

**ORDINANCE NO. 2015-18
(AS AMENDED)**

**AN ORDINANCE
AMENDING CHAPTER 1305 AND SECTION 1313.06 OF
THE CODIFIED ORDINANCES OF THE VILLAGE OF
WAITE HILL, OHIO, TO REVISE CERTAIN
ADMINISTRATIVE PROVISIONS OF THE VILLAGE'S
BUILDING CODE, REPEALING CERTAIN ORDINANCES,
AND DECLARING AN EMERGENCY.**

WHEREAS, the Village desires to restate and amend the fees and deposits which are charged and collected by the Village for the processing of zoning applications, building inspections by Village officials, and other costs of reviewing and approving projects to assure compliance with the Village's Zoning and Building Codes; and

WHEREAS, the fees set forth in this chapter are intended to pay for the Village's costs of reviewing construction projects, including but not limited to the costs of operating an Architectural Board, a Planning and Zoning Commission and a Board of Zoning Appeals, and for the Village's costs of inspection that are required under the Village's codes; and

WHEREAS, the deposits required in this chapter are intended to secure the payment of the actual costs for having professionals advise the Village on the application of the Village's codes to specific projects, and to ensure that Village infrastructure facilities are not damaged by construction traffic related to a building project in the Village; and

WHEREAS, Council finds and determines that the fees and deposits set forth in this ordinance are necessary and reasonable in order to defray certain costs of government which are incurred by review and approval of improvements of private property, and should therefore be borne by the private property owner rather than the Village's taxpayers, generally.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That existing Chapter 1305, "Permits, Plans and Numbering Buildings" of the Codified Ordinances of the Village of Waite Hill is amended as follows:

**"CHAPTER 1305
Administration**

1305.01 PURPOSES.

(a) Building Code Administration. The Village contracts with the Lake County Building Department for building inspection and administrative services as set forth in Chapter 1309 of the Codified Ordinances. The purpose of this Chapter is to set forth the regulations and procedures to ensure that the construction projects in the Village are reviewed and inspected in a manner that advances the health, safety and welfare of the property owners of the Village of Waite Hill.

(b) Fees. The fees set forth in this chapter are intended to pay for the Village's costs of reviewing construction projects and to assure compliance with the zoning and building codes. The Village's costs include but are not limited to the costs of operating an Architectural Board, a Planning and Zoning Commission and a Board of Zoning Appeals, and time spent by Village employees in furtherance of coordinating review, approval and inspection activities.

(c) Deposits. The deposits required in this chapter are intended to secure the payment of the actual costs of the Village for having professionals advise the Village on the application of the Village's codes to specific projects, to conduct inspections on behalf of the Village, and to ensure that Village infrastructure facilities are not damaged by construction traffic related to a building project in the Village, or if such damage occurs it will be paid for by the person responsible for the damage.

1305.02 VILLAGE ZONING/BUILDING FEE.

(a) At the time of the filing of an application for a Zoning Certificate for the construction, repair, alteration, remodeling or modification of a building, the applicant shall pay the following fees to the Village Clerk-Treasurer:

<u>Project</u>	<u>Fee</u>
Construction of a new residence	\$3,500
Exterior remodeling of a residence or accessory building (substantial)	\$2,000
Construction of a new accessory structure (except a shed or fence)	\$1,500
Exterior remodeling of a residence or accessory building (minor)	\$500
Erection of a new or replacement shed or fence	\$250
Any project which requires a variance to be granted by the Board of Zoning Appeals	\$750

(b) The Village's fees shall be in addition to any fee required by Lake County Building Department for inspections performed by the Lake County Building Department pursuant to Chapter 1309 of the Codified Ordinances. Fees shall not be refunded except that in the event a project is abandoned, as defined below, fifty percent (50%) of the fee shall be refunded upon the request of the property owner. For the purposes of this section a project is "abandoned" if:

- (1) Plans have been approved and a permit has been issued; and
- (2) The appropriate fee is paid; and
- (3) Construction of the project is not commenced within a year; and
- (4) The permit has expired and the permit has not been renewed.

(c) The Village's fees shall be used for the inspections called for in Section 1305.05(a) and (b).

(d) For purposes of this Chapter:

(1) A “substantial” remodeling of a residence or accessory building occurs when architectural features such as windows, doors or roofs are relocated or the footprint of the residence or accessory structure is increased by more than five percent (5%).

(2) A “minor” remodeling of a residence or accessory building occurs when there is a visible and material change to the appearance of building (other than routine maintenance), and architectural features of the building are not relocated and the footprint of the building is not increased by more than five percent (5%).

(3) A “shed” is any accessory building that is less than two hundred (200) square feet.

1305.03 DEPOSIT FOR DEVELOPMENT PLAN APPROVAL OR VARIANCE.

(a) In addition to the fee provided in Section 1305.02, any person requesting development plan approval shall also make the following deposit(s) with the Clerk-Treasurer at the time of filing the application for approval,:

<u>Project</u>	<u>Deposit</u>
Residential development (less than 5 units)	\$20,000
Residential development (5 or more units)	\$5,000/unit, up to \$50,000

(b) In addition to the fee provided in Section 1305.02, any person requesting a variance shall deposit \$2,500 with the Clerk-Treasurer.

(c) The deposits made pursuant to this Section shall be subject to the provisions of Section 1305.05(d)(3).

