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Ordinance No. 3104 Summary

On October 11, 2016, the City of Paola, Kansas, adopted Ordinance No. 3104, amending Section 500.310, Fees, of the Code of the City of Paola, Kansas, 2009, by correcting typing and grammatical errors; and adding Section 500.315, Reduced Fees For Building Permits, of the Code of the City of Paola, Kansas, 2009, which allows for a 50% reduction in certain fees for entities that have statutory authority to levy local property taxes (these entities shall not include the State of Kansas or the U.S. Federal Government) and; entities that are primarily (more than 50%) funded by entities that have statutory authority to levy local property taxes and; individual projects for public recreation facilities that are not located on property owned by the City of Paola. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at www.cityofpaola.com. This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO 3104

AN ORDINANCE AMENDING SECTION 500.310, FEES, AND ADDING SECTION 500.315, REDUCED FEES FOR BUILDING PERMITS, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009.

Be it Ordained by the Governing Body of the City of Paola, Kansas:

SECTION 1. That Section 500.310. Fees, of the Code of the City of Paola, Kansas, 2009, is hereby amended to read as follows:

“Section 500.310. Fees.

- A. *General.* Fees shall be assessed in accordance with the provisions of this Section or shall be as set forth in the fee schedule adopted by the City of Paola.
 1. *Severability.* It is hereby declared the intention of the City of Paola that the Sections, Subsections, paragraphs, sentences, clauses and phrases contained within these regulations are to be severable and should any Section, Subsection or provision of these regulations be declared unconstitutional or otherwise ruled to be invalid by any court of competent jurisdiction in a valid judgment or decree, then such decision or ruling shall not affect the validity of the regulations as a whole or any part of them other than the specific part declared to be unconstitutional or ruled to be invalid.
- B. *Permit Fees.* The fee for each permit shall be as set forth in this Section. Where a code has been adopted by the City of Paola and the Community Growth Area, for which no fee schedule is shown in this Code, the fee required shall be in accordance with the schedule established by the City of Paola.

The determination of value or valuation under any of the provisions of these codes shall be made by the Code Official. Value or valuation, as applied to a building and/or its building service equipment for the purpose of establishing permit fees, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs as established by the Building Valuation Data Unit Cost Table provided in Exhibit 1 of this Section or any other method deemed acceptable by the Code Official. The Building Valuation Data Unit Cost Table shall be revised annually to reflect the rate of inflation established by the U.S. Department of Labor, Bureau of Labor Statistics in the annual December to December Consumer Price Index (CPI).

The basis to be used in computing the building permit and building plan review fees shall be as set forth in Table 1-A and the fee schedule for work or services specified in Table 1-B.

All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the City of Paola during times of declared emergency.

- C. *Plan Review Fees.* When submittal documents are required by the City of Paola Building Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be the amount established by Table 1-B of this document. The Code Official may waive the plan review fee if it is determined that the work being performed is minor in nature and can be approved during field inspection of the work being performed.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in the City of Paola Building Code, additional plan review and permit fees may be charged.

- D. *Work Commencing Before Permit Issuance.* Whenever work for which a permit is required by the City of Paola and the Community Growth Area Building Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

1. *Investigation fee.* An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A and the fee schedule for work or services specified in Table 1-B. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of any Building Code or regulation that has been adopted by City of Paola nor from the penalty prescribed by law.

EXCEPTIONS:

- a. In cases of emergency, the person or other entity doing the work or causing work to be done may proceed with the work and file application for a permit by the close of business the next business day, after commencement of emergency work. Emergency shall be considered to exist only in those situations wherein life, health and safety would be adversely affected if work were not commenced immediately and the burden shall be upon the person claiming such emergency

to exist to prove the existence of such emergency by clear and convincing evidence.

b. In cases where the work is being done at a one-family dwelling by the person who owns and occupies such dwelling and application for permit is made within one (1) working day (twenty-four (24) hours) following notification that such work requires a permit, the investigation fee may be waived by the Code Official.

