



## MEMORANDUM

Date: November 1, 2018

To: Michael G. Bartholomew, MCP, LEED AP, City Manager

From: Michael McMahon, Community and Economic Development Director *mm*

Subject: Construction Regulations Fee Schedule Amendment and Stop Work Orders

**Issue:** Title 10, Chapter 13 of the City of Des Plaines Code establishes the fees charged for building permits. This fee schedule was last amended in 2014. Staff proposes an increase in a number of areas and revisions to how certain projects are administered.

**Analysis:** The City's Community and Economic Development Staff recently undertook a comprehensive review of the current *Construction Regulations Fee Schedule* (Fee Schedule), Building Division procedures, and trends in the construction industry in an effort to update the current Fee Schedule and make changes to select sections of the Building Code. Below are the major changes proposed:

**Fee Schedule**

1. Table 10-13-1: *Methods for Determining Construction Value* was removed and replaced with:  
*"The code official may estimate the value of new construction based on the most current Building Valuation Data (BVD) Table published by the International Code Council (ICC), rounded to the nearest dollar."*
2. Section 10-13-2: *FEES FOR PERMITS* was modified by removing *Application Fees for Permits* and the *Fee Schedule* for all permit types and a new *Plan Review Fee Schedule* was included.
3. Section 10-13-3: *FEES FOR PERMITS AND INSPECTIONS* was added and included the updated *Fee Schedule*.
4. For *New Construction, Additions and Alterations of One-and Two-Family Dwellings*, the Fee Calculation was simplified to include just one all-inclusive calculation of *Value x 1.65%*.
5. *Single Trade Permits* was relabeled *Single Permits and Fees* and almost every single permit fee was increased.
6. Both *Single-Family and Commercial Water Service* work was amended to include the following:

- Water Service Upgrade with New Tap (\$1,000 Residential; \$1,250 Commercial)
  - Water Service Upgrade from B-Box (\$250 Residential; \$500 Commercial)
7. The practice of charging a *Sewer Repair* permit fee of \$450 for Residential and \$800 for Commercial then refunding \$300 when it is determined that all the work was conducted on private property was eliminated. The new fee for Sewer Repair only is \$150 for Residential and \$550 for Commercial. If a new sewer tap is required, the fee is \$250 for Residential and \$1,100 for Commercial.
  8. A *Stop Work Order Permit Fee* was added. The permit fee assessed for the new permit shall be the applicable permit fee plus an additional amount of 100% of the applicable permit fee or \$1,500, whichever is less.
  9. The *Cash Compliance Bond* section was amended to remove *Temporary Trailers, Tents and Temporary Signs*.
  10. Language regulating Demolition Bonds was added and language regulating Temporary Certificate of Occupancies was amended.
  11. An *Inspection Fee* and *Plan Review Fee* was added to the *Local Public Entities and Nonprofit Organizations* section.
  12. A \$10 *Back Flow Administrative Fee* was added.

### **Stop Work Permit Fee**

Staff proposes an amendment to *Title 10 - Construction Regulations* and certain sections of the Building Code Chapters to implement a revised permit fee when a Stop Work Order was issued. Over the past several years we have seen an increase in the number of property owners and contractors that are not obtaining proper permits, especially for large remodels.

The proposed amendment states:

1. Whenever any person or entity is issued a Stop Work Order, they must stop all work and obtain a building permit from the City's Building Department. The fee for that building permit shall be the applicable permit fee plus an additional amount of 100% of the applicable permit fee or \$1,500, whichever is less;
2. For work that is being done or has been completed contrary to an approved permit, a revised permit must be obtained for a fee of \$250; and
3. For work that is being done or has been completed with a person or persons that lack a Contractor Registration, the Permit Application must be revised with a revision fee of \$100.
4. If any person fails to stop work and/or fails to obtain the proper permit, they would be subject to a violation of this section 10-14-13 and shall be fined in accordance with the general penalty set forth in section 1-4-1 of City Code. The maximum penalty for this violation would be up to \$750 per day for each offense.