1305.04 DEPOSIT FOR ZONING APPROVAL AND INSPECTION, AND VILLAGE INFRASTRUCTURE SECURITY DEPOSIT.

(a) Except as provided in subsection (b) of this section, any person who has obtained approval to construct a new residence or accessory structure shall deposit the following amounts with the Clerk-Treasurer at the time a building permit is obtained:

<u>Project</u>	<u>Deposit</u>
New Residence	\$7,500
New Accessory Structure or the Remodel of a Residence or an Accessory Structure	10% of estimated project cost, with a minimum deposit of \$1,000 and a maximum deposit of \$7,500

(b) The following projects shall be exempt from the deposit requirement, set forth in subsection (a) above:

- (1) Fences;
- (2) Sheds, as defined in Section 1305.02; or
- (3) Any building or structure that does not require a foundation or footer.

(c) The deposits made pursuant to this Section shall be subject to the provisions of Section 1305.05.

1305.05 DISPOSITION OF DEPOSITS.

- (a) Deposits made pursuant to Section 1305.03 or 1305.04 shall be used as follows:
- (1) To pay professionals engaged by the Village to advise Village officials or to conduct re-inspections on behalf of the Village, pursuant to Section 1305.06(d). The professionals shall be paid at a rate agreed upon by the Village for services which are provided to the Village.
 - (2) To secure the repair of Village infrastructure (e.g. any road, bridge or culvert) which is damaged by any party who is delivering materials to or performing work on the construction project for which the deposit is made.
- (b) In the event that the professional fees or infrastructure repair costs incurred by the Village exceed fifty percent (50%) of the deposit, the owner or owner's agent shall be required to deposit additional funds necessary to maintain the original amount of the deposit until the work is completed. If the owner or his or her agent refuses to maintain such deposit, the Zoning Administrator, in conjunction with the Lake County Building Department, shall suspend the building permit issued in connection with the work or operation until the deposit is restored to its full original balance.
- (c) Upon completion of the work or operation, the owner or the owner's agent shall be refunded that portion of the deposit which has not been used for the purposes set forth in this section.

1305.06 INSPECTIONS.

- (a) After the construction of the foundation of a building, no person shall perform work on the premises subject to a building permit until the Village Engineer approves the location and elevation of the foundation and notes the same on the building permit.
- (b) Architectural inspections shall occur:
- (1) At the time the building is framed, to determine that windows, doors and other architectural features are built and located pursuant to approved plans.
 - (2) At the time the house is completed, to determine that the materials used on the building are as approved by the Architectural Board of Review.
- (c) It shall be the responsibility of the permit holder to contact the Village Clerk to arrange for the inspections required by this section in a timely manner.
- (d) In the event the inspections called for in this Section reveal work which does not comport with the approved plans, the work shall be corrected and shall be subject to re-inspection. The cost of any re-inspection shall be deducted from the deposit that has been made for such purpose.
- (e) Any person violating section (a) shall be guilty of a minor misdemeanor and shall be fined up to one hundred fifty dollars (\$150.00).

1305.07 EXPIRATION OF PERMITS; EXTENSION; RENEWAL.

- (a) A building permit issued pursuant to this chapter shall expire by time limitation under the following conditions:
- (1) If no work under the permit is commenced within one year after the issuance of the permit;
 - (2) If, after work has been commenced, there is a cessation of work for one hundred twenty days, in which case, upon notice from the Building Inspector, which notice may be posted upon the premises, the permit shall expire; or

- (3) If, after work has been commenced, all work to be performed under the permit is not completed within twenty-four months after issuance of the permit.
- (b) A person may obtain a one-time six-month extension of an unexpired permit upon a showing, satisfactory to the Planning and Zoning Commission, that work on the project will be completed within the extension period. No fee will be charged by the Village for this extension.
- (c) A permit which has been expired for a period of six months or less may be renewed for a period to be determined by the Planning and Zoning Commission, upon a showing, satisfactory to the Planning and Zoning Commission, that work on the project will be completed within the extension period, provided no changes have been made in the original plans and specifications for such work. The renewal fee shall be one half the amount of the fee required for a new permit. Permits which have been expired for greater than six months shall require a new application and payment of the full permit fee.
- (d) If work on any building or structure is not completed pursuant to the permit provisions contained herein, the Village, by and through the Law Director at the direction of the Mayor, may seek relief under Chapter 1311 of this Building Code.
- (e) In the event that a building permit has expired pursuant to this section, the project shall be subject to review for zoning compliance, pursuant to the zoning certificate expiration provisions of Section 1125.03 of the Codified Ordinances.

1305.08 BUILDING NUMBERING SYSTEM; PENALTY.

- (a) The house and building numbering system prepared for the Village of Waite Hill, the Map of which is on file in the office of the Chief of Police, at the Village Hall, is hereby adopted and such Map shall remain on file at all times.
- (b) Each owner or occupant of a building which has been assigned a house or building number as set forth on such Map, shall cause such number to be displayed upon the front entrance of such house or building, or at the street or drive to such house or building, so as to be readily distinguishable at a distance of not less than fifty feet from the improved portion of the street upon which such house or building fronts.
- (c) Whoever violates subsection (b) hereof, shall be deemed guilty of a minor misdemeanor, and upon conviction, fined not more than one hundred fifty dollars (\$150.00), and costs.”

SECTION 2. That existing Section 1313.06 of the Codified Ordinances of the Village of Waite Hill is hereby amended to read as follows:

“1313.06 INSPECTIONS.

Inspections shall be made as provided in Section 1305.04.”

SECTION 3. That existing Chapter 1305, existing Section 1313.06, and existing Section 135.07 of the Codified Ordinances of Waite Hill, Ohio, and any ordinances in conflict herewith, are repealed.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance

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with all legal requirements including Chapter 107 of the Codified Ordinances of the Village of Waite Hill.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2016

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2016

Approved by the Mayor

ATTEST:

_____, 2016

Clerk-Treasurer

Mayor