

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

- Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE : June 11, 2018 **(BOT) Date:** June 21, 2018
SUBJECT: Text Amendments to the Village Code of Ordinances, Chapter
 150.141: Inspection Fee Amendments

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

As part of the Village's ongoing fiscal review of development regulations and policies, the Community Development Department identified the existing fee schedule provisions for excessive inspections. This matter was reviewed by the Board of Building Appeals (BOBA) as well as the Economic and Community Development Committee (ECDC). Both entities unanimously recommended approval of a modification to the inspection fee requirements under selected instances.

Please place this item on the June 21, 2018 Village Board agenda. The ECDC and BOBA recommend approval of the code amendments to Chapter 150.141 (A) as it pertains to inspection fees.

Fiscal Impact/Funding Source:


Review (as necessary):
 Finance Director _____ Date _____
 Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: June 21, 2018

SUBJECT: **Text Amendments to the Village Code of Ordinances, Chapter 150.141: Inspection Fee Amendments**

As part of the Village's ongoing fiscal review of development regulations and policies, the Community Development Department identified the existing fee schedule provisions for excessive inspections. This matter was reviewed by the Board of Building Appeals (BOBA) as well as the Economic and Community Development Committee (ECDC). Both entities unanimously recommended approval of a modification to the inspection fee requirements under selected instances.

Attached are the following documents for consideration:

1. The ECDC staff memorandum setting forth the rationale for modifying the fee schedules to account for projects that are subject to excessive re-inspections; and
2. An Ordinance establishing Chapter 150.141 (A) of the Village Code setting forth the building permit inspection fees for selected projects.

ACTION REQUESTED

Please place this item on the June 21, 2018 Village Board agenda. The ECDC and BOBA recommend approval of the code amendments to Chapter 150.141 (A) as it pertains to inspection fees.



MEMORANDUM

TO: Trustee Bill Johnston, Chairperson
Economic & Community Development Committee (ECDC) Members

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: February 12, 2018

SUBJECT: **Text Amendment to Section 150.141: Re-Inspection Fees**

As part of an overall budget review process, Village staff was directed to various department budgets in anticipation of a budget shortfall for the 2019 calendar year. The focus was to be on charging a right sized fee for services being used.

One area staff identified was re-inspection fees. While there is current code text to require a \$55.00 fee for residential re-inspections and \$68.00 for commercial inspections, Village policy has been for many years to allow the first failure with no re-inspection and only charge any re-inspection fees after the second inspection has failed.

Staff has identified this as a possible source to charge for actual time used. In real world applications, if a scheduled inspection could not be undertaken due to delays on the contractor's end, it could result in the need for an additional inspection to be undertaken. This adds additional costs to the Village, either in the form of additional staff time and resources or by the Village's private inspection services entity undertake the additional inspection (currently at a cost of \$80.00/hour).

Staff completed a survey of 13 communities to see how others handled the same issue. While some communities charged and some did not, most did reply that they charge re-inspection fees for most failed inspections with no allowance for one failed inspection.

OPTIONS AVAILABLE

1. Do nothing and have staff continue to not charge for the first failed inspection, but charge for subsequent failed inspections
2. Have staff start charging re-inspection fees for the first failed inspection
3. Direct staff to draft language that provides for two levels of re-inspections fees to right size the fee to actual staff time involved in the re-inspection. Such language could be drafted to apply a small fee (suggest \$25) for one or two items to be re-inspected and a larger fee (\$55 residential as currently in code and \$68 Commercial as currently in code) for re-inspections that will take staff similar amounts of time as the initial inspection.

ACTIONS TO DATE

Staff brought this matter to BOBA at their January 31, 2018 meeting. Through discussion, they unanimously proposed an alternate recommendation to the ones offered by staff above. Through their deliberation, BOBA recommends that a failed first re-inspection should not have a re-inspection fee but subsequent re-inspection fees shall be assessed a higher fee than what is currently provided within Village Code; all in an attempt to offset the cost of such re-inspections incurred by the Village (\$65 for residential and \$80 for non-residential was suggested as a possible figure).

COMMITTEE ACTION REQUESTED

Staff recommends that ECDC recommend approval of the amendments to the re-inspection fees as set forth by BOBA. Any recommendation from ECDC will also be shared with the Finance Committee prior to final consideration by the Village Board.

ORDINANCE _____

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 150, SECTIONS 150.141(A)
AND 150.141 (X)(3) OF THE LOMBARD VILLAGE CODE IN REGARD TO
BUILDING PERMIT INSPECTION FEES**

WHEREAS, the Lombard Board of Building Appeals met on January 31, 2018, to consider the Village Code amendments set forth below; and,

WHEREAS, the Lombard Economic and Community Development Committee met on February 12, 2018 to consider the Village Code amendments set forth below; and,

WHEREAS, the Lombard Economic and Community Development Committee and the Lombard Board of Building Appeals have filed their recommendations with the President and Village Board of Trustees, recommending approval of the Village Code amendments set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That effective January 1, 2019, Title XV, Chapter 150, current Section 150.141 (A)(4) of the Lombard Village Code shall be renumbered as Section 150.141 (A)(5).

SECTION 2: That effective January 1, 2019, Title XV, Chapter 150, Section 150.141(A) of the Lombard Village Code is hereby amended by adding a new subsection (4) thereto, which shall read in its entirety as follows:

“(4)Re-Inspection Fees. In the event that a building permit related inspection by the Village or its agents results in a failed inspection, either as a result of the construction activity not meeting code provisions, or the construction otherwise not being in compliance with the improved plans, the following additional fees shall be assessed:

- (a) First failed inspection – no additional fee.
- (b) Second or subsequent failed inspections - \$65.00 for a single-family residential project and \$80.00 for all other projects.

In the event that the permittee and/or the permittee’s contractor does not have the project site ready for an inspection at the time and on the date the inspection was scheduled to occur, the additional fee set forth in subsection (b) above shall be assessed.”

SECTION 3: That effective January 1, 2019, Title XV, Chapter 15, Section 150.141 (X)(3) of the Lombard Village Code is hereby amended to read in its entirety as follows:

“(3) Inspection of project improvements –

(a) Three percent (3%) of the engineer's estimated cost of all of the public improvements, as defined in Title XV, Chapter 154, Section 154.703 of this Code.

(b) In addition to the fee set forth in subsection (a) above, Inspections conducted before 7:30 a.m. or after 4:00 p.m. on weekdays, and/or at any time on weekends and holidays, when available, shall be billed at a rate which shall be the greater of:

- (i) \$100.00 per hour of inspection time; or
- (ii) The actual cost billed to the Village, by a third party, for the inspection, as provided for by this Chapter 16 of Code which shall apply even if the permittee, or the permittee’s authorized agent or contractor, fails to show up for a scheduled inspection.

Any inspection conducted before 6:00 a.m. or after 5:00 p.m. on weekdays, and at any time on weekends and holidays, when available, shall be subject to a two (2) hour minimum inspective time, which shall apply even if the permittee, or the permittee’s authorized agent or contractor, fails to show up for a scheduled inspection.”

SECTION 4: That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Ordinance No. _____

Re: Amendments to Chapter 150.141 – Plan Inspection Fees

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Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet from this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk