

FIRST READING: 4.26.21
SECOND READING: 5.10.21
THIRD READING: 5.24.21

ORDINANCE NO. 26-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY CHAPTER 1321, ENTITLED PERMIT, INSPECTION AND LICENSE FEES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Chapter 1321 entitled Permit, Inspection and License Fees, as said fees were last amended on December 16, 2019 by Ordinance No. 90-19; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Codified Ordinances Chapter 1321 be amended concerning Building Department permit, inspection and license fees, as further described in the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Chapter 1321 of the Codified Ordinances of the City of Rocky River entitled "Permit, Inspection and License Fees" be amended as further described in the attached Exhibit "A".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 24th, 2021

JAMES W. MORAN
President of Council

PRESENTED
TO MAYOR: May 24th, 2021 APPROVED: May 24th, 2021

ATTEST:

A Susan G. Pease
SUSAN G. PEASE
Clerk of Council

PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 24th day of May, 20 21.

A Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 26-21 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 24th DAY OF May, 20 21 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF ARE OF RECORD IN ORDINANCE RECORD NO. 26-21

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 24th DAY OF May, 20 21.

A Susan G. Pease
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

REVISED EXHIBIT A

CHAPTER 1321

Permit, Inspection and License Fees

- 1321.01 Plan examination fees.
- 1321.02 Permit fees.
- 1321.03 Inspection fees.
- 1321.04 Application filing fees.
- 1321.05 Miscellaneous permit fees.
- 1321.06 License fees.
- 1321.07 Conditions for issuance of building permits.
- 1321.08 Fee for special Board or Commission meetings.
- 1321.09 Refunds.
- 1321.10 Developer shall pay costs of professional services needed for new development or redevelopment projects
- 1321.99 Penalty.

CROSS REFERENCES

- Overweight vehicle fee - see TRAF. 339.02
- Waste collection fees - see S.U. & P.S. 941.05
- Deposit or bond for moving trees - see S.U. & P.S. 945.09
- Permit protest and issuance - see BLDG. Ch. 1331
- Bond or insurance for topsoil stripping and removal – see BLDG. 1339.04

1321.01 PLAN EXAMINATION FEES.

Plan and examination fees are payable at the time of submission of the first set of plans and fifty percent (50%) is refundable if proposed final plans are not submitted within one (1) year.

(a) New Residential Construction:

- (1) One and two-family: \$250.00 lump sum.
- (1)(a). Topo Review; New single family lot \$150.00 per lot.
- (2) Single-family attached : \$500.00 up to three (3) units; \$100.00 each unit over three.
- (2)(a) Site Development Plan Review: All site-engineering reviews not listed above, DEVELOPER SHALL PAY COSTS, Per Ord. 1321.10
- (3) Apartments: \$600.00 up to six (6) units; \$100.00 each unit over six (6).
- (4) Additions and remodeling: \$10.00 per one hundred (100) square feet of floor area.

(b) Local or General Business and Office Buildings: New construction, remodeling, additions and/or modifications alterations, site improvements, utilities, etc.:

\$12.00 per one hundred (100) square feet of building area affected, or \$4.00 per \$1,000 valuation, where square footage of building is not an appropriate method of calculation.

(c) Places of Assembly: Restaurants, schools, etc. as per the Ohio Building Code: \$15.00 per one hundred (100) square feet where applicable, or \$4.00/\$1,000 valuation.

(d) Signs: \$10.00 base fee and \$2.00/square feet.

(e) Subdivision Plats: \$50.00 lump sum up to six (6) lots; \$10.00 each lot over six (6).

(f) Accessory Structures: \$50.00 lump sum for all accessory structures over two hundred (200) square feet including detached garages.

(g) Miscellaneous: All other items for which plans are required and not listed above: \$25.00 lump sum.

(h) Fire Alarm:

(1) All commercial construction governed by the Ohio Building Code, which includes Residential structures with four or more units and commercial occupancies - \$150.00 Base plus \$5.00 per 100 sf.

(i) Fire Suppression:

(1) All commercial construction, which includes residential structures with four or more units and commercial occupancies. Requires sprinkler systems under the Ohio Building Code, \$150.00 Base plus \$5.00 per 100 sf.

(2) Construction of One, Two and Three family occupancies. Requires sprinkler systems under the Ohio Residential Code, \$100.00 lump sum.

