

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-046-O

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING SETTING BUILDING PERMIT FEES BY RESOLUTION AND AUTHORIZING REDUCTION THEREOF FOR FLOOD DAMAGE REPAIR, AMENDING SECTION 10-2 TO THE DULUTH CITY CODE, 1959, AS AMENDED.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 10-2 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 10-2. Building permit fee schedule.

(a) Building permit fees. Collection of fees for building permits and building inspections, as authorized in Minnesota Statutes, Sec. 16B.62, subdivision 1 and Section 1300.0160 subparts 3 and 4 of the 2007 edition of the Minnesota State Building Code or its successor provision, shall be assessed for work in accordance with the fee schedule established in accordance with Section 31-6(a) of this Code~~adopted in Ordinance No. 6920;~~

(b) Plan inspection fees. When plan review fees are required pursuant to Section 1300.0160 subpart 6 of the 2007 edition of the Minnesota State Building Code or its successor provision, the plan inspection fee therefore shall be 65 percent of the amount of the building permit fee provided for in subsection (a) above except as modified by subpart 5 of said Section 1300.0160 or its successor provision;

~~(c)~~ (b) Special permits and fees. Special permits shall be obtained and special fees paid in all cases for items included in the following schedule whether said items are installed in new buildings or in existing buildings, unless otherwise herein provided, but the value of such items need not be included in the valuation upon which the main building permit is estimated as before provided in Subdivision (a) herein.

All of the provisions of the State Building Code pertaining to permits shall apply to such special permits as well as to the main building permit, excepting only the schedule for original fees.

Fees for the following shall be set in accordance with Section 31-6(a) of this Code:

(1) Moving over public property any building which has an area of 1,000 square feet or less on the first floor;

(2) Moving over public property any building which has an area of over 1,000 square feet on the first floor;

(3) Moving any building or structure not on public property;

(4) Razing or demolishing any building or structure;

(5) The installation of a mobile home;

(d)~~(c)~~ Special permits shall also be taken out and fees paid for the installation or alteration of electrical wiring, plumbing, heating plants, fireplaces or any other construction or accessory to a building or structure, the use of which is regulated by the provisions of the State Building Code and which for any reason is not included in the permit for general construction; and the fees for same shall be ascertained in the same manner as for the construction of new buildings;

(e)~~(d)~~ The payment of a fee as provided herein shall not relieve the applicant or holder of the permit from the necessity of obtaining additional permits and the payment of other fees that may be prescribed by law or ordinance, for the temporary occupation of public property, for inspections, certificates, sewer connections, water connections, gas connections or other privileges or requirements;

(f)~~(e)~~ When work for which a permit is required by this Code is started or proceeded with before said permit is obtained,

the fee specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of the State Building Code in the execution of the work, nor from any other standards or penalties prescribed by law;

~~(g)(f)~~ No permit to erect, repair or alter any building or structure shall authorize the use of any part of any public thoroughfare, or other public ground or easement.

Section 2. Nothing to the contrary in Section 1 of this ordinance to the contrary withstanding, in the event that the director of the department of planning and construction services determines in the exercise of his or her reasoned discretion that the work for which a building permit is being sought is necessary to repair or reconstruct damage to the property arising substantially out of the rainfall event of June 20 and 21, 2012 and resulting flooding, he or she shall be authorized to reduce the fee required pursuant to subsection (a) of Section 1 above, by 50 percent. The authority granted by this Section 2 shall be deemed to be applicable to all such building permits granted after June 21, 2012 and shall further authorize said director to authorize the rebate of any permit fee in excess of such amount paid to city between June 21 and the effective date of this Section 2.

Section 3. This ordinance shall take effect 30 days from and after its passage and publication.

Section 4. As of December 31, 2012, Section 2 of this ordinance shall be repealed and shall be of no further force and effect and the authority granted thereunder shall end.

Approved:



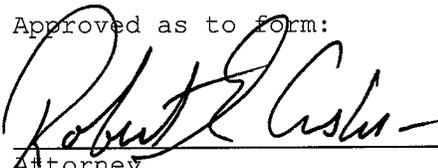
Department Director

Approved for presentation to council:



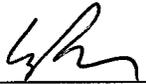
Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PLNG/ATTY REA:dma 07/10/2012

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the City to set building permit fees by resolution under Section 31-6 (a) of the City Code in the same way that it establishes other fees for services but to temporarily allow the Director of the Planning and Construction Services to reduce construction permit fees by half for permits related to repair and reconstruction of flood damage resulting from the June 20-21, 2012 rainfall event.

Presently the fees for plan review and building permits are set pursuant to an ordinance which adopts by reference the fee structure provided for in the State Building Code. The change would allow the City to establish the fee structure and to change it by resolution as the City does with most of its fees.

The ordinance also authorizes the Director of Planning and Construction Services to reduce the fees by half for building permits related to repair or reconstruction property damaged in the flooding of June 20-21, 2012 to assist property owners in dealing with that damage. This authority would be retroactive to the date of the flooding but would "sunset" at the end of the year.