

McMinn County Libertarian Party
Position Paper
Building Permit Program

Summary: The McMinn County Libertarian Party is for keeping McMinn citizens free from the requirement of obtaining permission from County Government to build on their own property.

Some, from both within and outside of government, are now calling for the regulation of the private property of our citizens. Two reasons are often given for such regulation. The first is that a few McMinn County homes have been built in flood prone areas and those property owners can not obtain flood insurance from the federally operated National Flood Insurance Program (NFIP) because that agency will not issue policies in areas which do not have a building permit program. The second reason is because County Government would better be able to prevent what is commonly referred to as illegal subdivisions.

Many property owners are opposed to subjecting themselves to more regulation than currently exists. These individuals are in fear that once such a program is implemented, the requirements for permits, inspections, and flood insurance will only expand.

The founders of our nation often used the term life, liberty, and the pursuit of happiness. This phrase was changed from John Locke's life, liberty, and property. Colonial Americans realized anyone who was willing to work was capable of obtaining property since it was so abundant in the new world, and so the phrase was changed to pursuit of happiness in order that it would be more encompassing. Those opposed to being forced to ask for a permit to build on their own property consider it a violation of their right to own property.

If a citizen owns his own property, the government is no more entitled to force that citizen to seek permission to change, alter, or construct upon his property than the government would be to force the citizen to have a suit of clothes altered. Once the government has obtained authority to tell citizens what they can and cannot do with their property, the citizen no longer is the sole owner of that property.

If the case for a building permit program is to enable residents to obtain flood insurance, it seems rather extreme to force the entire county to accept such control over their property. Just as the wise man built his house on the rock and the foolish on the sand, residents have chosen where to live. It is totally unfair to those who made the wise choice of not building in a flood plain to be expected to suffer through the anguish of asking for permission to use their property as they see fit.

If the case for a building permit program is to prevent persons from building in illegal subdivisions then it is extreme to force all of those who have the sense to build on an existing County road to obtain permits in order to protect those few who attempt to save a few dollars by building on a privately owned road.

Thomas Jefferson stated "The natural progress of things is for liberty to yield and government to gain ground." The record of other communities which have developed building permit programs clearly demonstrates this to be true. Although the program threatens minimal regulation now, history has shown that it will not take long for a large bureaucracy to develop.

Most local authorities require a building permit for the following projects:¹

- Replacing a roof
- Building a deck
- Adding rooms
- Installing new siding
- Replacing an electric stove with a gas model
- Replacing plumbing fixtures
- Building a retaining wall
- Constructing a new driveway
- Building a fence

Some building permit programs go much further. Cincinnati requires a \$60 permit fee for replacing a window, and \$200 for erecting a flag pole.² Dana Point, California requires payment of 1.8% for permit and inspection fees for any construction or remodeling - building a \$20,000 addition onto one's house would cost \$360.³

In conclusion we feel the minimum advantage which could possibly come from a County permit program is greatly outweighed by the damage it would do to the property rights of the vast majority of citizens.

1. <http://homeadvisor.msn.com/improve/checklists/knowwhenyounneedpermit.asp>

2. http://enquirer.com/editions/2000/09/16/loc_city_asked_to_reduce.html

3. <http://www.danapoint.org/permitsfees/FeeSchedule/building.htm>