

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : November 24, 2020 **(BOT) Date:** December 3, 2020

SUBJECT: Text Amendments to Section 13 of Village Code: Without a Permit Enforcement

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA) discussed policies associated with work being done without a required permit at their November 4, 2020 meeting. In such cases, the provisions of Chapter 13.03 apply, which requires any such permits to be assessed double the requisite fees. 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. The proposed amendments provide for some latitude to Village staff in assessing such fees.

Please place this item on the December 3, 2020 Village Board agenda for consideration and approval, with a waiver of first reading of the Ordinance amending Section 13.03 of Village Code. The Ordinance has an effective date of January 1, 2021.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: December 3, 2020

SUBJECT: **Text Amendments to Section 13 of Village Code: Work Without a Permit**

The Board of Building Appeals (BOBA) discussed policies associated with work being done without a required permit at their November 4, 2020 meeting. In such cases, the provisions of Chapter 13.03 apply, which requires any such permits to be assessed double the requisite fees. 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 work performed 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.

Attached is the BOBA staff report and a draft Ordinance for consideration. BOBA recommends approval of the text amendments to allow for some discretion to staff to provide for a waiver of the doubled fee amount for selected permits.

ACTION REQUESTED

Please place this item on the December 3, 2020 Village Board agenda for consideration and approval, with a waiver of first reading of the Ordinance amending Section 13.03 of Village Code. The Ordinance has an effective date of January 1, 2021.



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 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 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.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF TEXT AMENDMENTS
TO TITLE 1, CHAPTER 13 OF THE LOMBARD VILLAGE CODE
RELATIVE TO WORK WITHOUT A PERMIT**

WHEREAS, the Village of Lombard maintains a Licenses and Permits Code which is found in Title 1, Chapter 13 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Licenses and Permits Code and make necessary changes; and,

WHEREAS, a review of the Licenses and Permits Code has been conducted by the Village of Lombard Board of Building Appeals on November 4, 2020; and,

WHEREAS, the Board of Building Appeals has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 1, Chapter 13 of the Lombard Village Code is hereby amended as follows with text amendments in **bold and underline** and deletions denoted by ~~striketrough~~:

§ 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 therefore. **In cases in which the Village finds that an improvement covered under the provisions of Chapter 150 of Village Code was undertaken without 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.**

SECTION 2: That this ordinance shall be in full force and effect on January 1, 2021 after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Passed on second reading this _____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2020.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2020.

Sharon Kuderna, Village Clerk