

1st reading 10-12-22
2nd reading 11-2-22
3rd reading 11-9-22
Voted On 11-9-22
Ayes: 6 Nays: 8
PASSED DEFEATED

09/27/2022

ORDINANCE NO. 2022-17

AN ORDINANCE

AMENDING CERTAIN SECTIONS OF CHAPTER 1327 “FEES AND DEPOSITS” OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO RESTATE THE DEPOSIT REQUIREMENT(S) FOR PROFESSIONAL FEES, RATIFYING PRIOR ACTIONS TAKEN IN ACCORDANCE WITH THE ESTABLISHED POLICY OF THE VILLAGE, DELETING THE PINECREST DEVELOPMENT PROJECT PERMIT FEES FROM THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously amended Chapter 1327 of the Codified Ordinances (“Code”) to take the amounts of building department deposits and fees out of the Code and established a practice of adopting the amounts of the deposits and fees by motion; and

WHEREAS, the rules regarding the collection and usage of professional fee deposits were maintained in the Code as a part of the adopted fee schedule to authorize the collection and distribution of professional fees, including fees charged by other governmental agencies; and

WHEREAS, Council desires to clarify the existing policy of collecting a deposit to cover expenses incurred by Cuyahoga County in the review of proposed sewer improvements and inspections of such improvements when they are constructed; and

WHEREAS, Council desires to ratify the collection of deposits that have been taken in accordance with the policy stated in this ordinance; and

WHEREAS, the Orange Village administration has advised this Council that, as the Pinecrest Development has been substantially completed, the special provisions regarding building department fees for that project may be removed from the Code; and

WHEREAS, Council will, by separate motion, be adopting modified professional fee deposits and permit fees for both commercial and residential projects within the Pinecrest Development.

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

SECTION 1. That existing Section 1327.01, “Fees and Deposits for Expenses of Consultants, Inspections and Other Village Expenses in Administering 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 FEES AND DEPOSITS 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, **or any expense the Village incurs because of plan reviews or inspections by other governmental bodies which are caused by the project** 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.

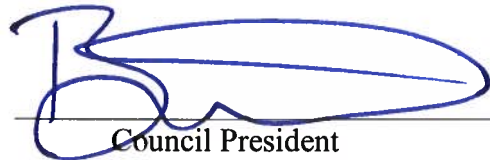
SECTION 3. That existing Section 1327.11, "Pinecrest Development Project Permit Fees" of the Codified Ordinances of Orange Village is repealed.

SECTION 4. 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 professional fee 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 5. 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 6. 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 for the reason that it provides for the usual daily operation of a municipal department and so that the Village may be in a position to remit fees to the county sewer district in a timely fashion; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: Nov. 9, 2022




Council President


Submitted to the Mayor for approval on this 9th day of NOVEMBER, 2022

Approved by the Mayor this 9th day of NOVEMBER, 2022

ATTEST:



Clerk of Council



Mayor