Item #5:
Ordinance Amending Building Code Re: Permit Duration

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

AN ORDINANCE AMENDING TITLE 4, CHAPTER 1A AND SECTION 12-1-3 OF THE LONG GROVE VILLAGE CODE REGARDING BUILDING PERMITS

Adopted by the President and Board of Trustees of the Village of Long Grove on this 14th day of July, 2015

Published in pamphlet form by direction and authority of the Village of Long Grove, County of Lake, State of Illinois, on this 15th day of July, 2015

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ORDINANCE NO. 2015-O-__

AN ORDINANCE AMENDING TITLE 4, CHAPTER 1A AND SECTION 12-1-3 OF THE LONG GROVE VILLAGE CODE REGARDING BUILDING PERMITS

WHEREAS, Title 4, Chapter 1A and Section 12-1-3 of the Long Grove Village Code ("***Village Code***") set forth regulations governing building and construction permits and security deposits required to be posted and maintained in connection with such permits; and

WHEREAS, the President and Board of Trustees desire to amend Title 4, Chapter 1A and Section 12-1-3 of the Village Code to clarify the procedures that apply to the issuance of building permits and the return of security deposits in the event that an applicant fails to promptly draw a building permit following approval of a permit application; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to amend the Village Code to provide that: (i) if a building permit is are not drawn within six months after a building permit application is approved, then the approval shall be deemed void; and (ii) in the event an approval becomes void, all applicable unpaid fees and costs related to the permit application shall be deducted from the applicant's security deposit, and the balance of the security deposit shall thereafter be returned to the applicant;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, AS FOLLOWS:

SECTION ONE. Recitals. The foregoing recitals are incorporated into this Ordinance as the findings of the President and Board of Trustees.

SECTION TWO. Amendment to Section 4-1A-1. Section 4-1A-1, titled "Security Deposit; Term," of Chapter 1A, titled "Building Security Deposits and Miscellaneous Provisions," of Title 4, titled "Building Regulations," is hereby amended in part as follows:

4-1A-1: SECURITY DEPOSIT; TERM.

Prior to the issuance of a building permit, the permit applicant shall post a security deposit with the village. The security deposit shall be maintained for a term of twenty four (24) months after the issuance of a building permit, **except as otherwise provided in Section 4-1A-6 of this chapter,** and thereafter retained or returned by the village, subject to the permit applicant's compliance with applicable codes; provided, however, that the village superintendent may extend the time for maintaining a security deposit for a period not to exceed six (6) months. Security deposits shall be governed by the provisions of this chapter and section 12-1-3 of this code.

SECTION THREE. Amendment to Title 4, Chapter 1A to Include a New Section 4-1A-6. Chapter 1A, titled "Building Security Deposits and Miscellaneous Provisions," of Title 4, titled "Building Regulations," is hereby amended to add a new Section 4-1A-6 as follows:

4-1A-6: DEADLINE TO DRAW PERMIT.

Upon the village's approval of a building permit application, the village shall provide a written notice ("Notice") to the permit applicant that the application has been approved and specify the location, days, and times where the applicant can draw a building permit for the approved work. If the applicant fails to draw the permit within 30 days after the date of the Notice, then the village shall charge the applicant an administrative fee as set forth in Section 12-1-2 of this code. If the applicant fails to draw the permit within six months after the date of the Notice, then the permit application approval shall be deemed void, and the village shall deduct all unpaid fees and costs relating to the permit application from the applicant's security deposit and return the remaining balance of the security deposit, if any, to the applicant in accordance with section 12-1-3 of this code.

SECTION FOUR. Amendment to Section 12-1-3. Section 12-1-3 titled "Use and Disposition of Security Deposits," of Chapter 1, titled "Fee Schedule," of Title 12, titled "Fees and Costs" of the Village Code is hereby amended in part as follows:

12-1-3: USE AND DISPOSITION OF SECURITY DEPOSITS

* * *

(C) Preconditions For Return of Security Deposit: No security deposit shall be returned to any person unless all work required to be performed pursuant to the authorization or any applicable code provision has been completed in a timely fashion, inspected, and approved by the village superintendent, village engineer, their designees, or the person whose approval is required pursuant to the authorization or applicable code provision**, or unless the authorization is deemed void pursuant to Section 4-1A-6 of this code**. In addition, no security

deposit shall be returned to any person if there are any violations, penalties, or fines outstanding with respect to the work or the premises that are the subject of the authorization; except that, to the extent the violation, penalty, or fine can be corrected or satisfied by the payment of funds to the village, then the person receiving the authorization may agree to the application of the portion of the security deposit necessary to satisfy the outstanding violation, penalty, or fine.

* * *

J. Reduction For Untimely Permit Draw. In addition to any violations, penalties, or fines that may apply, in the event that a building or construction work authorization is deemed void for failure by the applicant to timely draw a permit as provided in Section 4-1A-6 of this code, then the village shall deduct all unpaid fees and costs relating to the permit application, including without limitation permit application fees, plan examination and reexamination fees, costs of review, and additional permit charges, from the security deposit. To the extent that any security deposit is on file with the village as of the effective date of this provision that relates to a building or construction work authorization issued more than six months prior to the effective date of this section and for which no permit has been drawn, such authorization shall be deemed void on August 15, 2015, and such security deposit shall thereafter be subject to the provisions of this Subsection 12-1-3(J).

SECTION FIVE. **Effective Date**. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS 15TH DAY OF JULY, 2015.

AYES: ( )

NAYS: ( )

ABSENT: ( )

ABSTAIN: ( )

APPROVED THIS 15TH DAY OF JULY, 2015.

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Angela Underwood, Village President

ATTEST:

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Heidi Locker-Scheer, Village Clerk

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