

CHAPTER 1

PROPERTY BOUNDARY BUILDING PERMIT

SECTION:

- 8-1-1: Permit Required
- 8-1-2: Application
- 8-1-3: Action On Application
- 8-1-4: Placement Of Permit
- 8-1-5: Stop Work Order And Fines
- 8-1-6: Validity, Suspension Or Revocation Of Permit

8-1-1: PERMIT REQUIRED:

Any owner or authorized agent who structure that will result in a change of the structure's horizontal placement on the ground or horizontal extension through the air shall be required to apply for a boundary permit prior to the commencement of work. Structures include buildings, fences, retaining walls and all other items whether permanent or temporary. The intent of this chapter is to ensure that construction or alteration of physical structures does not cause such structures to encroach on town property. (Ord. 50, 1-8-2009; amd. Ord. 80, 6-8-2023)

8-1-2: APPLICATION:

To obtain a permit, the applicant shall first file an application therefor, in writing, on a form furnished by the town for that purpose. Such application shall identify the work to be covered by the permit for which application is made; describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed work; be accompanied by construction documents and other information sufficient to determine the scale of the project; and be signed by the applicant or authorized agent. (Ord. 50, 1-8-2009)

8-1-3: ACTION ON APPLICATION:

Action on Application: The town council or other appointed individual shall examine or cause to be examined applications for permits and amendments thereto within

September 2023

a reasonable time after filing. If the application and construction documents do not sufficiently indicate that the construction, enlargement, alteration or movement of any structure will not encroach on property belonging to the town, the town shall reject such application, in writing, specifically describing the encroachment, and the project shall not commence until information satisfactory to the town is supplied indicating that the construction, enlargement, alteration or movement of any structure will not encroach on property belonging to the town. Otherwise, the town shall issue a permit for the project as soon as practicable. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred and eighty (180) days after the date of filing, unless such application has been pursued in good faith, in which case the town may grant extension for additional periods not exceeding ninety (90) days each upon written request showing justifiable cause. If for any reason the town public works director cannot define the property line for the purpose of the permit a legal survey will be required at property owners' expense prior to approval of application. (Ord. 50, 1-8-2009; amd. Ord. 80, 6-8-2023)

8-1-4: PLACEMENT OF PERMIT:

The boundary permit or copy shall be kept on the site of the work until the completion of the project. (Ord. 50, 1-8-2009; amd. Ord. 80, 6-8-2023)

8-1-5: STOP WORK ORDER AND FINES:

Stop work orders will be issued if any violation of the permit as applied for is found by the town or appointed official or as a result of complaint from any bona fide citizen of the town or if there is no application on file at time of construction. A misdemeanor fine of up to one hundred dollars (\$100.00) for a first offense and two hundred dollars (\$200.00) until all corrections are made. (Ord. 50, 1-8-2009; amd. Ord. 6-8-2023)

8-1-6: VALIDITY, SUSPENSION OR REVOCATION OF PERMIT:

The issuance of a permit based upon information given in the application shall not prevent the town from suspending or revoking a permit issued under the provisions of this chapter and halting the project itself if at any time said construction, enlargement, or movement of a structure is deemed to be an encroachment upon property belonging to the town. (Ord. 50, 1-8-2009)