



Legislation Details (With Text)

File #: 19-1125 **Version:** 1
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File created: 11/6/2019 **In control:** City Council
On agenda: 11/19/2019 **Final action:**
Title: Waive the first reading and pass the ordinance amending fees for work completed without a permit (requires six positive votes)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance

Date	Ver.	Action By	Action	Result
11/19/2019	1	City Council	tabled	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Waive the first reading and pass the ordinance amending fees for work completed without a permit (requires six positive votes)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

Not required.

BACKGROUND:

At the November 5, 2019 meeting, City Council directed staff to prepare an ordinance increasing the fees which are assessed for work completed without a permit. This direction was provided following discussion of a fence extension completed without a permit, as well as several other recent cases for work without a permit that have been reviewed by the City Council.

DISCUSSION:

Section 109.4 of Title 5 currently establishes fees for work completed without a permit; this section was amended in 2018 to require that a fee of \$500 (at minimum) is collected for any work completed without a permit.

Based on several cases that have recently been reviewed by the City Council for work completed without a permit, City Council noted that the current fine structure is not effectively deterring illegal work. Staff has researched the fine structures of surrounding communities (results below) and finds that the City's current fine structure is higher than most.

Municipality	Fines For Work Without a Permit
Downers Grove	Double Permit Fee
Lisle	Double Permit Fee
Woodridge	\$75
Bolingbrook	\$75 minimum fee; \$1,000 maximum fee
Plainfield	Double Permit Fees; \$300 minimum
Wheaton	Homeowners: \$100 minimum + Court Fees; Contractors: \$200 minimum + Court Fees
Orland Park	Homeowners: \$150 + Double Permit Fee; Contractors: \$750 + Double Permit Fee

Under the current fee structure, staff has assessed \$1,000 fees for work completed without a permit and these fees have been paid without complaint. Accordingly, in order to serve as a stronger deterrent, staff recommends amending Section 109.4 (Work Commencing Before Permit Issuance) of Section 5-1A-3 (Building Code: Amendments) to add the underlined language and strike the ~~deleted~~ language, as follows (*note: the Council may choose to further increase the proposed minimum fine, as appropriate*):

Section 109.4 Work Commencing Before Permit Issuance:

Any person who commences any work on a building structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to penalties as prescribed by law and/or subject to permit fees, including ~~double~~ triple the cost for inspections and administrative fees as outlined in Title 1, Chapter 9, Article H, Fees for Construction, in the Naperville Municipal Code, or a fee of \$2500, whichever is greater. Said work shall be subject to a stop work order until such time that the required permits, inspections, and any other necessary approvals, such as zoning variances and/or easement encroachment agreements, have been obtained. If said permits, inspections, or other necessary approvals cannot be obtained, the City may require the applicant to remove the subject improvement.

For work that has been completed without a permit and for which required inspections cannot be completed, the City may require the permit applicant to submit verification from a third-party contractor that said work has been completed per Naperville Code requirements.

FISCAL IMPACT:

If approved, the City will collect additional fees for work that is found to have been completed without a permit.