



**City of Carmel-by-the-Sea
Building Safety Division
Standard Operating Guidance**

17- 17 Stop Work Orders

Background

To ensure public safety and security in the built environment, the City of Carmel requires that most construction work taking place in the City be done under an approved permit issued by the Community Planning and Building Department prior to starting work on the project. Applicants are required to submit a permit application and specific construction documents for review by City Departments and partner agencies (Monterey Peninsula Regional Water District, Carmel Area Wastewater District, California Coastal Commission, etc.).

The City makes every effort to assure a timely, effective and transparent permit process. The City recognizes that project and permitting process complexity are directly correlated. Processes have been developed that are scaled to the complexity of the project, and include:

- “Over-the-Counter” (OTC) permitting for certain operations or simple projects with minimal health and safety implications. Typical OTC projects include water heater replacements (like for like), window replacements (like for like), re-roofing projects (like for like), and furnace replacements (like for like).
- “Permits-by-Appointment” (PBA) for slightly more complex projects involving more than one trade. PBA project eligibility is determined by the building official on a case-by-case basis depending on project complexity and the work involved. Applications and construction documents must be complete, well-organized and able to be reviewed in 30 minutes or less. Typical PBA eligible projects include minor interior alterations or damage repair, accessibility upgrades, plumbing, electrical, or mechanical system work; photovoltaic systems; and re-roofing permits with a change of material, etc.)
- The “Standard Permit Process” applies to all other work requiring permits.

When construction work requiring a permit is begun before a permit is issued for the work, a Stop Work Order may be issued requiring work to cease until valid permits are obtained. Penalties for working without proper permits are specified in the Carmel Municipal Code (CMC) 15.04.140. Where deemed appropriate by the Building Official due to repeated or particularly egregious offenses, additional enforcement actions and penalties will also be considered in accordance with CMC 15.04.250, 15.04.260, 15.04.270, 15.04.290 and CMC 8.32.100 (8).

Citations

Carmel Municipal Code Title 15.04.140 Commencing Work Without Permit – Penalty Fee

Carmel Municipal Code Title 15.04.250 Violation of the Building Code – Penalty

Carmel Municipal Code Title 15.04.260 Violation of Residential Code – Penalty

Carmel Municipal Code Title 15.04.270 Violation of Mechanical Code – Penalty

Carmel Municipal Code Title 15.04.290 – Violation of Plumbing or Electrical Code

Carmel Municipal Code Title 08.32.100 (8) – Amendments to the CA Fire Code: Violation Penalties

Guidance

Permit Required

In accordance with CMC Section 15.04.070 no person shall do any work as described below without first obtaining a permit from the building official.

1. A Building Permit is required for building and grading work including erection, construction, enlargement, alteration, repair, movement, removal, improvement, conversion, remodeling and/or demolition of any building or structure, or to do any grading of 50 cubic yards or more; except that no permit shall be required for:
 - a. One-story portable detached accessory buildings used as tool and storage sheds, playhouses and similar uses provided that the projected roof area does not exceed 120 square feet and the floor area does not exceed that allowed for the lot size as established by zoning regulations;
 - b. All garden fences and walls within the R-1 land use district; provided they comply with all other ordinances and requirements of this code;
 - c. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;
 - d. Temporary motion picture, television, and theater stage sets and scenery.

2. A Mechanical Permit is required for the installation, alteration, reconstruction, remodeling or repair of any heating, ventilating, comfort cooling, or refrigeration equipment, including any such equipment moved with, or installed in, any relocated building; except that no permit shall be required for:
 - a. Any **portable** heating, ventilating, comfort cooling, or evaporative cooling appliance or equipment;
 - b. Any steam, hot, or chilled water piping **within** any comfort heating or cooling equipment regulated by the California Mechanical Code;
 - c. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this title;
 - d. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the California Mechanical Code;
 - e. Or any unit refrigerating system.

3. A Plumbing Permit is required for the installation, removal, alteration, repair, remodeling or replacement of any plumbing, gas or drainage piping work, or any fixture or water heating or treating equipment in a building or premises; except that no permit shall be required for:
 - a. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
 - b. In the case of any repair work, for the stopping of leaks in drains, soil, waste or vent piping; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be, or become, defective, and it becomes necessary to remove and replace the

same with new material in any part or parts, the same shall be considered as new work and a permit shall be obtained.

4. A Electrical Permit is required for the installation, remodeling, or alteration of any electrical wiring, devices, appliances, apparatus or equipment within or on any building, structure or premises; or to connect any building, structure or premises to a source of electrical energy, or to supply electrical service thereto; except that no permit shall be required for:
 - a. The replacement of lamps;
 - b. The connection of portable appliances to suitable receptacles which have been permanently installed;
 - c. The installation, alteration or repair of electrical wiring, devices, appliances, apparatus, or equipment for the operating of signals or the transmission of intelligence (not including the control of lighting or appliance circuits) where such electrical wiring, devices, appliances, apparatus, or equipment operate at a voltage not exceeding 25 volts between conductors, and do not include generating or transforming equipment capable of supplying more than 50 watts of energy;
 - d. Electrical work performed by or for any public utility for the use of such utility in the generation, transmission, and distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence in the exercise of its function as a serving utility.

Stop Work Order Issuance

A Stop Work Order may be issued whenever work on any building or structure is being executed contrary to the provisions of the Carmel Municipal Code or in an unsafe and dangerous manner. Such work shall be immediately stopped until the violating condition is cured and resumption of work is authorized by the Building Official.

The Stop Work Order shall be in writing and shall be posted in a location clearly visible from the street accessing the property. A copy of the Stop Work Order shall be served on the owner of the property involved, the owners authorized agent, or the person performing the work. The Stop Work Order shall state the violation and the conditions under which work will be permitted to resume. If the owner, agent or person performing the work is not available at the site, copies shall be mailed to the responsible party(s) with a Notice of Violation and Order to Correct.

Notice of Violation and Order to Correct

Upon issuance of a Stop Work Order, the Building Official shall serve a Notice of Violation and Order to Correct on the property owner and the person or firm responsible for conducting the un-permitted work. The order shall describe the violation, the actions necessary to correct the violation, shall specify a reasonable time frame in which to correct the violation; and shall describe the further legal action(s) that may be taken to gain compliance.

Failure to Comply

Where the responsible party(s) fail to comply with a Stop Work Order or resume work prior to receiving authorization from the building official the case shall be referred to the City Attorney for further legal action described in the Carmel Municipal Code and CA State Law.