

ORIGINAL ORDINANCE NO.: 1991
ENROLLED ORDINANCE NO.: 1757

INTRODUCED BY: MCKINNEY

AN ORDINANCE AMENDING LMC CHAPTER 15.24 REGARDING BUILDING AND FIRE CODE VIOLATIONS, PENALTIES AND ENFORCEMENT; TO ESTABLISH CITATION AUTHORITY, FINES, AND PERMIT AND LICENSE CRITERIA.

WHEREAS, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which lists as one of its recommendations to create a unified development code that would combine the zoning and subdivision ordinances in into a single, unified document consisting of multiple parts or sections, including administrative procedures, zoning, subdivision regulations and improvement standards;

WHEREAS, on June 22, 2009 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of the Unified Development Code subject to modifications;

WHEREAS, on March 2, 2010, the City Council adopted the Unified Development Code with an effective date of July 1, 2010;

WHEREAS, 15.02.050 of the Laramie Municipal Code (LMC) calls for the Unified Development Code to be amended from time to time so as to become or remain consistent with the Comprehensive Plan, and should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law;

WHEREAS, on October 22, 2018, the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of amendment to the Laramie Municipal Code as shown in this ordinance; and

WHEREAS, the need for citation authority and clear penalties for building codes has been identified by City Officials, including the Fire Marshal, Building Inspectors and Building Official; and

WHEREAS, the Laramie City Council held a public hearing on November 20, 2018 to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1. That LMC 15.24.000.C is amended to read as follows:

“ **Violation, penalty, and enforcement** Enforcement.

1. **Purpose**

The city council finds that the enforcement of the municipal code and applicable building and fire codes throughout the city is vital to the public’s health, safety and quality of life, and depends upon effective judicial and/or administrative enforcement.

1-2. General penalty

Any person or entity violating the provisions of this Chapter may be prosecuted and punished pursuant to Chapter 1.28 of this Code and/or pursuant to a citation issued under this Chapter, and may also be subject to judicial action to compel compliance with this Chapter. (~~Ord. 497 § 5(a), 1976; Ord. 1734 § 2, 2017~~).

3. Citation Authority

- a. Pursuant to Wyoming statutes, Council hereby appoints special municipal officers, to be specifically designated by the City Manager by name or position, to issue citations into Municipal Court for the purpose of enforcing violations of this Chapter of the Municipal Code. These special municipal officers are not peace officers and are subject to the rights and restrictions set out in Wyoming Statutes.
- b. Persons or entities violating provisions of this Chapter are subject to, along with any other applicable penalties or remedies, citations into Municipal Court bearing the following fines, exclusive of court costs and other fees:

c.

<u>Code Citation</u>	<u>Event</u>	<u>Fine</u>
<u>15.24.000.D</u>	<u>Work without a permit (1st offense)</u>	<u>\$50</u>
<u>15.24.000.D</u>	<u>Work without a permit (2nd offense within 5 years of first offense)</u>	<u>\$250</u>
<u>15.24.000.D</u>	<u>Work without a permit (3rd offense and all other repeat offenses within 5 years of first offense)</u>	<u>\$750</u>
<u>15.24.000.E</u>	<u>Work without a license (1st Offense)</u>	<u>\$250</u>
<u>15.24.000.E</u>	<u>Work without a license (2nd Offense within 5 years of first offense)</u>	<u>\$500</u>
<u>15.24.000.E</u>	<u>Work without a license (3rd and all other repeat offenses within 5 years of first offense)</u>	<u>\$750</u>
<u>15.24.040</u>	<u>International Fire Code violation</u>	<u>\$500</u>
<u>15.24</u>	<u>Other violations of this chapter</u>	<u>\$250</u>

Section 2. That LMC 15.24.000.D is created to read as follows:

“Permits Required.

- 1. No person or entity may commence any work, or allow any work to begin on premises owned or controlled by that person or entity, before obtaining all permits required under

this Chapter. Permits are a privilege, good for the period issued, and may be revoked or suspended for cause.

2. No person or entity or entity whose agents are guilty of 3 violations of working without a permit in any 12-month period shall be eligible for another permit for 6 months following the last violation, and existing permits shall be deemed revoked. A person or entity may appeal that permit denial to the Building and Fire Code Board of Appeals, whose decision is final, and which may authorize the issuance of a permit with conditions.”

Section 3. That LMC 15.24.000.E is created to read as follows:

“Licenses Required

1. No person or entity may commence any work, or allow any work to begin on premises owned or controlled by that person or entity, before obtaining all licenses required under this Chapter. Licenses are a privilege, good for the period issued, and may be revoked or suspended for cause.
2. No person or entity or entity whose agents are guilty of 3 violations of working without a license in any 12-month period shall be eligible for another license for 6 months following the last violation, and existing licenses shall be deemed revoked. A person or entity may appeal that license denial to the Building and Fire Code Board of Appeals, whose decision is final, and which may authorize the issuance of a permit with conditions.

Section 4. That LMC 15.24.040.A.6 is amended to read as follows: “**Section 109.3 amended—Notice of violation.** When the fire code official finds a building, premises, vehicle, storage, facility or outdoor area that is in violation of this code, the fire code official or designee is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection. If the violation is an immediate life safety hazard, including but not limited to overcrowding or an obstructed egress pathway, the fire code official or designee may ~~request a sworn police officer to~~ issue a written citation of violation for non-compliance, in addition to any other action, permitted under this code by the fire code official or designee. (Ord. 1507 § 3, 2007, Ord. 1626 § 1, 2012).”

Section 5. That LMC 15.24.040.A.7 is amended to read as follows: “**Section 109.4 amended—Violation penalties.** Section 109.4 is amended to read as follows: Persons who shall violate a provision of this code or shall fail to comply with any the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable ~~by a fine not less than fifty dollars nor more than seven hundred fifty dollars in~~ accordance with ~~Chapter 1.28 of the~~ **Subsection 15.24.000.C** of Laramie municipal code. ~~Each day that a violation continues shall be deemed a separate offense.~~ (Ord. 1466 § 107, 2005, Ord. 1626 § 1, 2012).”

Section 6. That LMC 15.24.040.A.23 is amended to read as follows: “**Appeals.** In cases where the fire chief disapproves an application, refuses to grant a permit, or determines that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code has been misconstrued or wrongly interpreted, such action on behalf of the fire chief may be appealed to the ~~city manager~~ **Building and Fire Code Board of Appeals** within fifteen days of the day upon which the action has been taken. (Ord. 1466 § 125, 2005, Ord. 1626

§ 1, 2012)

Section 7. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 4th day of December, 2018.



Andi Summerville, Mayor and President of the City Council

Attest:



Nancy Bartholomew
City Clerk

First Reading: November 7, 2018

Public Hearing: November 20, 2018

Second Reading: November 20, 2018

Third Reading and Final Action: December 4, 2018

Duly published in the Laramie Boomerang this 7th day of December 2018.