



Notice of Ordinance Violation

July 22, 2019

HERITAGE GARDENS OF SPRINGVILLE UTAH LLC
321 E 800 SOUTH,
SPRINGVILLE, UT 84663

Dear Mr. and Mrs. Vom Dorp,

Springville City Community Development received a complaint regarding property under your ownership located at approximately 321 E 800 SOUTH – Springville, Utah (Utah County Serial Number; 260320103). The complaint was regarding the illegal and un-permitted construction of an addition to the building on the property and working against an official Stop Work Order issued by Springville City's Building Department.

The City of Springville works hard to maintain a clean, attractive and safe community, which is greatly valued by our citizens. In an effort to help keep our community clean, attractive and safe, we occasionally need to contact property and/or business owners about possible violations of the City's Municipal Code(s).

A Stop Work Order was issued previously on January 31, 2019 for construction work being done without required permits applied for, approved and obtained prior to the commencement of the work; and work being done by unlicensed professionals which Utah State Construction law requires that all work being done to commercial properties must be done by licensed contractors and certified professionals.

A call was received recently from the State Fire Marshall notifying Springville city that there was construction work being done again on the building, an investigation was conducted and it was found that the original Stop Work Order was removed and employees hired by the Owners of Heritage Gardens of Springville Utah LLC were continuing construction work on the illegal, un-permitted addition to the building. No permits have ever been applied for with the Building Department and employees stated that they were told by the owners that they did not need building permits for the construction work being done. A second Stop Work Order was posted



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on: July 17, 2019 replacing the original that had been removed. Based on our investigation the violations of State Building Codes have not been corrected. ***This citation and notice of ordinance violation is being issued for violation of State Construction and Municipal codes, and to inform you that the case has been forwarded to the City Prosecutor for further action.***

Based on an investigation, the property and/or business owners violated these Utah State Construction and Springville City Codes(s);

Utah State Building Code

Section 105 – Permits

[A] 105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Section 114 – Violations

[A] 114.1 Unlawful Acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Section 115 – Stop Work Order

[A] 115.3 Unlawful Continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Springville City Code

12-2-113 Nuisance – Definition.

(1) General Definitions of Nuisance. Any activity that meets any one or more of the five (5) definitions set forth below shall constitute a "nuisance" if it occurs within the City of Springville:



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- (a) Nuisance as Defined in U.C.A. §78-38-1(1). Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of Property, so as to interfere with the comfortable enjoyment of life or Property.
- (2) Nuisances Enumerated. Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six (6) listed nuisances are also listed as nuisances pursuant to U.C.A. §78-38-9:
- (y) **Improper Maintenance.** Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:
- (i) any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located; or*
 - (ii) any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or Premise(s) in violation of City ordinances; or*
 - (iii) buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. "An unreasonable state of partial construction" is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or*
 - (iv) buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair; or*
 - (v) buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass; or*





- (vi) building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
- (vii) buildings or conditions that violate any building, electrical, plumbing, fire, housing or other code adopted by the City.***

12-2-115 Responsibility for Nuisances.

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this ordinance. Every successive owner or tenant of a Property or Premise(s) who fails to abate a continuing nuisance upon or in the use of such Property or Premise(s) caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

The role of Springville City Code Enforcement is to inform and Cite Springville citizen's and/or business owners of such violation(s). You are receiving this letter in accordance with Springville's Code Enforcement Policy.

The Citation accompanying this Notice of Violation is for violating State Construction and Municipal Codes referenced above.

In order to avoid further citations and come into compliance:

- **You must apply for and obtain a building permit for the illegally, un-permitted construction work done to the building on the property.**
- **You must not remove the Stop Work Orders posted, or work against them.**
- **You must hire a licensed general contractor to do the construction work on the building as per State construction code requirements.**

Springville is asking you to please bring your properties into compliance. Should you have any questions regarding this matter, please feel free to contact Code Enforcement at 801-491-7886. For more information on Springville's Municipal Codes, please visit Springville City's website at



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www.springville.org. Springville appreciates your assistance in maintaining Springville City as a great place to live. Thank you for your cooperation concerning this matter.

Sincerely,

James W.

Springville City

Community Development Department

Code Enforcement

Phone: 801-491-7886

codeenforcement@springville.org



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