



## Legislation Details (With Text)

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**File #:** 1858-2004      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/18/2004      **In control:** Rules & Reference Committee

**On agenda:** 2/14/2005      **Final action:** 2/16/2005

**Title:** To supplement Chapter 4113 of the Columbus City Codes, 1959, by amending Sections 4113.09, 4113.17 and 4113.33 of the Columbus Building Code (Title 41) removing an erroneous fee condition that is not consistent with current Building Services Division operations and to clarify the refund policy.

**Sponsors:** Maryellen O'Shaughnessy

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/16/2005	1	CITY CLERK	Attest	
2/15/2005	1	MAYOR	Signed	
2/14/2005	1	Columbus City Council	Approved	Pass
2/14/2005	1	COUNCIL PRESIDENT	Signed	
2/7/2005	1	Columbus City Council	Read for the First Time	
1/28/2005	1	City Clerk's Office	Sent back for Clarification/Correction	
1/28/2005	1	Dev Drafter	Sent to Clerk's Office for Council	
12/10/2004	1	Dev Drafter	Sent to Clerk's Office for Council	
12/9/2004	1	City Clerk's Office	Sent back for Clarification/Correction	
10/18/2004	1	Dev Drafter	Sent for Approval	
10/18/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/18/2004	1	Dev Drafter	Sent for Approval	
10/18/2004	1	CITY ATTORNEY	Reviewed and Approved	
10/18/2004	1	Dev Drafter	Sent to Clerk's Office for Council	

### BACKGROUND:

Building Services Division is the regulatory agency for all buildings and structures being constructed, altered or renovated within the City in order to ensure the public health, safety and welfare. For the services that are provided, the Columbus Building Code allows for fees to be charged to cover costs incurred by the city. For this reason, it is essential that the Columbus Building Code (Title 41) correctly reflect current operational procedures pertaining to fees and their potential refund.

This Ordinance also corrects a code reference relating to the use of plan review services, which use is now contrary with Building Services Division's current operational procedures.

A public hearing on this proposed Ordinance was held before the Columbus Building Commission on August 17, 2004. The Building Commission at that time voted to recommend this Ordinance be forwarded to the Columbus City Council for adoption.

**FISCAL IMPACT:**

No funding is required for this legislation.

To supplement Chapter 4113 of the Columbus City Codes, 1959, by amending Sections 4113.09, 4113.17 and 4113.33 of the Columbus Building Code (Title 41) removing an erroneous fee condition that is not consistent with current Building Services Division operations and to clarify the refund policy.

**WHEREAS**, the Building Services Division (BSD) is the regulatory agency for all buildings and structures being constructed, altered or renovated within the City in order to ensure the public health, safety and welfare; and

**WHEREAS**, for the services that are provided, the Columbus Building Code allows for fees to be charged to cover costs incurred by the city; and

**WHEREAS**, for this reason, it is essential that the Columbus Building Code (Title 41) correctly reflect current operational procedures pertaining to fees and their potential refund; and

**WHEREAS**, this Ordinance also corrects a code reference relating to the use of plan review services, which use is now contrary with Building Services Division's current operational procedures; and

**WHEREAS**, a Public Hearing on this proposed Ordinance was held before the Columbus Building Commission on August 17, 2004; and

**WHEREAS**, at that time, the Building Commission voted to recommend this Ordinance be forwarded Columbus City Council for adoption; **now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the existing section 4113.09 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.09 Fees - Required.**

Any person desiring to do or cause to be done any work for which a permit or service is provided or otherwise required by this Building Code, ~~shall~~ upon application therefor or prior to the issuance ~~thereof of the permit and/or authentication of the service provided,~~ shall pay to the department through the cashier the fee prescribed by the then current fee schedule.

**Section 2.** That the existing Section 4113.17 of the Columbus City Code, 1959, is hereby amended to read as follows:

**4113.17 Fees--Refund.**

(A) Unless specifically indicated in the fee schedule or this code, all fees are not refundable. Any fee indicated as nonreturnable or nonrefundable elsewhere in this Building Code, shall not be refunded. A refund of any other fee paid to the department shall require a refund fee to cover the cost of making such refund and/or costs incurred. This refund fee shall be deducted from any amount to be refunded.

(B) In the event of a refund, a refund service fee, as indicated in the fee schedule, shall be deducted from the amount to be refunded. Any permit fee paid with the permit application, incorrectly computed by the applicant, and requiring a refund of the overpayment, shall be assessed a refund fee to cover the cost of making such refund. This refund fee shall be added to the permit fee. An overpayment equal to or less than the refund fee shall be considered the refund fee and shall be added to the permit fee.

(C) Any fee submitted to the Department for property which is later determined to be located outside the city shall be eligible for a refund, minus any fees for services already provided including the refund fee as indicated in the fee schedule. Any refund of a permit application fee submitted for a building which is later determined to be located outside the city shall be subject to this refund fee.

(D) The director, or designee, may waive the refund fee if he or she finds that the refund is necessary because of an error on the part of a city employee. In the event any refund due is less than the required refund fee, no balance shall be due or returned.

**Section 3** That the existing section 4113.33 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.33 Plans examination fee.**

~~Where the city may choose to use a plan review service such as BOCA, an architectural firm or an engineering firm, the full cost of the plan review service shall be paid by the owner. When the plan review service is used, the regular building permit fee shall be reduced by twenty (20) percent.~~

A plan examination fee, as prescribed in the fee schedule, is due and payable with all plans submitted for review or for preliminary review and consultation, regardless of the plans final disposition. Examination of plans is part of the procedure for and included within the fee for permits issued as regulated in C.C. 4113.41, 4113.43 and 4113.47 Chapter 4113. Failure to pick up and pay for plans within thirty (30) days of the completion of the plan review or thirty (30) days after a correction or adjudication letter has been issued shall require payment of the plans examination fee as prescribed in the fee schedule.

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period provided by law.