(Ord. 139-02. Passed 9-23-02; Ord. No. 130-08. Passed 12-22-08; Ord. 79-16. Passed 12-19-16; Ord. 90-19. Passed 12-16-19; Ord. 26-21. Passed 5-24-21)

1321.02 PERMIT FEES.

(a) Building Fees:

(1) All new residential 1, 2, and 3 family dwellings: \$50.00 base fee, plus \$25.00 per 100 square feet of all floor area including basement, attics and garage areas.

(2) Residential 1, 2, and 3 family, remodeling, additions, alterations and repairs: \$50.00 base fee, plus \$.09 per square foot of area. Detached Garages : \$150.00 Flat rate. Decks, play structures, arbors, fences, sheds, driveways, retaining walls, and all other accessory structures: \$55.00 flat rate.

(3) All new commercial, assembly or multi-family buildings and additions: \$100.00 base fee, plus \$50.00 per 100 square feet of floor area.

(4) Commercial, assembly, multi-family remodeling, alterations, and repairs: \$100.00 base fee, plus \$ 50.00 per 100 square foot of floor area including basement and garage areas.

(b) Electrical Permit Fees:

(1) Residential 1, 2, and 3 family buildings: \$50.00 base fee, plus \$1.00 per outlet, fixture, plus \$15.00 per panel, service, or motor.

(2) Commercial, assembly, or multi-family buildings: \$100.00 base fee, plus \$2.00 per outlet, fixture, plus \$35.00 per panel, service, transformer, motor.

(3) All Solar Panel installations or additions to existing solar arrays \$ 150.00.

- (4) All Generator installations or removals base fee plus \$ 25.00 per unit.
- (c) Plumbing Permit Fees:
 - (1) Residential 1, 2, and 3 family buildings: ~~\$50.00~~ \$60.00 base fee, plus \$5.00 per fixture, appliance, floor drain, hot water tank.
 - (2) Residential 1, 2, and 3 family buildings: ~~\$50.00~~ \$60.00 base fee, plus \$5.00 per one hundred (100) foot increment of exterior sewer, gas, or waterline.
 - (3) Commercial, assembly, or multi-family buildings: \$125.00 base fee, plus \$5.00 per fixture, appliance, floor drain, hot water tank.
 - (4) Commercial, assembly, or multi-family buildings: \$70.00 base fee, plus \$5 per, one hundred (100) foot increment of exterior sewer, gas, or waterline.
- (d) Heating and Air Conditioning Permit Fees:
 - (1) Residential 1, 2, and 3 family buildings: \$50.00 base fee, plus \$15.00 per heating and air conditioning unit.
 - (2) Commercial, assembly, or multi-family buildings: \$125.00 base fee, plus \$50.00 per heating and air conditioning and air handling unit.
 - (3) Type I hood: Base fee plus Fifty Dollars (\$50.00) per each
 - (4) Type II hood: Base fee plus Twenty-Five Dollars (\$25.00) per each.
 - ~~(3)~~ (5) Each Geothermal Unit installation: \$150.00
 - (e) Paint Removal and Exterior Surface Cleaning Permit Fees: \$35.00 application fee plus deposits as required under Section 1374.02(b).
- (f) Fire Sprinkler System Permit Fees:
 - (1) Residential: \$25.00 base fee, plus \$1.00 per sprinkler head.
 - (2) Commercial: \$50.00 base fee, plus \$1.00 per sprinkler head.
 - (3) Commercial Kitchen Hood Fire System: ~~\$50.00~~ \$75.00
- (g) Fire Alarm Systems Permit and Inspection Fees.
 - (1) Residential 1, 2, and 3 family buildings, household fire alarm installation fee: \$25.00; combination alarm system with fire alarm: \$25.00 base fee, plus alarm user permit fee. (See Section 701.03)
 - (2) Commercial, assembly, or multi-family fire alarm system: \$50.00 base fee plus \$1.00 per device. Note: Commercial, assembly, or multi-family combination fire and security alarms systems are not permitted for life safety.
 - (3) False alarms response fee see Section 701.05
(Ord. 25-14. Passed 6-9-14; Ord. 90-19. Passed 12-16-19.)
 - (h) Waterproofing Permit Fees: ~~\$50.00~~ \$ 55.00 flat fee.
- (i) Pools and Hot Tubs Permit Fees:

(1) Above ground heated - ~~\$50.00~~ \$55.00.

(2) In ground - \$150.00

(j) Dumpster Permit Fees: \$45.00 Flat Rate and shall be allowed on-site for a maximum of 15 days unless associated with a building permit.

(k) Storage pod Permit Fees: \$45.00 Flat Rate and shall be allowed on-site a maximum of 15 days.