It should also be noted that although this proposed code addition would be in *Title 10 - Construction Regulations*, it was written in a way that any City Department can issue a Stop Work Order.

The effective date of these Ordinance changes will be January 1, 2019.

**Recommendations:** I recommend approval of Ordinance M-42-18 and Ordinance M-43-18 approving amendments to the Construction Regulations Fee Schedule and approving a Stop Work Order provision.

**Attachments:**

Attachment 1: Ordinance: M-42-18

Attachment 2: Ordinance: M-43-18

**CITY OF DES PLAINES**

**ORDINANCE M - 42- 18**

**AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF DES PLAINES REGARDING PLAN REVIEW AND PERMIT FEES.**

**WHEREAS**, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, Title 10 of the City Code of the City of Des Plaines, as amended (“*City Code*”), regulates construction in the City (“*Construction Regulations*”); and

**WHEREAS**, the Construction Regulations set forth the required fees for the various types of permits issued by and plan reviews performed by the City (collectively, “*Fee Schedules*”); and

**WHEREAS**, the City’s Department Community and Economic Development staff recently reviewed the Fee Schedules, the City’s permit and plan review procedures, and trends in the construction industry and desire to amend the Construction Regulations to update the Fee Schedules and clarify regulations regarding the provision of performance security relating to temporary certificates of occupancy and demolition permits; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend the City Code as set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1. RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof.

**SECTION 2. CONSTRUCTION REGULATIONS FEE SCHEDULE.** Chapter 13, titled “Construction Regulations Fee Schedule,” of Title 10, titled “Construction Regulations,” of the City Code is hereby repealed and replaced in its entirety with a new Chapter 13, as set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

**SECTION 3. DEMOLITION PERMIT – CONSTRUCTION DOCUMENTS, PERFORMANCE SECURITY.** Section 2, titled “Amendments to the International Building Code,” of Chapter 1, titled “Building Code” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended to further amend Section [A]3303.1 of the 2015 International Building Code as follows:

“[A]3303.1 **Demolition Permit - Construction Documents, Performance Security**

- A. Construction Documents and Schedule: Prior to the issuance of a demolition permit, ~~Construction documents and a schedule for demolition shall be submitted where required by the building official~~ Director of Community and Economic Development or his designee.**
- B. Performance Security: In addition to the payment of the applicable permit fees set forth in section 10-13-2 of this code, every application for a demolition permit shall be accompanied by a cash bond in the amount set forth in section 10-13-2 of this code, on terms acceptable to the Director of Community and Economic Development, to secure the completion of the following work: filling, grading, and seeding the site so that the site does not allow (i) the accumulation of standing water, except for approved detention or retention, or (ii) the drainage or runoff of storm water to adjoining properties.**
- 1. Refund: The cash bond required pursuant to subsection B of this section shall be refunded by the city upon final inspection and approval of the demolition work by the city.**
- 2. Forfeiture: The city will notify the property owner and permit holder in writing if (i) the demolition permit has lapsed and the lot is not filled, graded, or seeded in accordance with section 3303.4 of this code or the National Pollutant Discharge Elimination System (NPDES) permit, if applicable, or (ii) the work performed pursuant to the demolition permit otherwise violates this code. If the property is not brought into compliance with this section within 30 days after such notice is sent, then the cash bond required pursuant to subsection B of this section shall be deemed forfeited to the city. The city may, but is not obligated to, use the forfeited funds to fill, grade, and/or seed the demolition site in accordance with this section.”**

**SECTION 4. VACANT LOT.** Section 2, titled “Amendments to the International Building Code,” of Chapter 1, titled “Building Code,” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended to further amend Section [A]3303.4 of the 2015 International Building Code as follows:

“[A]3303.4 Vacant Lot

Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade **and seeded with grass seed.**”

