



## Legislation Text

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File #: 18-623, Version: 1

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Section 109.4 (Work Commencing Before Permit Issuance) of Section 5-1A-3 (Building Code: Amendments) of the Naperville Municipal Code (requires six positive votes).

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

#### **BOARD/COMMISSION REVIEW:**

Not required.

#### **BACKGROUND:**

Under new business at the July 17, 2018 meeting, City Council directed staff to incorporate an appropriate fee to assess when work is completed without a permit. This direction was given following City Council review of three separate variance requests which sought approval to permit structures that were built without a permit to remain in place in violation of zoning requirements.

#### **DISCUSSION:**

Section 109.4 of Title 5 currently establishes fees for work completed without a permit. However, the fees required per this section often add only a nominal additional cost to a project and therefore do not appropriately offset City resources needed to address these violations nor do they serve as a significant deterrent to prevent such work from being completed without a permit. Accordingly, based on City Council direction, 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:

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 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 \$500, whichever is greater, and Said work shall be subject to a stop work order until such time that the required permits, inspections for the work, 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.