(l) Commercial Signs Permit Fees: New, modifications or alterations: \$50.00 base fee, plus \$4.00 per square foot of sign area.
(Ord. 130-08. Passed 12-22-08; Ord. 79-16. Passed 12-19-16; Ord. 90-19. Passed 12-16-19; Ord. 26-21. Passed 5-24-21)

1321.03 INSPECTION FEES.

(a) Initial or first time inspections as per the following specific itemized list are included in the fee for the building permit:

(1) Excavation.

(2) Drains and sewers.

(3) Framing.

(4) Final and occupancy.

(b) Reinspection or repeat inspections for any purpose other than the convenience of the City: \$50.00.

(c) Special conditions, in apartments, office or other buildings completed in phases, such as by unit, floor, wing, etc., the initial inspections as per Subsection (a) hereof may be performed for each such phase as determined by the Building Commissioner to be required. In such case, the initial inspection in each phase shall be considered to be covered by the fee for the building permit.

(d) Special inspections on street openings by the gas, electricity and telephone utilities shall be at the rate of Fifteen Dollars (\$15.00) per hour. This is for the services of the Inspector, as specified in Section 901.09 of the Codified Ordinances of the City of Rocky River.

(Ord. 139-02. Passed 9-23-02; Ord. 79-16. Passed 12-19-16.)

(e) Street openings by the Cleveland Water Department shall be at the rate of Sixty Dollars (\$60.00) per opening for inspection and restoration of the pavement.

(f) Sewers and streets in new subdivisions: The work rates and charges deducted from deposits shall be at the rate of Fifty Dollars (\$50.00) per hour for an Inspector. For work performed by the City crews in cleaning and similar operations, the charges against the deposit shall be the actual cost to the City for such services.

(g) Any special inspections performed by anyone other than City employees may be authorized and/or required by the Mayor or Building Commissioner for any new building application, proposed development or redevelopment. All costs to the City that are incurred for such special inspections shall be reimbursed by the developer. From the date of billing by the City, the developer shall have 30 days to pay such costs. If such costs are

not timely paid by the developer, the Director of Law is hereby authorized to initiate legal proceedings to collect same.
(Ord. 41-05. Passed 4-11-05; Ord. 79-16. Passed 12-19-16; Ord. 90-19. Passed 12-16-19.)

1321.04 APPLICATION FILING FEES.

(a) Subdivision filing fees shall be the cost of County recording plus twenty-five dollars (\$25.00).

(b) A filing fee of \$200.00 per meeting shall be paid for any application requiring review and action by the Planning Commission.

(c) A filing fee for application to the Board of Zoning and Building Appeals for review and action on a variance request shall be paid as follows:

(1) Commercial - \$150.00 for the first variance request and \$35.00 for each additional variance request.

(2) Residential - \$100.00 for the first variance request and \$35.00 for each additional variance request.

(3) Permit Protest - \$150.00.

(Ord. 71-12. Passed 3-25-12; Ord. 79-16. Passed 12-19-16; Ord. 90-19. Passed 12-16-19.)

1321.05 MISCELLANEOUS PERMIT FEES.

(a) Street Openings. One Hundred Dollars (\$100.00) plus ~~Five Hundred Dollars (\$500.00)~~ One thousand dollars (\$1,000.00) deposit refundable when the street has been restored to the complete satisfaction of the Director of Public Safety-Service. If the permittee does not make prompt restoration, it may be accomplished by City forces and the cost therefor deducted from the deposit at the actual cost to the City. (See Sections 901.02 and 901.06 of the Codified Ordinances.)

(b) Curb Cutting and Private Driveways: Twenty-Five Dollars (\$25.00) per cut plus ~~Two Hundred Dollars (\$200.00)~~ Four Hundred Dollars (\$400.00) deposit to cover the cost of restoration of pavement in a manner to the complete satisfaction to the Director of Public Safety-Service. If the permittee does not make prompt restoration, it may be accomplished by City forces and the cost therefor deducted from the deposit at the actual cost to the City. (See Section 905.01 of the Codified Ordinances.)

(c) Sidewalk and Curb Crossing: Twenty-Five Dollar (\$25.00) fee plus ~~Three Hundred Dollars (\$300.00)~~ Five hundred dollars (\$500.00) deposit to cover the cost of restoration of the sidewalk, curb and tree lawn to its original condition, and to the complete satisfaction of the Director of Public Safety-Service. If the permittee does not make prompt restoration, it may be accomplished by City forces and the cost therefor deducted from the deposit at the actual cost to the City. (See Section 907.02 of the Codified Ordinances.)

