

# **TOWN OF HARTLAND, VERMONT CONSTRUCTION PERMIT ORDINANCE**

## **1. Purpose and Authority**

The Town of Hartland administers various municipal programs and processes that require the Town to know about current building and construction activities occurring in the Town. These include, among other things, annual updates to the Town's grand list, approval of highway access permits, approval of permits for activities within flood hazard areas, and registration of addresses for 911 emergency response purposes.

The Selectboard finds that it is more equitable for all taxpayers when grand list property values include the value accruing from new construction and other improvements. The Selectboard also finds that it is detrimental to the public safety and welfare, generally inefficient, and typically more expensive to address compliance issues when building and construction activities come to the Town's attention after work has been commenced.

The purpose of this Ordinance is to create a permit program to inform the Town of new building and construction projects. This Ordinance is adopted under the authority granted in 24 V.S.A. §§2291(14) and (15) (Defining Public Nuisances); 19 V.S.A. §1111 (Permitted Use of Right-of-Way); 24 V.S.A. § 4424 (Flood Hazard Areas); 32 V.S.A. Chapter 129 (Tax Grand Lists); 30 V.S.A. Chapter 87 (Enhanced 911, Emergency Services); and 20 V.S.A. Ch. 1 (Emergency Management). This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

## **2. Construction Permit**

No new structure of any kind shall be constructed or installed in the Town of Hartland, nor shall any existing structure be altered or expanded unless a construction permit has been issued by the Town Manager or his/her designee. However, the construction or installation of a new structure, or the alteration or expansion of an existing structure, shall not require a construction permit if the new structure has a footprint of 100 square feet or less, or if the alteration or expansion of an existing structure results in an increase of the floor area or footprint of 100 square feet or less. For purposes of this Ordinance, structure shall mean any assembly of materials for occupancy or use, including but not limited to any building, mobile home or trailer, or swimming pool.

### **3. Permit Application**

A. The Town shall provide construction permit application forms approved by the Selectboard, which shall be completed by the owner of record of any real property upon which project construction will occur. The application forms shall include the name, address, and contact information of the property owner, the type, size and location of the project, and any other information about the project which the Town may deem necessary.

B. The application shall include a plot plan or sketch on one sheet of paper measuring no less than 8 ½" x 11" that depicts to scale the location of existing and proposed structures, the location of all utilities, adjoining public highways, property boundaries, and any rights-of-way that provide access to the property. The application shall contain such other information concerning the proposed project that is deemed necessary by the Selectboard for the purpose of this Ordinance.

C. The Selectboard may establish by resolution and may revise from time to time, a fee schedule for applications processed under this Ordinance.

### **4. Civil Penalty; Other Enforcement**

Any person who commences construction, installation, alteration, or expansion of any structure without a construction permit shall be subject to a civil penalty for each day that such violation continues. The Town Manager or his/her designee shall be authorized to act as an issuing municipal official to issue and pursue before the Vermont Judicial Bureau a municipal complaint, and to recover Civil Penalties and Waiver Fees in the following amounts for each violation:

	Civil Penalty	Waiver Fee
First Offense	\$100.00	\$ 60.00
Second Offense	\$250.00	\$150.00
Third Offense and Subsequent Offenses	\$500.00	\$300.00

Each day a violation continues shall constitute a separate violation. If the penalty for all continuing violations is greater than \$800.00, or injunctive relief is sought, the action shall be brought in the Criminal Division of the Superior Court.

### **5. Other Laws**

This Ordinance is in addition to all other ordinances of the Town of Hartland and all applicable laws of the State of Vermont.

**6. Severability**

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

**7. Effective Date**

This Ordinance shall become effective sixty (60) days after adoption by the Town of Hartland Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

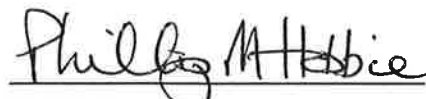
Adopted this 2<sup>nd</sup> day of August, 2021.

Town of Hartland Selectboard

  
Mary O'Brien, Chair

  
Gordon Richardson

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Martha McGlinn

  
Phil Hobbie

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Curtis Atkisson