

ORDINANCE NO: 2016-36
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 1351.16 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED “CASH
DEPOSIT FOR CONSTRUCTION REQUIRED” AND
DECLARING AN EMERGENCY**

WHEREAS, certain building permit fees have not been adjusted since 1997; and

WHEREAS, it is necessary to update certain building permit fees. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Section 1351.16 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

1351.16 CASH DEPOSIT FOR CONSTRUCTION REQUIRED.

~~(a) Before any building permit or any other permit relating to the construction, alteration or addition of a building is issued, the applicant for the permit shall deposit with the Building Commissioner, in addition to any other fee or deposit that may be required by any other section, the following cash amounts:~~

~~—(1) For each single dwelling house to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars (\$1,000);~~

~~—(2) For each multifamily building to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars (\$1,000);~~

~~—(3) For each commercial or industrial building to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars (\$1,000);~~

~~—(4) For each residential garage to be constructed, a cash deposit of fifty dollars (\$50.00);~~

~~—(5) For each alteration or addition to a single dwelling house, multiple dwelling, commercial building or industrial building, a cash deposit equal to one percent of the estimated valuation of the alteration or addition, but not less than one hundred dollars (\$100.00); and~~

~~—(6) For the demolition of any building, a cash deposit of five hundred dollars (\$500.00), exclusive of private detached garages.~~

~~(b) Refunding of the cash deposit shall take place only after any building for which a cash deposit was required has been constructed and completed in conformity with all applicable codes and is deemed habitable as evidenced that:~~

~~—(1) All basic building materials have been incorporated within the building and construction is completed in accordance with all applicable codes;~~

~~—(2) The heating system is operative.~~

~~—(3) An adequate water supply to the building has been provided.~~

~~—(4) The electrical installation is approved.~~

~~—(5) The plumbing installation is approved.~~

~~—(6) The final inspection is completed and all requirements thereof are fulfilled.~~

~~—(7) Grading and draining have been approved.~~

~~—(8) Suitable driveways and parking areas have been provided.~~

~~(c) In addition to the above, upon completion and receipt of an occupancy permit and final inspection, any deposit made as provided in this chapter shall be returned after a deduction of twenty dollars (\$20.00) for each extra required inspection and for each permit fee not paid. Where the work has been completed, the fee shall be doubled pursuant to Section 1351.18 and deducted from the cash deposit.~~

- (a) Before any building permit or any other permit relating to the construction, alteration or addition of a building is issued, the applicant for the permit shall deposit with the Building Commissioner, in addition to any other fee or deposit that may be required by any other section, the following cash amounts:
- (1) For each single-dwelling house to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars, \$1,000.00
 - (2) For each multiple-family building to be constructed, A cash deposit equal to one percent of the estimated Valuation, but not less than one thousand dollars \$1,000.00
 - (3) For each commercial or industrial building to be constructed, a cash deposit equal to one percent of the estimated valuation, but not less than one thousand dollars. \$1,000.00
- (b) Refunding of the cash deposit shall take place only after any building for which a cash deposit was required has been constructed and completed in conformity with all applicable codes and is deemed habitable as evidenced that
1. All basic building materials have been incorporated within the building and construction is completed in accordance with all applicable codes;
 2. The heating system is operative.
 3. An adequate water supply to the building has been provided.
 4. The electrical installation is approved.
 5. The plumbing installation is approved.
 6. The final inspection is completed and all requirements thereof are fulfilled.
 7. Grading and draining have been approved.
 8. Suitable driveways and parking areas have been provided.
- (c) In addition to the above, upon completion and receipt of an occupancy permit and final inspection, any deposit made as provided in this Chapter shall be returned after a deduction of thirty dollars (\$30.00) for each extra required inspection and of each permit fee not paid, where the work has been completed; the fee shall be doubled per Ord. 1351.18 and deducted from said cash deposit.

SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1351 of the Codified Ordinances shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it is necessary to update the aforesaid permit fees as soon as possible. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: May 16, 2016

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on May 26, 2016 and June 2, 2016.

Clerk of Council

First Reading: May 16, 2016

Second Reading: Suspended

Third Reading: Suspended

Passed 5-16-2016