(d) Obstructing Tree Lawns, Streets and Sidewalks: Twenty-five Dollars (\$25.00) fee plus Fifty Dollars (\$50.00) deposit. (See Section 909.06 of the Codified Ordinances.)

- (e) Decorative Devices for Tree Lawns: Twenty-five Dollar (\$25.00) fee plus Fifty Dollar (\$50.00) deposit. See Section 910.03 of the Codified Ordinances.)

(f) Street Cleaning: will be charged according to the schedule below. Before a permit is issued for the construction of any building within the City, the builder shall post with the Director of Finance a cash bond in the amounts for the types of buildings hereinafter set forth:

(1) Residential:

New single family dwellings per each\$300.00

New multi-family up to 5 units500.00

New multi-family over 5 units, per unit100.00

(2) Commercial, Business and Industrial Uses:

Square Feet

0 - 5,000\$2,000.00

5,000 - 10,0004,000.00

10,000 - 20,0005,000.00

20,000 - 30,0006,000.00

Over 30,0008,000.00

Any construction requiring a greater deposit than indicated in the above schedule shall be determined by the Mayor, the Building Commissioner and additional department directors as may be involved.

In the event that the Director of Public Safety-Service or the Building Commissioner determines, after inspection, that any public property located between the lot on which a building is being constructed and the adjacent streets or roadways has been deposited with mud or debris; has been damaged by the passage of vehicles or equipment to and from the lot; and that such damage could have been avoided by the construction and/or maintenance of an adequate temporary or permanent driveway the building Commissioner shall have authority to authorize the removal of mud and debris or the repair of such damage. The expense of repairs shall be paid for from the cash bond required by this section. If more than the cash bond is used for repairs, the builder shall, before proceeding with further construction and within three days after being notified by letter mailed by first class mail to the builder's address, as set forth in the building permit, replenish such bond by posting sufficient money with the Director of Finance to restore the cash bond required by this section.

(Ord. 79-16. Passed 12-19-16; Ord. 26-21. Passed 5-24-21)

(g) Demolition: One Hundred Dollar (\$100.00) initial fee for one (1), two (2) or three (3) family dwellings or accessory buildings plus One Hundred Dollar (\$100.00) deposit, commercial buildings - Two Hundred Dollars (\$200.00) for the first two (2) stories, plus One Hundred Dollars (\$100.00) per story in excess of two (2) stories plus Three Hundred Dollar (\$300.00) deposit. Deposits in each case are to cover police guards and street cleaning. (See Section 1354.01.)

Fifty Dollar (\$50.00) flat fee residential garage demolition.

(h) Housing Moving: One Hundred Dollars (\$100.00) per building plus Five Hundred Dollar (\$500.00) deposit for moving buildings onto a different lot. The fee includes the moving and foundation permit. The deposit is to cover the cost of a police escort and street cleaning. The escort shall be performed by off-duty policemen at a fee to be negotiated between them and the mover and to be deducted from the deposit. The cleaning service shall be either performed by the mover to the satisfaction of the City or shall be performed by City crews and the cost therefor deducted from the deposit on the basis of the actual cost to the City. Whether a house is to be moved to a different location on the same lot or onto a separate lot, the electrical, plumbing, gas, sewer and drainage permit fees provided for in Section 1321.02 (a)(2) are to be charged. (See Section 1355.01 , 1355.02 and 1355.06 of the Codified Ordinances.)

(i) Outdoor Shows: Two Hundred Dollar (\$200.00) fee plus Three Hundred Dollars (\$300.00) deposit. (See Section 725.04 and 725.05 of the Codified Ordinances.)

(j) Recreation Equipment: Fifty Dollar (\$50.00) one-time fee in all residential districts. (See Chapter 1141 of the Codified Ordinances.)

(k) Direct Satellite Receiving Stations: For all residential districts, a plan review fee of Twenty Dollars (\$20.00) and an inspection and permit fee of Thirty Dollars (\$30.00). For all districts other than residential, a plan review fee of Thirty Dollars (\$30.00) and an inspection and permit fee of Fifty Dollars (\$50.00).

(L) Small Cell installation: A plan review and inspection fee of Two Hundred Thirty Five Dollars (\$235.00) per small cell facility application. An annual fee of Two Hundred Dollars (\$200.00) per small cell facility collocated on a support structure owned by the municipality and located in the public way.

1. A fee of Five Hundred Dollars (\$500.00) for a single application with Five (5) or less small cell facilities, with an additional fee of One Hundred Dollars (\$100.00) for each small cell wireless facility beyond Five (5).

