



ORDINANCE 2024-03

ESTABLISHING A POLICY GOVERNING ENFORCEMENT OF BUILDING WITHOUT A PERMIT VIOLATIONS IN THE TOWN OF SPRINGDALE

Whereas, the Town of Springdale has adopted land use regulations and buildings codes that apply to all new construction; and

Whereas, these adopted regulations and codes promote the health, safety, and welfare of the community, as well as preserve the Town's village character and community sense of place; and

Whereas, the Town of Springdale requires a person to obtain a building permit and/or land use approval prior to commencing new construction in order to ensure the construction complies with the Town's adopted regulations and codes; and

Whereas, the majority of new construction in the Town has been reviewed through the appropriate process and the Town has issued building permits authorizing the construction; and

Whereas, occasionally a person will commence construction on a property without first obtaining the required permit or submitting the project for the necessary review processes; and

Whereas, when a person constructs new development without the required review processes and without obtaining the necessary building permit and/or other land use approvals, that construction is more likely to be out of compliance with the Town's adopted regulations and codes; and

Whereas, construction that is not compliant with applicable regulations and codes does not promote the health, safety, and welfare of the Town, nor does it promote the Town's village character; and

Whereas, the Town Council desires all new construction in the Town to be compliant with applicable regulations and codes, and for such development to be authorized through a building permit and/or other land use approval;

Therefore be it ordained by the Springdale Town Council that new paragraph K is added to section 1-4-5 of the Town Code to include the following policy regarding new construction built without a permit.

1-4-5(K): BUILDING WITHOUT A PERMIT POLICY

1. Section One - Definitions

Complete Application means an application filled out in its entirety, including all required plans, studies, and supporting documents, submitted to the Town's Community Development Department in the manner provided for by the Department. In order for the application to be deemed complete the applicant must pay all associated fees within two business days of the date the application is submitted to the Town.

Repeat Incident means a building project without a permit that is conducted, initiated, or funded directly or indirectly by any property owner, contractor, or business owner who has been issued a stop work order for building without a permit for any other building project any time within the last five years.

2. Section Two - Building Without a Permit

When the Town of Springdale becomes aware of new construction commenced prior to a building permit or other required land use approval first being issued the Town shall take the following actions.

- a. The Building Inspector shall issue an immediate stop work order to the owner of the property where the work is located and the contractor or person responsible for the work, if other than the owner of the property. The stop work order shall require all work on the project to immediately cease. The stop work order shall also prohibit the occupancy of the structure.
- b. The stop work order shall include direction to the property owner / contractor to apply for a building permit for the building project or remove all work associated with the project within ten calendar days.
- c. The property owner / contractor shall be responsible to submit a complete building permit application within ten calendar days of the stop work order. If the property owner / contractor fails to submit the required building permit application within 10 calendar days of the stop work order, then the Code Enforcement Officer shall issue the property owner a civil citation with a daily fine of \$500 accruing until a complete building permit application has been submitted and associated fees have been paid. The property owner / contractor shall be required to pay all fees associated with the permit within two business days of the completed application being submitted (see definitions for complete application).
- d. If the Town's Building Inspector or Director of Community Development determines the building is unable to comply with building code or land use regulation, then the Director of Community Development shall demand that the structure be completely removed from the property within a time frame designated by the Building Inspector. If the property owner / contractor fails to meet the deadline, the Code Enforcement Officer

shall issue civil citation to the owner and/or contractor with a daily fine of \$500 accruing until the structure is removed from the property.

3. Section Three - Repeat Incidents

When the Town discovers a repeat incident of building without a permit, as defined in the definitions section, the Town shall take the following actions.

- a. In addition to the process outlined in Section Two above, a property owner, contractor, or business owner who is responsible for a repeat incident of building without a permit will be subject to an immediate civil citation with a fine of \$500 for building without a permit.
- b. After issuing the responsible party an immediate civil citation with a \$500 penalty, the Town shall follow the procedure outlined in Section Two above.

ADOPTED by the Springdale Town Council on this 14th day of February 2024.



Barbara Bruno

Barbara Bruno, Mayor

Aren Emerson

Aren Emerson, Town Clerk

ROLL CALL VOTE

R. Aton	<input checked="" type="checkbox"/> Yes	No
B. Bruno	<input checked="" type="checkbox"/> Yes	No
J. Burns	<input checked="" type="checkbox"/> Yes	No
K. Topham	<input checked="" type="checkbox"/> Yes	No
P. Campbell	<input checked="" type="checkbox"/> Yes	No