


MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

FROM: Keith N. Steiskal, Building Commissioner 

MEETING DATE: November 4, 2020

SUBJECT: **Discussion of Chapters 13 and 150 of Village Code and Policy Review
– Work Without a Permit Enforcement**

This topic is being introduced because there has been a noted increase of incidents involving work being done without a required permit. In such cases, the provisions of Chapter 13.03 apply, which reads as follows:

13.03 - Failure to obtain required license or permit.

So as to reimburse the village for the administrative expenses related to enforcing the licensing and permitting provisions of this Code, any person, firm or corporation who fails to obtain any license(s) or permit(s) required by this Code, prior to engaging in the activity in relation to which said license(s) or permit(s) is/are issued, shall be required to obtain said license(s) and/or permit(s) and shall be charged double the applicable fee or fees therefore.

Staff has found that in many instances a property owner may simply not be aware of the need for a building permit (e.g., replacing a water heater, windows, air conditioning unit, etc.). Staff and BOBA agree that securing a permit must be required and such policies have been followed. However, strict interpretation of this provision as it pertains to “double fees” for the work has not been consistently applied in the past and latitude has been offered to property owners on a fairly frequent basis.

The first remedy has been to inform the person doing the work that a permit is required and most permits are available for submittal and consideration quickly online. Many residents are unsure if a permit is needed and generally obtain a permit in a timely manner. The intent is not to punish anyone for unknowingly making a mistake but on the other hand not reward bad behavior.

Below is a framework for steps to be taken when a permit has not been acquired:

- Provide a warning that a permit is required, provide clear instructions of what the options are to get a permit and follow up that a permit was obtained.

- Always allow exterior work to continue such as roofs or windows as it is important to protect a house from the elements.
- Open a Code Enforcement case to track the location and person doing the work.
- Stop Work Orders are needed when no one is at the site or there is doubt the work will stop.
- Repeated or ongoing behavior of not getting a permit which would require further action would include issuing a \$50 local ordinance ticket (per Section 150.999) and charging double the permit fees (per Section 13.03) to try to stop the behavior.
- Inform the Building Division of the charges prior to issuing the permit.
- The penalties should only be used with repeat offenders or refusal to cooperate.
- Use judgement to assess the situation as each case is different and compliance is the goal.

To properly implement the latitude within this policy and approach, staff also recommends that the following additional language be added to Section 13.03 (highlighted below):

13.03 - Failure to obtain required license of permit.

*So as to reimburse the village for the administrative expenses related to enforcing the licensing and permitting provisions of this Code, any person, firm or corporation who fails to obtain any license(s) or permit(s) required by this Code, prior to engaging in the activity in relation to which said license(s) or permit(s) is/are issued, shall be required to obtain said license(s) and/or permit(s) and shall be charged double the applicable fee or fees therefor. **In cases in which the Village finds that an improvement covered under the provisions of Chapter 150 of Village Code did not secure a permit and the permit is non-structural in nature, the Community Development Director and/or his/her designee has the discretion to waive the doubling of the fees, provided that all applicable permits have been issued relative to the project in question.***

ACTION REQUESTED

Staff is placing this matter on the November 4, 2020 BOBA agenda for discussion and seeks input and concurrence on the existing policies and interpretations relative to the Village's existing fines as well as a companion text amendment to Chapter 13.03 as it pertains to doubling of fees.