

	<b>HISTORIC PRESERVATION COMMISSION AGENDA ITEM EXECUTIVE SUMMARY</b>			
	<b>Agenda Item Title/Address:</b>	Discussion Regarding COA Enforcement		
	<b>Proposal:</b>			
	<b>Petitioner:</b>	City of St. Charles		
<b>Please check appropriate box (x)</b>				
	<b>PUBLIC HEARING</b>		<b>MEETING 2/6/19</b>	<b>X</b>
<b>AGENDA ITEM CATEGORY:</b>				
	Certificate of Appropriateness (COA)		Façade Improvement Plan	
	Preliminary Review		Landmark/District Designation	
X	Discussion Item		Commission Business	
<b>ATTACHMENTS:</b>				
Conditions Page				
City Code Sections				
Code Violation Process				
<b>EXECUTIVE SUMMARY:</b>				
<p>At the meeting on 1/16/19, the Commission requested info on the enforcement process for COAs.</p> <ol style="list-style-type: none"> <li><b>1. Non-Compliance with an Approved COA:</b> When a COA is applied for and approved, the City has the applicant and Commission Chairman sign a terms and conditions sheet. This sheet holds the applicant accountable to perform only the work specified in the approval. If the applicant goes further than the approved scope, the Commission has the right to have the applicant put back what was removed in the most appropriate possible way. The City has the ability to issue a “stop work” order if appropriate. See the attached “Conditions of Approval” section of the COA form.</li> <li><b>2. Work without a permit (and therefore no COA):</b> A COA approval is required for all building permits in the Historic District or for landmarked structures. If work has been started without a COA, it was also started without a permit. In this case, the City will enforce the Code Violation Process, which could include fines and/or court. If fines are assessed, a lien can be placed on the property. If an applicant does not follow a COA approval, then they have not complied with the conditions of a building permit, and the same process would be followed.</li> </ol>				
<b>RECOMMENDATION / SUGGESTED ACTION:</b>				

## **City Code Sections**

### **Chapter 15 of the City Code “Building and Construction”:**

*This applies to work done without a permit. It is enforced through the Building and Code Department.*

**105.9 Failure to Obtain a Permit.** If any person commences any work on a building or structure before obtaining the necessary permit from the, Building and Code Enforcement Division, he shall be subject to the penalty prescribed in this chapter. Where work is commenced before a permit is obtained, the permit fees set forth in Section 15.101.150 shall be doubled.

#### **Section 114: Amend paragraph 114.4 “Violation Penalties” to read as follows:**

**114.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to a fine of not less than fifty dollars nor more than seven hundred fifty dollars. Each day that a violation continues shall be deemed a separate violation. The imposition of a fine shall not preclude the Building Official from instituting appropriate legal action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

### **Chapter 17 of the City Code “Zoning”:**

*Historic Preservation is a part of the Zoning Ordinance and therefor the enforcement section of the Zoning Ordinance also applies to Historic Preservation.*

#### **17.04.180 Enforcement**

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Title, shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than seven hundred fifty dollars (\$750) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.  
(Ord. 1993-Z-20 § 1 (part); Ord. 1981-Z-6 § 1 (part).)

***THIS PAGE IS TO BE FILLED OUT AT THE HISTORIC COMMISSION MEETING***

**HISTORIC COMMISSION APPROVAL:**

The Historic Preservation Commission hereby issues a Certificate of Appropriateness (COA) authorizing the issuance of a building permit for the proposed work in accordance with the attached plans and any approval conditions, if attached hereto.

\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Date

**Approved:**

- As presented
- Subject to conditions below
- Complete project scope only  
(all elements must be included)

**CONDITIONS OF APPROVAL**

**Project Specific Conditions:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**General Conditions:**

1. The person signing this form is responsible for communicating the Terms and Conditions listed herein to all contractors for the project.
2. Design, materials and construction methods shall be as shown on the COA, either in the conditions or on the attached plans.
3. The COA approval is limited to the scope of work documented in the plans.
4. No visible or concealed structural elements or historic features may be modified or removed unless identified in the COA approval.
5. Any historic materials that are inadvertently lost or damaged during construction without COA approval must be replaced to the preconstruction condition at the expense of the owner.

**What to do if you encounter unforeseen issues during construction, or if a change to the project is being considered:**

1. Stop work until a revised COA approval is received. Do not discard any materials- All materials must be stored on site until a new COA review is conducted.
2. Contact the City of St. Charles Community Development Division immediately- 630-377-4443. City staff can contact the Historic Preservation Commission Chairman to seek direction. If the issue is of an urgent nature, a special commission meeting can be scheduled at the discretion of the Chairman. The Historic Commission can meet with a minimum of 48 hour notice.
3. Removal of structural elements or historic features without a COA approval is only permitted where the City has determined there is an imminent safety risk. This determination must be made by the City's Building and Code Enforcement Division- 630-377-4406.
4. In the event that any structural elements or historic features must be, or have been removed or dismantled for safety reasons:
  - a. Any deterioration of structural elements or historic features shall be documented by physical or photographic evidence.
  - b. All materials shall be stored on site until a COA review is conducted – do not discard any materials.

**APPLICANT/AUTHORIZED AGENT SIGNATURE**

I agree that all work shall be in accordance with the plans, specifications and conditions which accompany this application, and I have read and understand the Historic Preservation COA General and Project Specific Conditions.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***If you have any questions on the information listed above, contact the Community Development Division at 630-377-4443.***

# City of St. Charles Code Violation Process

## Phase I Discovery



City staff is notified of potential code violation



City staff performs inspection of potential violation



City staff sends notification that a code violation has been found



If issue is not adequately addressed or property owner doesn't respond a summons is issued



City staff determines there is no evidence of a violation

## Phase II Remediation



Property owner requests extension to address concern



Pre-Prosecution Hearing - to try and resolve issues before going to administrative hearing



Administrative Adjudication hearing



Property owner has 30 days to comply with adjudication decision or appeal



If property owner does not comply then fines could be assessed



Circuit court is available if property owner decides to appeal



Found not in violation by adjudication

## Phase III Issue Resolved



Property Owner contacted staff and requested extension and was able to rectify concerns



Property owner able to address concerns after Pre-Prosecution hearing



Property owner was able to address concerns after administrative adjudication hearing



Violations that remain unresolved may result in liens being placed on the property



CITY OF  
ST. CHARLES

∞ ILLINOIS • SINCE 1834 ∞

BUILDING & CODE ENFORCEMENT DIVISION  
PHONE: 630-377-4406