**SECTION 5. TEMPORARY CERTIFICATE OF OCCUPANCY.** Section 2, titled “Amendments to the International Building Code,” of Chapter 1, titled “Building Code,” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended to further amend Section 111.1.1 of the 2015 International Building Code as follows:

“[A] 111.1.1 ~~Landscaping~~ **Temporary Certificate of Occupancy.**

~~All landscaping, including sod, shall be in place prior to the issuance of a certificate of occupancy. When inclement weather has substantially delayed or will substantially delay the completion of~~ **a construction project authorized pursuant to a building permit issued by the city** ~~all landscaping work, the building official may issue a temporary certificate of occupancy prior to the completion of all~~ **site work and** landscaping; provided, however, that no temporary certificate of occupancy shall be issued pursuant to this section [A] 111.1.1 unless the building official receives a cash performance security **or equivalent performance security in a form approved by the Director of Community and Economic Development** in the amount of the actual ~~completion~~ ~~landscaping~~ costs, but not less than \$5,000.00, on terms acceptable to the ~~building official~~ **Director of Community and Economic Development**, to secure the completion of all ~~landscaping work.~~”

**SECTION 6. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form according to law on January 1, 2019 and not before that time.

[SIGNATURE PAGE FOLLOWS]

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**VOTE:** Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

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**MAYOR**

ATTEST:

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**CITY CLERK**

Published in pamphlet form this  
\_\_\_\_\_ day of \_\_\_\_\_, 2018

Approved as to form:

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**CITY CLERK**

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**Peter M. Friedman, General Counsel**

DP-Ordinance Amending Construction Regulations  
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EXHIBIT A

Chapter 13

CONSTRUCTION REGULATIONS FEE SCHEDULE

10-13-1: CONSTRUCTION VALUES:

10-13-2: PLAN REVIEW FEES:

10-13-3: FEES FOR PERMITS AND INSPECTIONS:

10-13-1: CONSTRUCTION VALUES:

For the purpose of computing building permit fees, the estimated value of new construction and alterations shall be determined by the code official by one of the following methods:

- A. The code official may accept an estimate furnished by the permit applicant.
- B. The code official may accept a certificate of the valuation of construction from a licensed architect or a registered structural or professional engineer.
- C. The code official may accept a copy of an executed contract from the owner or the owner's agent setting forth the value of the proposed work.
- D. The code official may estimate the value of new construction based on the most current Building Valuation Data (BVD) Table published by the International Code Council (ICC), rounded to the nearest dollar.
- E. The code official may estimate the value of alterations based on the following formula:  
  
[Value/sq.ft. from BVD Table x 50% and rounded to nearest dollar = value/sq.ft. alterations]
- F. The code official may estimate the value of commercial site work, including grading, parking, landscaping, at \$10/square foot of gross site area.

10-13-2: PLAN REVIEW FEES:

For any plans requiring a review, a fee shall be paid in accordance with the following schedules:

| PLAN REVIEW FEE SCHEDULE                                  |  |
|---|--|
| <b>One-and Two-Family Dwellings and Townhomes:</b>        |  |
| New One and Two-Family Dwellings:                         | \$500 per Dwelling Unit                        |
| New Townhomes:  | \$750 per Model; \$200 per Subsequent Building |
| Additions One and Two-Family:                             | \$200 per Dwelling Unit                        |
| Interior Alterations One and Two-Family: <sup>1</sup>     | \$200 per Dwelling Unit                        |
| <b>Commercial, Industrial and Multi-Family Buildings:</b> |  |
| 0-1,000 sq.ft.  | \$400  |

Additions are bold and double-underlined; deletions are struck through.

|   |   |
|---|---|
| 1,001-5,000 sq.ft.  | \$800   |
| 5,001-10,000 sq.ft.   | \$1,200                                       |
| 10,001-15,000 sq.ft.  | \$1,600                                       |
| 15,001-20,000 sq.ft.  | \$1,800                                       |
| 20,001 sq.ft. +   | \$2,200 + \$.03 per sq.ft. over 20,001 sq.ft. |
| In-ground Pool (in addition to standard plan review fee)          | \$500   |
| Hood & Duct Plan Review (in addition to standard plan review fee) | \$300   |
| Plan review of revisions to approved plans:                       | Permit fee x 2% (minimum \$50)                |
| Footing and Foundation  | 25% of Building Review Fee (min. \$400)       |

