

CITY OF KIRTLAND

ORDINANCE NUMBER 20-O-55

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 236.07(d) RELATING TO THE FEES, PROFESSIONAL CONSULTING AND RELATED EXPENSES FOR THE PROCESSING OF APPLICATIONS FOR A VARIETY OF PURPOSES AND REASONS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 19-O-33 was passed on June 3, 2019, amending Kirtland Code of Ordinances §236.07(d) relating to fees; and

WHEREAS, upon the recommendation from the Engineer for the City of Kirtland, City Council has determined that it is necessary to amend Kirtland Codified Ordinances §236.07(d), as set forth in Exhibit “A” attached hereto and made a part hereof, to further specify the fees and deposits for professional consulting and engineering for various projects within the City; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, the Kirtland Community Center has been closed to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Section 236.07(d) Schedule of Fees, enacted by Ordinance No. 19-O-33, passed on June 3, 2019, is hereby amended as set forth in Exhibit “A” attached hereto and made a part hereof as though fully set forth herein at length.

SECTION II: That the heretofore existing Section 236.07(d) of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and requires the following:

1. The Clerk of Council is hereby directed to post the enacted legislation in City Hall and the Kirtland Public Library for fifteen (15) consecutive days after the effective date of this legislation; and
2. Due to the closure of the Kirtland Community Center, the Clerk of Council is not required to post said enacted legislation in that location; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION IV:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to timely correct the aforementioned discrepancy in fees and to further clarify various professional fees for the benefit of the residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2020.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2020.

Clerk of Council
Amend 236.07(d) Fees and Expenses 2020

Mayor Kevin F. Potter

§236.07(d) *Schedule of fees.* The following is a non-exclusive schedule of fees which are in addition to the normal or usual filing fee or any other fee provided for in the Kirtland Codified Ordinances.

	<i>Code Section</i>	<i>Type of Proposal</i>	<i>Fee or Deposit</i>	<i>Note</i>
(1)	208.02(b)(3)	Costs for public records		
A.		Paper copies - cost per page	\$0.05	*1
B.		Computer files on compact disc - cost per disc	\$2.00	*1
(2)	440.01(c)	Heavy vehicles on local roads		
A.		Permit fee	\$5.00	*1
B.		Police Dept. Supervision - charge per hour	\$10.00	*1
C.		Bond to compensate for any damage to road	T.B.D.	*4
(3)	452.05(c)(3)	Reclaim vehicle willfully left on private or public property - fee paid to storage facility		*5
(4)	452.055	Reclaim of vehicle ordered into storage - fee paid to storage facility		*5
(5)	630.02(f)	Filing fees for sweepstakes terminal device - filed with Attorney General		*5
(6)	630.02(g)(2)	Certificate of compliance for sweepstakes terminal device - filing fee paid to Attorney General		*5
(7)	672.05(b)	Dangerous ordnance		
A.		License to possess dangerous ordnance	\$50.00	*1
B.		Temporary permit for dangerous ordnance	\$5.00	*1
(8)	672.10(e)(5)	Permit for public fireworks exhibition (<i>no fee specified - Council can prescribe fee</i>)		
(9)	802.02	Business license	\$50.00	*1
(10)	824.05	Application for solicitors license or temporary business license	\$150.00	*1
(11)	826.02	Garage sale permit	\$3.00	*1
(12)	834.04	Game rooms and amusement devices		
A.		Annual fee for license	\$100.00	*1
B.		Annual fee for each amusement device	\$50.00	*1
(13)	836.01	Gas and oil wells permit - issued by ODNR		*5
(14)	870.06	Sexually oriented business license - annual fee	\$200.00	*1
(15)	872.01	Video service provider (VSP) fee - 5 percent of gross revenues	T.B.D.	*1
(16)	1022.02(c)(1)	Bond for excavations - not less than \$300	T.B.D.	*3
(17)	1022.02(c)(2)	Blanket bond for excavations - not less than \$2,500	T.B.D.	*3

	<i>Code Section</i>	<i>Type of Proposal</i>	<i>Fee or Deposit</i>	<i>Note</i>
(18)	1024.01(b)	Culvert permit and inspection	\$50.00	*1
(19)	1026.02	Ditch enclosure permit and inspection	\$150.00	*1
(20)	1028.02(a)	Drive apron - other than one and two family dwellings	\$150.00	*1
(21)	1028.02(b)	Drive apron - one and two family dwellings	\$35.00	*1
(22)	1040.06	Water service rates (Aqua Ohio)		*5
(23)	1040.08	Extension of water mains; related facilities charges (Aqua Ohio)		*5
(24)	1042.03(b)	Sanitary sewer tap-in permit for Hickory Hill, Rockwood Ledges and Shenandoah package plants	\$1,000.00	*1
(25)	1062.02	Cemetery fees		
A.		Resident per grave price	\$750.00	*1
B.		Nonresident per grave price	\$1,500.00	*1
C.		New deed and/or transfer fee	\$40.00	*1
D.		Burial fee - adult weekday	\$500.00	*1
E.		Burial fee - adult Saturday	\$850.00	*1
F.		Burial fee - infant weekday	\$200.00	*1
G.		Burial fee - infant Saturday	\$350.00	*1
H.		Cremation fee - weekday urn	\$150.00	*1
I.		Cremation fee - Saturday urn	\$450.00	*1
J.		Cremation fee - weekday vault	\$250.00	*1
K.		Cremation fee - Saturday vault	\$350.00	*1
L.		Disinterment fee - weekday adult (no Saturday or holiday disinterments)	\$1,200.00	*1
M.		Disinterment fee - weekday infant	\$400.00	*1
N.		Disinterment fee - weekday urn	\$250.00	*1
O.		Disinterment fee - weekday vault	\$400.00	*1
P.		Foundation fee - flush headstone - per sq. ft.(rounded up to nearest foot)	\$60.00	*1
Q.		Foundation fee - above ground headstone - per sq. ft. (rounded up to nearest foot)	\$75.00	*1
R.		Foundation fee - 2' x 1' flush	\$120.00	*1
S.		Foundation fee - 2' x 1' above ground	\$150.00	*1
T.		Foundation fee - 3' x 1' flush	\$180.00	*1
U.		Foundation fee - 3' x 1' above ground	\$225.00	*1
V.		Foundation fee - 4' x 1' flush	\$240.00	*1
W.		Foundation fee - 4' x 1' above ground	\$300.00	*1
X.		Foundation fee - 5' x 1' flush	\$300.00	*1

	<i>Code Section</i>	<i>Type of Proposal</i>	<i>Fee or Deposit</i>	<i>Note</i>
Y.		Foundation fee - 5' x 1' above ground	\$375.00	*1
Z.		Headstone with retractable vase - additional fee	\$35.00	*1
AA.		Headstone foundation removal	\$110.00	*1
BB.		Retractable vase installation next to headstone	\$35.00	*1
(26)	1064.03	False alarms - third and additional false alarms annually	\$50.00	*1
(27)	1064.05	Burglary or fire monitoring device installed or monitored by the city		
A.		Per month rental for private residence	\$10.00	*1
B.		Per month rental for other user	\$25.00	*1
(28)	1066.01	Ambulance and rescue squad service (non-residents) - billed according to level of service		*1
(29)	1240.06	Copy of Subdivision Regulations	\$15.00	*1
(30)	1242.05(a)	Preliminary plat filing fee 0-10 lots Each additional lot in excess of 10	\$100.00 \$5.00	*1 *1
(31)	1242.05(b)	Minor subdivision fee	\$25.00	*1
(32)	1242.05(c)	Review deposit for lot split or minor subdivision plat	\$250.00	*2
	1242.05(c)	Improvement plan review deposit for major subdivision	\$10,000.00	*2
	1242.05(c)	Services during construction & inspection deposit for a major subdivision. Deposit is TBD based on proposed development scheduled for construction improvements. Deposit is to be made prior to preconstruction meeting.	T.B.D.	*2
	1242.05(c)	Improvement plan review deposit for condominium.	\$10,000.00	*2
	1242.05(c)	Services during construction & inspection deposit for a condominium. Deposit is TBD based on proposed development scheduled for construction improvements. Deposit is to be made prior to preconstruction meeting.	T.B.D.	*2
(33)	1248.01	Guarantee for subdivision improvements	T.B.D.	*4

	<i>Code Section</i>	<i>Type of Proposal</i>	<i>Fee or Deposit</i>	<i>Note</i>
(34)	1262.03(e)	Zoning permit for commercial and industrial developments:		
A.		All developments containing less than 20,000 square feet of floor area.	\$250.00	*1
B.		All developments containing between 20,000 and 100,000 square feet of floor area.	\$500.00	*1
C.		All developments containing more than 100,000 square feet of floor area.	\$1,000.00	*1
(35)	1262.08	Cash bond for construction of building or structure	\$1,200.00	*3
(36)	1264.11	Board of Zoning Appeals		
A.		Application for residential use appeal or variance	\$175.00	*1
B.		Application for non-residential use appeal or variance	\$275.00	*1
C.		Deposit for consultant review and expert witness	\$1,000.00	*2
(37)	1268.04(i)(4)	Permit to display used vehicle for sale on residential property	\$15.00	*1
(38)	1285.02(b)	Application for zoning permit for conditional use	\$300.00	*1
(39)	1292.04	Wireless communication facilities		
A.		New wireless communication tower	\$4,000.00	*1
B.		New wireless communication antenna	\$1,000.00	*1
C.		Deposit for consultant review	\$1,000.00	*2
(40)	1292.05(e)	Co-location, removal or replacement of antenna on wireless tower		
A.		Administrative approval only needed	\$100.00	*1
B.		Planning and Zoning Commission approval needed	\$500.00	*1
(41)	1294.06(b)	Plan review and inspection deposit for riparian setback conditional use permit	\$1,500.00	*2
(42)	1294.10(a)(1)	Riparian setback appeal or variance request	\$100.00	*1
	1294.10(a)(1)	Plan review and inspection deposit for riparian setback appeal or variance request	\$1,500.00	*2