2. A city owned new pole placement shall incur a recurring fee of Two Hundred Dollars (\$200.00) per year for attachment to a municipally-owned structure plus a One Thousand Dollar (\$1,000.00) nonrecurring fee for a new pole.

{M} Going Out of Business Sales: A Fifty Dollar (\$50.00) fee for each license or license renewal for any thirty (30) day period or part thereof as described in Section 749.03.

(Ord. 71-12. Passed 3-25-12; Ord. 90-19. Passed 12-16-19; Ord. 26-21. Passed 5-24-21.)

1321.06 LICENSE FEES.

(a) Barbershops: Fifty Dollars (\$50.00) renewable annually. (See Section 705.04 of the Codified Ordinances.)

(b) Beauty Shops and Hairdressers: Fifty Dollars (\$50.00) renewable annually.

(c) Temporary Stores: One Hundred dollar (\$100.00) fee. License expires at the end of the term for which it is issued, but not to exceed thirty (30) days from the date of issue. (See Section 729.04 of the Codified Ordinances.)

(d) Peddlers: Five Dollars (\$5.00) per calendar day. (See Section 729.04 of the Codified Ordinances.)

(e) Restaurants: Any restaurant, bar, tavern, or other business that serves food Fifty dollars (\$50.00) renewable annually. (See Section 743.03 of the Codified Ordinances.)

(f) Sales Outside An Enclosed Building: Fifty Dollar (\$50.00) fee. License expires at the end of the sale period for which it is issued. (See Sec. 731.04 of the Codified Ordinances.)

(g) Tattoo or Body Piercing Services: Fifty Dollars (\$50.00) renewable annually. (Ord. 81-97. Passed 4-7-97; Ord. 71-12. Passed 3-25-12; Ord. 90-19. Passed 12-16-19.)

(H) Small Cell Facilities per each small cell facility collocated on a support structure owned by the municipality and located in the public way. Two Hundred Dollars (\$200.00) renewable annually. (Ord. 26-21. Passed 5-24-21)

1321.07 CONDITIONS FOR ISSUANCE OF BUILDING PERMITS.

The Building Commissioner shall issue no building or occupancy permit for any building, structure, use or change of use during the period in which an ordinance or other measure which would forbid the action authorized under such permit is pending before Council pursuant to its own action, has been recommended to Council by the Planning Commission or is before the Planning Commission for its recommendation and/or approval, having been referred to the Planning Commission by Council, or referendum is pending thereon. However, no permit shall be withheld for more than ten (10) months after the application was submitted or after the final action by Council has been taken, whichever is the shorter period.

1321.08 FEE FOR SPECIAL BOARD OR COMMISSION MEETINGS.

If a developer or builder desires a special meeting of the Board of Building and Zoning Appeals, or a special meeting by the Planning Commission, he may request this special meeting, and shall pay a fee of Five Hundred Dollars (\$500.00) for the services rendered, unless it is termed a regular meeting of such Board or Commission. (Ord. 71-12. Passed 3-25-13; Ord. 90-19. Passed 12-16-19.)

1321.09 REFUNDS.

Upon submission to the Building Division of a written application for the refund of unused deposits, the Building Commissioner may approve the refund of any balance of the deposit.

(Ord. 1-97. Passed 1-13-97.)

1321.10 DEVELOPER SHALL PAY COSTS OF PROFESSIONAL SERVICES NEEDED FOR NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS.

In the event the City or an applicant is required, upon the recommendation of City Council, the Mayor, Building Commissioner, the Planning Commission or the Board of Zoning & Building Appeals, to obtain the assistance of outside professional services, including, but not limited to, architectural, engineering and traffic, the developer shall reimburse the City for the same. From the date of billing by the City, the developer shall have thirty (30) days to pay said costs. The costs set forth herein shall be paid irrespective of the fact that the plan is approved or disapproved.

(1) No final occupancy or project approval shall be granted until all outstanding fees and reimbursements are paid.

(Ord. 32-05. Passed 4-11-05; Ord. 90-19. Passed 12-16-19.)

1321.99 PENALTY.

Any person, real property owner or corporation, who fails to secure the appropriate permit or approval prior to construction, installation, or project performance, shall pay triple the fee required for the permit or approved process. In addition, a \$500.00 (Five Hundred Dollar) charge shall be assessed against any contractor, developer, architect or other professional who serves as representative applicant for the real property owner. Further enforcement procedures are outlined in Section 1141.11 .

(Ord. 130-08. Passed 12-22-08; Ord. 90-19. Passed 12-16-19.)