

1<sup>st</sup> reading  
2<sup>nd</sup> reading  
3<sup>rd</sup> reading  
Voted On  
Ayes: 7  
Nays: 0  
PASSED ☒ DEFEATED ☐

11-7-18  
11-14-18  
12-5-18

10/15/2018

## ORDINANCE NO. 2018-38

### AN ORDINANCE AMENDING SECTION 1327.01 OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO RESTATE THE DEPOSIT REQUIREMENT FOR PROFESSIONAL FEES, RATIFYING PRIOR ACTIONS TAKEN IN ACCORDANCE WITH THE ESTABLISHED POLICY OF THE VILLAGE AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously amended Chapter 1327 of the Codified Ordinances to take the building department deposit and fee schedules out of the Codified Ordinances and established a practice of adopting amounts of the deposits and fees by motion; and

WHEREAS, the professional fee deposit was maintained as a part of the adopted fee schedule; and

WHEREAS, Council desires to re-codify deposit requirements and to ratify the prior actions of the Village administration in applying such deposit requirements in accordance with established policies, which were incorporated in the fee schedule pursuant to the prior version of Section 1327.01.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Sections 1327.01, "Deposits Required for Expense of Consultants, Inspections and Other Expenses in Building and/or Zoning Matters," of the Codified Ordinances of Orange Village, be and the same hereby is amended to read and provide, in its entirety, as follows:

#### **~~"1327.01 PERMITS AND FEES AND DEPOSITS REQUIRED BY BUILDING CODE FOR EXPENSES OF CONSULTANTS, INSPECTIONS AND OTHER VILLAGE EXPENSES IN ADMINISTERING BUILDING AND/OR ZONING MATTERS.~~**

(a) Permit Fees. Applicants for the permits required by this Building Code shall, at the time of issuance, pay such fees as have been established by motion of Council. The current Residential and Non-Residential Fee Schedules shall be kept on file in the Building Department.

(b) Professional Fees and Other Expenses; Deposits.

(1) Professional Fee Deposit Required. When a property owner or agent for a property owner files a building and/or Zoning application or presents a formal request to council or the Village Planning and Zoning Commission, funds shall be deposited with the Treasurer as a Professional Fee Deposit to pay for the professional fees and all other expenses incurred by the Village in administering the laws of the Village to permit the proposed project. The professional fees of Engineer, the Village Planning consultant, the Village Architect, the Village Law Director, the Village Plans Examiner, inspectors and/or any other consultants required by the Mayor, Council or the Planning and Zoning Commission, or any other Village official shall be paid out of these

deposits. Any other expenses that shall be incurred by the Village in consideration of such application, petition, request or appeal, and in the continued review of construction, revisions to the plans, or other administrative expenses incurred by the Village in administering the zoning and building codes of the Village shall be paid out of the Professional Fee Deposit. The initial Professional Fee Deposit shall be in an amount that is been established by motion of Council. The current Residential and Non-Residential Professional Fee Deposit Schedules shall be kept on file in the Building Department with the approved Permit Fees.

(2) Failure to Make Deposit. No formal application, petition or appeal shall be considered by the Village Council or any Village Board or Commission until all required fees and deposits have been received by the Treasurer.

(3) Payment of Expenses; Replenishment of Deposit. All professional fees and other expenses incurred by the Village in considering such requests shall be paid from the funds deposited with the Treasurer pursuant to this section. If the Professional Fee Deposit is expended by the Village, then the Treasurer shall request, and the applicant shall make, an additional deposit equal to the amount originally deposited, unless the Mayor permits a lesser deposit because the project is nearing completion.

(4) Failure to Replenish Deposit. Upon a failure of an Applicant to replenish the Professional Fee Deposit, as required by the prior section of this ordinance, Council or the Planning and Zoning Commission may dismiss or indefinitely defer consideration of any request, petition, application or appeal, and the Building Commissioner may stop work on any project under construction for which the Professional Fee Deposit is required.

(5) Refund of Unused Deposit. All Professional Fee Deposits that are not expended shall be returned to the applicant, upon the request of the applicant, provided that the Building Department has closed out the project and determined that no further professional fees or other expenses remain to be paid.”


SECTION 2. That existing Section 1327.01 of the Orange Village Codified Ordinances, and all ordinances or parts of ordinances in conflict with this ordinance, are repealed to the extent of the conflict.

SECTION 3. That this ordinance is not intended to enact a substantive change of the law and the prior actions of the Village administration in applying the deposit requirements, which deposit requirements were incorporated in the fee schedule pursuant to the prior version of Section 1327.01 of the Orange Village Codified Ordinances, are ratified as the proper administration of the Village’s law.

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 in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 5. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, provides the usual daily operation of a municipal department; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

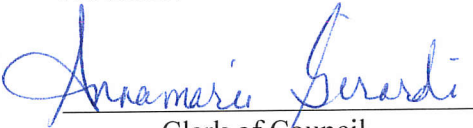
PASSED: DEC. 5, 2018

  
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Council President

Submitted to the Mayor for  
approval on this 5<sup>th</sup> day of DECEMBER 2018

Approved by the Mayor this  
5<sup>th</sup> day of Dec, 2018

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

  
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Mayor