



CITY OF ENCINITAS
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BUILDING PERMIT SECTION 105 INFORMATION

A building permit application is required when applying for any building permit. The 2022 California Building Code, as adopted by the City, indicates when building, plumbing, mechanical and/or electrical permits are required.

Please note that work exempted by Section 105 is still subject to the requirements of other City Departments and other agencies. Verify these approvals prior to commencing work.

Sec. 105.1 Permits Required. Except as specified in Section 105.2, no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

Sec. 105.2 Work Exempted from Permit. A permit shall not be required for the types of work in each of the separate classes as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

A building permit shall not be required for the following:

- One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11m²). **RESIDENTIAL ONLY**
- Fences not over 6 feet (1829 mm) high.
- Oil derricks.
- Retaining walls which are not over 4 feet (1219 mm) in height measured from the *bottom of the footing to the top of the wall*, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
- Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18.925 L) and the ratio of height to diameter or width does not exceed 2:1.
- Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Temporary motion picture, television and theater stage sets and scenery.
- Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18.925 L) and are installed entirely above ground.
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Swings and other playground equipment accessory to detached one- and two-family dwellings.
- Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of R-3 and U occupancies.
- Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits are required for the above exempted items.

Electrical: An electrical permit shall not be required for the following:

- Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do not apply to equipment and wiring for a power supply and the installation of towers and antennas.
- Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas: A gas permit shall not be required for the following:

- Portable heating appliance.
- Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical: A mechanical permit shall not be required for the following:

- Portable heating appliance.
- Portable ventilating equipment.
- Portable cooling unit.
- Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- Replacement of any part that does not alter its approval or makes it unsafe.
- Portable evaporative cooler.
- Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing Permits: A plumbing permit shall not be required for the following:

- The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that 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, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- 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.

105.2.1 Emergency Repairs

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.