2. *Compliance of work performed prior to issuance of permit.* The person responsible for the work that was completed prior to a building permit being issued shall be responsible to provide access for inspection of all work requiring inspection by the City of Paola Building Code or shall be responsible, at their expense, to retain the services of a licensed professional to verify that the work that was performed prior to the issuance of a permit is in full compliance with the provisions of all applicable codes and ordinances of City of Paola in a manner acceptable to the Code Official.

E. *Re-inspection Fees.* A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete, when corrections called for are not made, when approved plans are not provided for inspections or when access is not provided when inspections have been requested.

This Section is not to be interpreted as requiring re-inspection fees the first (1st) time a job is rejected for failure to comply with the requirements of the City of Paola Building Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed for the following conditions:

1. When work for which an inspection was requested by the permittee or an agent of the permittee is not ready for inspection;
2. When corrections called for are not made;
3. Failure to provide access on the date for which inspection is requested;
4. Failure to provide the approved plans for the job when required for inspection purposes;
5. For deviating from approved plans requiring the approval of the Code Official;
6. For failure to post the address or identify the premises resulting in an inspector being unable to find the location of the requested inspection.

To obtain a re-inspection when a re-inspection fee has been assessed, the applicant shall pay the re-inspection fee in accordance with the fee schedule adopted by this jurisdiction. In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid. Work requiring approval shall not be concealed until approval has been obtained.

F. *Refunds.* The Code Official may authorize refunding of a fee that was erroneously paid or collected.

The Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The Code Official may authorize refunding of not more than eighty percent (80%) of the plan review fee paid when an application for permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

- G. *Related Fees.* The payment of the fee for the construction, alteration, removal or demolition of work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- H. *Unpaid Fees.* Unpaid fees that have been assessed and remain unpaid at the completion of a project shall be reported to the City Clerk and the City Clerk shall, at the time of certifying other taxes, certify the unpaid fees and extend the same on the tax role.

Table 1-A
Building Permit Fee Schedule
Includes all buildings and building service equipment

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up.	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof

EXCEPTIONS to Table 1-A:

* The fee for manufactured homes shall be based upon one-half the valuation required of a new site constructed building.

Table 1-B
Fee Schedule for other work or services

1. *Permit extensions.* The fee for a permit extension as allowed by Section 105.5.1 of the International Building Code shall be subject to the fee specified by Table 1-A based upon the valuation of work remaining to be completed as determined by the Code Official based upon an evaluation inspection.

2. *Plan review fees.* Plan review fees required by Section 101.3 of this code shall be as follows:

- a. Single-family dwellings: 35% of permit fee.
- b. Commercial and industrial: 65% of permit fee.
- c. Use of outside consultants: Actual cost.

3. *Re-inspection fees:* \$75.00 per hour.

Re-inspection fees assessed under provisions of Section 101.5 of this code. There shall be a minimum two (2) hour charge assessed.

4. *Inspections outside of normal business hours:* \$75.00 per hour.

There shall be a minimum charge of two (2) hours and the request shall be received no less than one (1) whole business day prior to the requested inspection date.

5. *Other inspections and administration:* \$50.00 per hour.

Inspections for which no fee is specifically indicated. There shall be a minimum charge of two (2) hours. The actual cost to the City shall be assessed for the use of outside consultants for inspections or testing.

6. *Temporary certificate of occupancy.*

Residential:

- a. For the first (1st) temporary certificate of occupancy: No Charge
Maximum number of days allowed— 30 days
- b. For the first (1st) additional temporary certificate of occupancy: \$50.00
Maximum number of days allowed— 30 days
- c. For an additional temporary certificate of occupancy: \$100.00
Maximum number of days allowed— 30 days

* The only exception to maximum number of days allowed is for landscaping and shall not exceed one hundred eighty (180) days.

** No additional permits shall be issued to the general contractor until a temporary certificate of occupancy has been completed and a permanent certificate of occupancy has been issued.

Commercial:

\$750.00 with \$350.00 refunded upon completion of items found incomplete.

* Shall be issued with a completion date not to exceed sixty (60) days. If not completed by said date, no refund will be made. Additional funds shall be necessary before additional inspections will be performed.

