exceed 12 feet. For the purpose of this section trellises, arbors and gazebos accessory to residential occupancies are considered for detached shade structures and are defined as follows:
  - (1) Structures which have a lattice or fabric roof structure.
  - (2) 75% of the exterior walls are not less than 75% open.
  - (3) A structure which a motor vehicle cannot be driven into due to the configuration of the structure or placement on the site.
  - (4) Electrical, plumbing or mechanical equipment contained within the structure shall require a permit.

11. **Prefabricated Swimming Pools:**

Prefabricated pools accessory to a single family dwelling, which do not exceed 5,000 gallons and are installed entirely above ground.

12. **Tanks:**

Tanks, not containing class I, II, IIIA liquids whether underground or supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

**Note:** Must check with PRMD Fire Inspection staff regarding regulations for water or fuel storage tanks and PRMD zoning staff for required setbacks from property lines.

13. **State Owned Building under the Jurisdiction of the State Fire Marshal.**

14. **Oil Derricks.**

15. **Minor Repair:**

- A. Minor repair of interior paneling or gypsum wallboard when it does not serve as a fire resistive assembly or as lateral bracing for a structure. Such repair is limited to 500 square feet; additional work in excess of 500 square feet requires a permit. This exemption shall not apply to structures subject to flood damage.
- B. Removal of up to 25% of exterior and/or interior coverings on walls or roofs or similar work for the purpose of determining the condition of structural members in a structure where work is being planned. Such work may remain exposed for a maximum of 90 days before being repaired. A permit must be obtained for the repairs unless exempted by the Sonoma County Code.

**Electrical:**

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Electrical equipment used for radio and television transmissions.
3. Installation of temporary systems required for the testing or servicing of electrical equipment or apparatus.
4. Listed cord and plug connected temporary decorative lighting.
5. Reinstallation or replacement of attachment plug receptacles, but not the outlets.
6. Repair or replacement of branch circuits or overcurrent devices of the required capacity in the same location.
7. Installation or maintenance of communications wiring, devices, appliances, apparatus or equipment.

**Gas:**

1. Portable heating appliances and the replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliances, portable ventilation equipment, portable cooling units, and portable evaporative coolers.
2. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.
3. The replacement of any part that does not alter the equipment's approval or make it unsafe.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent piping. However, if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, a permit shall be obtained and inspections made.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.