

# TOWN OF RUTLAND PERMIT TRACKING ORDINANCE

## I. PURPOSE

The Town of Rutland (Town) administers a wide variety of regulatory programs for which the issuance of permits or other administrative action is required of the Town, including without limitation, 911 registration, subdivision of land, access to public highways, construction within flood hazard areas, excavation or installations within the public highway right of way, sewer allocation and connection, public water connection, and the construction of telecommunication facilities. Experience has shown that, in the absence of zoning, development often occurs without the landowner's realization that various permits or administrative action might be necessary for the activity undertaken. It is disadvantageous to the public health, safety and welfare, inefficient, , and frequently more expensive to address compliance issues after the fact that could have been avoided if the development project had come to the Town's attention before work commenced. The establishment of a permit program for development within the Town that is designed to ensure at the outset that the project receives all the requisite permits and administrative approvals would benefit the person undertaking development, as well as, the public health, safety and welfare. Therefore, the purpose of this Ordinance is to create an informational permit program for development within the Town of Rutland that serves to channel the construction project to the appropriate municipal authorities from whom a permit or other administrative action is required.

## II. AUTHORITY

This Ordinance is promulgated pursuant to 19 V.S.A. § 1111; 24 V.S.A. §§ 2291(3), (6), (15), (19), (22); 24 V.S.A. § 3315, 30 V.S.A. § 7056; 10 V.S.A., Chapter 32, and 24 V.S.A. § 4410 of the Vermont Planning and Development Act. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

## III. DEFINITIONS

1. "Building" means a structure having a roof (including an awning or other similar covering, whether or not permanent in nature) and used for the shelter or enclosure of persons, animals, equipment, or personal property.
2. "Informational Permit" means a written statement, issued by the Select Board of the Town of Rutland or its designee that establishes that the proposed construction project has obtained the necessary municipal permits and approvals.
3. "Permit officer" means the municipal officer designated by the Select Board to issue permits;
4. "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
5. "Structure" means an assembly of materials for occupancy or use, including but not limited to a building, mobile home or trailer, or swimming pool.

#### **IV. PERMIT REQUIRED**

1. No building or structure of any kind, whether business or residential, including but not limited to houses, outbuildings, retail and/or commercial structures, as well as an enlargement or addition that increases the footprint of an existing structure, shall hereafter be constructed or installed within the limits of the Town of Rutland unless an informational permit is first obtained from the Town permit officer.
2. An informational permit is required for the alteration of an existing building or structure that results in an increase in the number of bedrooms.

#### **V. EXEMPTIONS FROM PERMIT REQUIREMENT**

1. A building or structure with a floor area or foot print of less than 100 square feet.
2. A vertical expansion of an existing building or structure that is not accompanied by an increase of the foot print of building or structure or an increase in the number of bedrooms.

#### **VI. PERMIT ADMINISTRATION AND APPLICATION**

1. The Town shall provide application forms approved by the Select Board to be completed by the owners of all prospective construction projects, or their authorized agents, requesting informational permit approval.
2. The application forms shall contain questions pertaining to the name, address and contact information of the owner(s); type, size and location of the project; the existing regulatory permits and/or approvals to which the property is subject; new permit(s) and/or prior permitting at the site; and any other questions relative to the project which the Town may deem necessary.
3. The application shall include a general plot plan or sketch on one sheet of paper measuring no less than size 8 ½" x 11" that depicts the location of existing and proposed buildings and structures, the location of all utilities, wells, septic and replacement septic areas on the property; adjoining public highways; and any rights of way that provide access to the property.
4. The application shall contain such other information concerning the proposed construction project that the Select Board may determine from time to time in the exercise of its discretion to be appropriate to achieve the purposes of this Ordinance
5. The Select Board may establish, and may revise from time to time in the exercise of its discretion, a fee schedule for applications processed pursuant to this Ordinance.

#### **VII. ENFORCEMENT**

1. This Ordinance shall be enforced as provided by 24 V.S.A. § 1974a.
2. A civil penalty of not more than \$500 may be imposed for a violation of this Ordinance.

3. The permit officer or other issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this Ordinance:

First Violation \$200

Second Violation \$300

Third Violation \$400

Fourth and Subsequent Violations \$500

4. In lieu of the civil penalties provided in subsection B of this section, an issuing municipal official is authorized to recover a waiver fee in the following amount, from any person to whom a municipal complaint is issued, who declines to contest the municipal traffic complaint and pays the waiver fee:

First Violation \$100

Second Violation \$150

Third Violation \$200

Fourth and Subsequent Violations \$250

#### **VIII. SEVERABILITY**

The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any person or circumstances or within any part of the Town of Rutland is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

#### **IX. EFFECTIVE DATE**

This Ordinance shall become effective sixty (60) days after adoption as provided in 24 V.S.A. § 1972.

---