7. *Code modification requests:* \$50.00 or actual costs (at discretion of Code Official).

Code modification requests submitted pursuant to Section 104.10 of the International Building Code. The fee is for the time required to research the request and determine if the request is acceptable.

8. *Sign permits:* \$25.00/sign.

Shall meet requirements of the City of Paola land development ordinance.

9. *Temporary permits.*

Permits for temporary construction offices: \$250.00
(\$125.00 refunded when office is removed)

Permits for temporary hardship manufactured home: \$150.00

Permits for government supplied temporary hardship manufactured home: None

10. *Moved buildings and demolition.*

a. Pre-move evaluation and moving permit (within City of Paola or Paola growth area): \$150.00.

b. Pre-move evaluation and moving permit outside jurisdiction: \$150.00 plus mileage rate and other expenses incurred.

Fees for foundation construction repair, alteration, improvement or addition to a moved building after the placement on a new site will be charged based upon the valuation of the work and in accordance with the fee required in Table 1-A.

c. Demolition.

Single-family dwellings and ag/accessory structures over five hundred (500) square feet: \$50.00.

Agricultural and detached accessory structures under five hundred (500) square feet: \$30.00.

Commercial or industrial: \$100.00.

11. *Fees for reproduction of plans and documents.* Fee charged per page reproduced. Fee includes all material, equipment and administrative costs, not included in permit fees.

8.5 x 11	\$0.50
8.5 x 14	\$0.75
11 x 17	\$1.00

24 wide	\$8.00
36 wide	\$8.00

12. Unit fees for installation of building service equipment not associated with a permit for new construction in single-family dwellings, single-family accessory buildings and commercial buildings.

a. *Electrical services.*

Up to two hundred ampere: \$50.00.

Up to four hundred ampere: \$75.00.

Exceeding four hundred ampere: Based upon installation cost.

The unit fee specified may be used to establish permit fees for new electrical equipment in residential accessory and agricultural buildings.

b. *New HVAC and water heater installations.*

Furnace: \$50.00.

Water heater: \$50.00.

Central air-conditioning unit: \$50.00.

Replacement of existing furnaces, water heaters or central air-conditioning units serving a single-family dwelling: \$25.00.

Combination of any two (2) or more appliances — \$50.00 for the first (1st) appliance, plus \$25.00 for each additional appliance.

The unit fee specified may be used to establish permit fees for new fixtures in residential accessory and agricultural buildings.

c. *New plumbing fixture installations.*

New residential installation: \$50.00.

Commercial installation — any single fixture: \$50.00.

Commercial each additional fixture: \$15.00.

Underground water piping with hydrant: \$35.00.

Sewer/water line repairs: \$30.00.

Sprinkler installation: \$50.00.

d. *Single-family swimming pools.*

In-ground: \$200.00

Above ground — permanent hard-sided (includes electrical permit): \$100.00.

Above ground — temporary soft-sided: no cost.

e. *Hot tubs/lap pools/hydrotherapy appliances:* \$50.00 minimum plus valuation

f. *Other Fees*

Reroofing of residential use buildings	Based on Value – See Table 1-A
Reroofing of commercial use buildings	Based on Value – See Table 1-A
Permanently Installed fountains and water gardens	\$15.00
Trash Enclosures	\$15.00
Fence	\$25.00
Satellite dish (more than 36” in diameter)	\$25.00
Sheds under 120 square feet	\$30.00
Sheds 121 square feet to 200 square feet	\$50.00
Sheds over 200 square feet	Based on Value – See Table 1-A
Docks – new	\$50.00
Docks – repairs/remodel requiring building permit	\$30.00
Consultation – change of use	\$100.00
Consultation – no change of use	\$50.00
Siding	\$50.00