Notes:

1. Kitchen and/or bath alternations are excluded from plan review fee.

**10-13-3: FEES FOR PERMITS AND INSPECTIONS:**

For any permit issued in compliance with this code, a fee shall be paid in accordance with the following schedules:

| <b>PERMIT FEE SCHEDULE</b>                                      |  |
|---|--|
| <b>One-and Two-Family Dwellings and Townhomes</b>               |  |
| <b>FEE CALCULATIONS</b>   |  |
| New Construction, additions, & alterations (all-inclusive)      | Value <sup>1</sup> x 1.65% (rounded up to \$1) |
| <b>MINIMUM NEW CONSTRUCTION OR ALTERATION PERMIT FEE = \$50</b> |  |
| Single Permit and Fees  |  |
| ■ Plumbing  | \$50 + \$20/fixture                            |
| ■ Plumbing – Piping Upgrade                                     | \$100 + \$20/fixture                           |
| ■ Water Service Upgrade with New Tap                            | \$1,000 + meter <sup>4</sup> (if required)     |
| ■ Water Service Upgrade From B-Box                              | \$250  |
| ■ Sewer Repair  | \$150  |
| ■ Sewer Repair with New Tap                                     | \$250  |
| ■ Fire Sprinkler System (new system)                            | \$200+\$1/head                                 |
| ■ Fire Sprinkler System (existing system)                       | \$100+\$1/head                                 |
| ■ Electrical  | \$50 + \$0.10/sq.ft. (rounded up to \$1)       |
| ■ Generator   | \$200  |
| ■ Electric Service Upgrade                                      | \$100  |
| ■ Low Voltage   | \$50   |
| ■ HVAC  | \$75/Heating or A/C unit                       |
| ■ Site Drainage & Grading                                       | Value <sup>1</sup> x 1% (rounded up to \$1)    |
| ■ Demolition (see bonds)  | Value <sup>1</sup> x 1% (rounded up to \$1)    |
| ■ Interior Demolition   | \$100  |
| ■ In-Ground Swimming Pool                                       | \$350  |
| ■ Swimming Pool or Hot-Tub                                      | \$200  |

Additions are bold and double-underlined; deletions are struck through.

|  |   |
|--|---|
| ■ Swimming Pool (storable)                                   | \$75  |
| ■ Pergola, Gazebo (pre-manufactured)                         | \$100   |
| ■ Pergola, Gazebo or Deck                                    | \$200   |
| ■ Lawn Irrigation System                                     | \$50  |
| ■ Shed, Fence or Siding                                      | \$50  |
| ■ Roofing, Windows or Doors                                  | \$50  |
| ■ Hard Surface (Driveway/patio/sidewalks)                    | \$100   |
| ■ Miscellaneous (one inspection)                             | \$50  |
| ■ Disaster Repair (all-inclusive) <sup>3</sup>               | \$100   |
| ■ Kitchen Alteration (no structural work)                    | \$150   |
| ■ Bathroom Alteration (no structural work)                   | \$75  |
| ■ Temporary Certificate of Occupancy Fee                     | \$150 (per issuance and per extensions)                             |
| ■ Stop Work Permit <sup>10</sup>                             | 100% of the Building Permit Fee (\$1,500 Max) + Building Permit Fee |
| <b>PERMIT FEE SCHEDULE</b>                                   |   |
| <b>Commercial, Industrial and Multi-Family Buildings</b>     |   |
| <b>FEE CALCULATIONS</b>                                      |   |
| New Construction & Alterations (all-inclusive) under \$1.5m  | Value <sup>1,2</sup> x 1.5% (rounded up to \$1)                     |
| New Construction & Alterations (all-inclusive) \$1.5m-\$3.5m | Value <sup>1,2</sup> x 1.0% (rounded up to \$1)                     |
| New Construction & Alterations (all-inclusive) \$3.5m-\$7.0m | Value <sup>1,2</sup> x 0.9% (rounded up to \$1)                     |
| New Construction & Alterations (all-inclusive) \$7.0m-\$10m  | Value <sup>1,2</sup> x 0.8% (rounded up to \$1)                     |
| New Construction & Alterations (all-inclusive) \$10m+        | Value <sup>1,2</sup> x 0.7% (rounded up to \$1)                     |
| <b>MINIMUM COMMERCIAL PERMIT FEE = \$100</b>                 |   |
| Single Permits and Fees                                      |   |
| ■ Plumbing (interior)  | \$100 + \$25/fixture  |
| ■ Water Service Upgrade with New Tap                         | \$1,250 + meter <sup>4</sup>  |
| ■ Water Service Upgrade From B-Box                           | \$500   |
| ■ Lawn Irrigation System                                     | \$100 + \$1 per head  |
| ■ Sewer Repair   | \$550   |
| ■ Sewer Repair with New Tap                                  | \$1,100   |
| ■ Fire Sprinkler System (new system)                         | \$200 + \$1/head  |
| ■ Fire Sprinkler System (existing system)                    | \$100 + \$1/head  |
| ■ Electrical (office, retail, etc.)                          | \$100 + \$0.15/sq.ft. (rounded up to \$1)                           |
| ■ Electrical (warehouse, production, etc.)                   | \$100 + \$0.05/sq.ft. (rounded up to \$1)                           |
| ■ Generator  | \$500   |
| ■ Electric Service   | \$300   |
| ■ Electric Service (dwelling unit)                           | \$100   |
| ■ Low Voltage  | \$100   |
| ■ HVAC Rooftop Unit or Boiler                                | \$300/Rooftop Unit or Boiler  |
| ■ HVAC Unit Heater or Furnace                                | \$200/Unit Heater or Furnace  |
| ■ HVAC Unit Heater or Furnace (dwelling unit)                | \$100/Unit Heater or Furnace  |
| ■ HVAC Ductwork  | \$100   |
| ■ Site Work – New Parking, Drainage/Grading                  | Value <sup>1,2</sup> x 1% (rounded up to \$1)                       |
| ■ Site Work – Remove/Replace Hard Surfaces                   | \$100 + \$0.02/sq.ft. (rounded up to \$1)                           |
| ■ Demolition (see bonds)                                     | Value <sup>1</sup> x 1% (rounded up to \$1)                         |
| ■ Interior Demolition  | \$200   |

|  |  |
|--|--|
| ■ Roofing – Overlay                                      | \$100 + \$0.02/sq.ft. (rounded up to \$1)                            |
| ■ Roofing – Remove and Replace                           | \$100 + \$0.04/sq.ft. (rounded up to \$1)                            |
| ■ Tank Installation or Removal                           | \$300 + \$0.01/gallon (rounded up to \$1)                            |
| ■ Fence  | \$100 + \$1/linear ft.   |
| ■ Elevators, Escalators, Lifts, etc. (Install or Repair) | \$150  |
| ○ Biannual Inspection or 5-year Load Test                | \$100  |
| ■ Temporary and/or Partial Certificate of Occupancy Fee  | \$300 (per issuance and per extensions)                              |
| ■ Stop Work Permit <sup>10</sup>                         | 100% of the Building Permit Fee (\$1,500 Max.) + Building Permit Fee |

| <b>PERMIT FEE SCHEDULE</b>   |   |
|--|---|
| <b>Signs</b>   |   |
| Sign Square Footage = total dimensions of each sign face, including background or structure, as determined by the zoning administrator |   |
| ■ Temporary Signs and Banners  | \$50  |
| ■ Permanent Signs (new and replacement)  | \$100 <sup>5</sup>                                |
| ■ Billboards and Electronic Message Board<br>Billboard Signs   | \$250 <sup>6</sup>                                |
| <b>Cash Compliance Bonds</b>   |   |
| ■ Demolition   | \$5,000 or value of site restoration <sup>1</sup> |
| ■ Temporary Certificate of Occupancy   | \$5,000 <sup>7</sup>                              |
| Local Public Entities & Nonprofit Organizations: <sup>8</sup>  |   |
| ■ Local Public Entities Permit   | No Charge <sup>5</sup>                            |
| ■ Nonprofit Organizations Permit (value <sup>1,2</sup> up to \$50,000)   | Standard Permit Fee x 20%                         |
| ■ Nonprofit Organizations Permit (value <sup>1,2</sup> greater than \$50,000)  | Standard Permit Fee                               |
| ■ Inspection Fee   | \$50 per inspection                               |
| ■ Plan Review Fee  | Per Plan Review Fee Schedule                      |
| <b>Permit Fee Refunds<sup>9</sup></b>  |   |
| ■ Permit Fee over \$100  | Refund = (Fee x 75%)                              |
| <b>Back Flow Administrative Fee</b>  |   |
| ■ Back Flow Administrative Fee   | \$10 per device                                   |

**NOTES:**

1. As determined in accordance with Building Code section 3303.1 Demolition Permit – Construction Documents, Performance Security.
2. Including all site work when not part of a subdivision per Title 13.
3. When declared by City Council.
4. Current market price at time of permit issuance.

5. Additional fees for electrical and/or structural permits may apply.
6. Additional fees for electrical and/or structural permits may apply. The fee for the structural permit shall be 1.5 percent of the value of the alteration or \$500, whichever is greater. The Code Enforcement Officer may, at his discretion, require a third-party inspection of the billboard or electronic message board billboard. The applicant is responsible for the cost of any third-party inspection.
7. In accordance with Building Code section [A] 111.1.1 Temporary Certificate of Occupancy.
8. County, township, municipality, Municipal Corporation, school district or board, Forest Preserve District, Park District, Fire Protection District, Sanitary District, library systems, all other local government bodies.
9. When no work has begun.
10. In accordance with Section 10-14-3 of this Code.

**CITY OF DES PLAINES**  
**ORDINANCE M - 43 - 18**

**AN ORDINANCE AMENDING TITLE 10 OF THE CITY  
CODE OF THE CITY OF DES PLAINES REGARDING STOP  
WORK ORDERS.**

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**WHEREAS**, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, Title 10 of the City Code of the City of Des Plaines, as amended (“*City Code*”), regulates construction in the City (“*Construction Regulations*”); and

**WHEREAS**, the Department of Community and Economic Development has determined that issues exist regarding construction being performed without a required permit, beyond the scope of a permit issued by the City, and by contractors who are not listed on a permit or registered with the City, all in violation of the Construction Regulations (individually, a “*Construction Violation*”); and

**WHEREAS**, the Construction Regulations contain several provisions regarding the issuance of stop work orders (“*Stop Work Orders*”), which are issued in the event of a Construction Violation, some of which are inconsistent; and

**WHEREAS**, the City desires to amend the Construction Regulations to update and clarify the issuance and enforcement of Stop Work Orders; and

**WHEREAS**, the City Council has determined that it is necessary and in the best interest of the City to amend the City Code as set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1: RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

**SECTION 2: STOP WORK ORDERS.** Chapter 14, titled “Violations and Appeals” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended to add a new Section 3, as set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

**SECTION 3: AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE.** Section 2, titled “Amendments to the International Residential Code for One- and Two-Family Dwellings,” of Chapter 5, titled, “Residential Code for One- and Two-Family Dwellings,” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended as follows:

“10-5-2: AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE:

[A] 108.5 Stop Work Orders.

Upon ~~notice~~ **the issuance of a stop work order** from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. **Stop work orders shall be issued in accordance with section 10-14-3 of this code.** ~~Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.”~~

**SECTION 4: AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE.**

Section 2, titled “Amendments to the International Fuel Gas Code,” of Chapter 6, titled, “Fuel Gas Code,” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended as follows:

“10-6-2: AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE

[A] 108.5 Stop Work Orders.

Upon ~~notice~~ **the issuance of a stop work order** from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. **Stop work orders shall be issued in accordance with section 10-14-3 of this code.** ~~Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.”~~

**SECTION 5: AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

Section 2, titled “Amendments to the International Property Maintenance Code,” of Chapter 9, titled, “Property Maintenance Code,” of Title 10, titled “Construction Regulations,” of the City Code is hereby amended as follows:

“10-9-2: AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE:

112.2 Issuance.

**Stop work orders shall be issued in accordance with section 10-4-3 of this code.**~~A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.~~

112.4 Failure To Comply.

**Stop work orders shall be issued and enforced in accordance with section 10-4-3 of this code.**~~Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and may be liable of a fine not to exceed \$750.00 for each offense. A separate offense shall be deemed committed each day during which a violation occurs or continues."~~

**SECTION 6. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

**SECTION 7: EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval, and publication in the manner provided by law on January 1, 2019 and not before that time.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

**VOTE:** Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

ATTEST:

\_\_\_\_\_  
**CITY CLERK**

Published in pamphlet form this  
\_\_\_\_ day of \_\_\_\_\_, 2018

Approved as to form:

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**Peter M. Friedman, General Counsel**

## EXHIBIT A

### 10-14-3: STOP WORK ORDERS:

- A. Stop Work Order: Any city official charged with responsibility for administering this code shall have the power to issue a stop work order, either orally or in writing, directing that the following prohibited activities cease and desist immediately, provided that if the stop work order is oral, it shall be followed within 24 hours by a written stop work order:
1. Any construction, alteration, installation, repair or demolition of any building, structure, premises, or part thereof which is being done or has been done without any permit required by this code; or
  2. Any construction, alteration, installation, repair or demolition of any building, structure, premises or part thereof which is being done or has been done contrary to the drawings, plans, or application which the appropriate department of the city approved when issuing any permit; or
  3. Any maintenance or operation of any building, structure, premises, mechanical installation, equipment or part thereof which is being done without any permit or certificate required by this code; or
  4. Any construction, alteration, installation, repair or demolition of any building, structure, premises or part thereof which is being done or has been done:
    1. By workers lacking a contractor registration required under this code for such work; or
    2. By workers required by this code to be listed on the building permit application who were not listed.
- B. Violation: Work shall not be resumed after the issuance of a stop work order except on the written permission of the applicable city department head. It shall be unlawful for any person to knowingly violate a stop work order, or to knowingly cause, allow or direct another person to violate a stop work order, or to knowingly in any manner be a party to a violation of a stop work order.
- C. Penalty: Any person found in violation of section 10-14-13.B shall be fined in accordance with the general penalty set forth in section 1-4-1 of this code.
- D. Stop Work Order – Fees:
1. New Permit Fee: Whenever any person or entity shall apply for a new permit from the city as a result of a stop work order issued pursuant to subsection 10-14-3.A.1 of this section, the permit fee assessed for the new permit shall be the applicable permit fee plus an additional amount of 100% of the applicable permit fee or \$1,500, whichever is less.

2. Revised Permit Fee: Whenever any person or entity shall apply for a revised permit from the city as a result of a stop work order issued pursuant to subsection 10-14-3.A.2 of this section, the permit fee assessed for the revised permit shall be the applicable permit fee plus an additional amount of 100% of the applicable permit fee or \$1,500, whichever is less.
3. Contractor Registration Fee: Whenever any person or entity shall apply for a revised permit from the city as a result of a stop work order issued pursuant to subsection 10-14-3.A.4 of this section, such person or entity must obtain the required contractor registration from the City and pay a permit application revision fee of \$250.00.

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