(43)	1299.03(b)(9)	Zoning, rezoning, text change or map amendment		
A.		Application requested by property owner	\$250.00	*1
B.		Deposit for consultant review	\$2,500.00	*2
(44)	1442.04(b)	Excavations, landfills and grading		
A.		Application for excavations, landfills and grading permit	\$250.00	*1
B.		Plan review and inspection deposit for disturbed area of 1 acre or less	\$1,500.00	*2
B. (cont'd)		Plan review and inspection deposit for disturbed area of more than 1 acre to 5 acres	\$3,500.00	*2
B. (cont'd)		Plan review and inspection deposit for disturbed area of more than 5 acres	\$6,000.00	*2
(45)	1442.12(a)(1)	Appeal of decision under Chapter 1442	\$100.00	*1
(46)	1446.03(d)(6)	Flood plain management applications.		
A.		Flood plain management application.	\$100.00	*1
B.		Review of a fill, house, addition, or accessory structure	\$500.00	*2
C.		Review of a watercourse alteration or relocation	\$2,000.00	*2
D.		Review of hydrologic and/or hydraulic engineering analysis	\$5,000.00	*2
E.		Any appeal or variance associated with floodplain development	\$1,000.00	*2
(47)	1448.02(b)	Moving of buildings		
A.		One-story wood frame across a public thoroughfare	\$150.00	*1
B.		More than one-story wood frame across a public thoroughfare	\$250.00	*1
C.		Any type of masonry across a public thoroughfare	\$300.00	*1
D.		From one lot to another without going on a public thoroughfare	\$100.00	*1
E.		From one location to another on the same lot	\$50.00	*1
(48)	1448.03	Compliance bond relating to moving of buildings	\$25,000	*4

(49)	1452.05(a)	Site and grading plan applications for new home construction	\$500.00	*2
	1452.05(a)	Site and grading plan applications for an accessory use requiring Planning & Zoning approval	\$500.00	*2
	1452.05(a)	Site and grading plan applications for commercial development of a single site of 5 acres or less	\$3,500.00	*2
	1452.05(a)	Site and grading plan applications for commercial development of a single site of more than 5 acres	\$6,000.00	*2
(50)	1460.06	Licensing and/or registration of contractors (yearly)	\$75.00	*1
(51)	1464.11	Stormwater Pollution Prevention Plan review fee	\$500.00	*1
(52)	1464.12	Erosion and sediment control compliance additional fee		
A.		Less than 1 acre disturbed	\$3,750.00	*3
B.		Each additional acre disturbed or fraction thereof	\$2,750.00	*3
(53)	1466.14	Stormwater Management Plan review fee	\$550.00	*2
(54)	1466.15	Stormwater Management inspection and compliance bond	T.B.D.	*3
(55)	1610.13	Permits issued by Fire Chief or Municipal Fire Safety Inspector	\$25.00	*1
(56)		All other applications requiring consulting expenses	T.B.D.	*2
(57)		Misc. City Administrative Operations Fee		
A.		Misc. category that involves municipal Council, administrators, communications, hearings, etc.	\$250.00	*1
(58)		Small Cell Wireless Facility Fees		
A.		Initial application fee covers 5 small cells	\$500.00	*1
B.		Each additional small cell facility over five	\$100.00	*1
C.		Annual right-of-way access fee per each small cell	\$270.00	*1

Notes:

T.B.D. To be determined by review consultant based on the complexity of the project

1. Non-refundable fee

2. Review deposit. Any unused review deposits will be returned to the applicant.

If the deposited review funds are insufficient to cover the city's expenses, review will be suspended until additional review monies are deposited with the city.

3. Cash compliance bond deposit. Compliance deposits will be returned to the applicant when the project is satisfactorily completed, soil stabilized, roadways repaired, and any dispute resolved. If the deposited compliance bond funds are depleted due to any claim, the applicant shall deposit additional monies with the city upon receipt of an invoice from the Department of Finance. Failure to deposit the additional funds may result in a stop work order from the Mayor and/or a lien on the property.

4. Cash or Surety bond

5. Fees collected by other agencies - see agency for current fees.