Exhibit 1— Building Valuation Data Unit Costs

Occupancy and Use	Type of Construction						
	1 or 2 FR	2-A	2-B	3-A	3-B	5-A	5-B
New dwellings	n/a	n/a	n/a	n/a	n/a	n/a	84.41
Unfinished basements	n/a	n/a	n/a	n/a	n/a	n/a	16.17
Finished basements	n/a	n/a	n/a	n/a	n/a	n/a	21.20
Garages (attached or detached)	n/a	n/a	n/a	n/a	n/a	n/a	22.20
Detached accessory buildings	n/a	n/a	n/a	n/a	n/a	n/a	11.00
Apartment houses	109.20	109.20	99.20	88.70	n/a	88.70	92.40
Type 1 basement garage	37.40	n/a	n/a	n/a	n/a	n/a	n/a
Auditoriums	104.80	75.90	71.80	75.70	76.30	76.30	71.20
Banks	148.10	109.10	105.60	120.40	116.10	109.10	104.50
Bowling alleys	n/a	51.00	47.60	55.50	51.90	37.40	n/a
Churches	99.20	74.50	70.80	81.00	77.40	75.70	71.20
Convalescent hospitals	139.20	96.60	n/a	99.00	n/a	93.30	n/a

Fire stations	114.40	75.30	71.00	82.40	78.90	77.30	73.30
Homes for the elderly	103.70	84.20	80.60	87.70	84.10	84.70	81.80
Hospitals	163.20	n/a	n/a	135.10	n/a	128.90	n/a
Hotels and motels	101.00	n/a	n/a	87.50	83.40	76.20	74.70
Industrial plants	56.90	39.60	36.40	43.60	41.10	41.10	37.60
Jails	159.10	n/a	n/a	145.50	n/a	109.10	n/a
Libraries	116.40	85.20	81.00	90.00	85.50	84.50	81.00
Medical offices	119.50	92.20	87.60	100.00	93.10	90.20	87.00
Offices	106.80	71.50	68.10	77.20	73.80	72.30	68.10
Public buildings	123.40	100.00	95.60	103.80	100.20	95.00	91.60
Public garages	48.90	36.70	28.00	37.00	32.90	33.70	n/a
Restaurants	n/a	n/a	n/a	97.40	94.10	89.20	85.70
Schools	111.20	75.90	n/a	81.20	78.10	76.10	72.60
Service stations	n/a	n/a	67.20	70.10	n/a	59.70	n/a
Canopies	n/a	n/a	n/a	n/a	n/a	n/a	28.00
Stores	82.40	50.40	49.30	61.30	57.50	51.60	47.70
Theaters	109.80	n/a	n/a	80.00	76.20	75.30	71.20
Warehouses	49.40	29.30	27.50	33.20	31.60	29.30	27.50
Sprinkler systems	2.60	2.60	2.60	2.60	2.60	2.60	2.60

SECTION 2. That Section 500.315. Reduced Fees for Building Permits, of the Code of the City of Paola, Kansas, 2009, is hereby added and shall read as follows:

“Section 500.315. Reduced Fees for Building Permits.

As a gesture of goodwill and intergovernmental cooperation, The City of Paola offers reduced fees for building permits as follows:

- A. Reduced fees will be considered for the following applicants only:
 1. Entities that have statutory authority to levy local property taxes (these entities shall not include the State of Kansas or the U.S. Federal Government).
 2. Entities that are primarily (more than 50%) funded by entities that have statutory authority to levy local property taxes.
 3. Individual projects for public recreation facilities that are not located on property owned by the City of Paola.

- B. Fees for building permits as detailed in Table 1-A in Section 500.310 of this Code shall be reduced by 50%. All other fees, including those listed in Table 1-B in Section 500.310 of this Code shall be paid at the rate as stated therein.

- C. To qualify for the reduced building permit fee, qualifying applicants must provide the following at the time that the building permit is applied for:
1. Pay all other associated fees in connection with the building permit.
 2. Documentation that the applicant is primarily funded by an entity that has statutory authority to levy local property taxes (if requested).”

SECTION 3. That this ordinance shall become effective after its passage, approval and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

PASSED AND APPROVED by the Governing Body this 11th day of October, 2016.
APPROVED by the Mayor this 11th day of October, 2016.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk