

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 48 - 2024

MAY 15, 2024

AN ORDINANCE

Amending Part II General Legislation, Chapter 270 Fees, Article V Community and Economic Development Fees by updating the building fees and updating the language of the City Code.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Section 26 Definitions be amended as follows:

ARTICLE V

**Community and Economic Development Fees
§ 270-26 Definitions.**

A. As used in this article, the following terms shall have the meanings indicated:

BUILDING AREA

The area of a structure measured from outside to outside of a structure at grade level.

BUILDING VALUATION

The average construction cost of a structure based upon its square footage, occupancy group, and type of construction as provided by the most current update of the International Code Councils Building Data Valuation or most current RSMeans Construction Cost Estimation. This shall include foundation, structural and nonstructural building components, electric, plumbing, mechanical and interior finish material. Alterations, when not defined, shall be 40% of new construction costs for commercial projects and 30% of project costs for residential projects.

COMMERCIAL

Any structure that does not meet the definition of residential.

CORE AND SHELL

A completed structure, with required parking provided, where individual commercial and/or residential tenant units may remain undeveloped.

COST OF WORK

- (1) Building alteration permits. The total cost of work associated with the improvement of a structure, which shall include the costs of labor and material for construction of building components and assemblies.
- (2) Electrical, plumbing, mechanical, fire permits. The total cost of work associated with the improvement of a structure, which shall include the costs of labor and material associated applicable permit application.

FLOOR AREA

The area of a structure measured from outside to outside of the structure wall for each level of a structure which may be legally occupied. This term shall include unfinished basements, closet, hallways, bathrooms, and habitable attics.

GROSS BUILDING AREA

The total of all floor areas of a structure.

INSPECTION FEES

Rates charged for official examination of private projects by City personnel.

LICENSE FEES

Rates charged for officially authorizing certain businesses and tradesmen.

MODULAR (RELOCATABLE) BUILDING(S)

Existing relocatable building which is a partially or completely assembled building, constructed and designed prior to the date of adoption of the appropriate code or one for which a legal building permit has been issued, to be reused multiple times and transported to different building sites.

PERMIT FEES

Rates charged for officially authorizing certain activities.

RESIDENTIAL

One- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

TEMPORARY STRUCTURE

A structure erected for less than 180 days.

- B. All other terms in this article remain constant with the definitions in the various City ordinances pertaining to such fees.

SECTION TWO: That Section 31 Building Fees be amended as follows:

ARTICLE V

Community and Economic Development Fees § 270-31 Building fees.

Building fees shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

The Building Code Official shall have the right to verify or correct the estimated value of any proposed permit valuations.

A. Application fee. A nonrefundable application fee shall be payable upon submission of all permits as follows:

(1) Residential: \$50.

(2) Commercial: \$100.

* Applications approved for issuance are not valid permits until the required permit fee has been remitted. Approved applications shall be valid not more than 180 days after approval, after which time the permit application will be voided.

B. New construction. For the inspection of each newly erected structure(s), to include core and shell structures, additions, and decks the fee shall be \$55 for the first 500 square feet or less of floor area, plus \$15 for each additional 100 square feet or less of floor area.

C. Alterations and repairs. For the inspection of a building for alterations or repairs to existing structures, including signs, and pools, and fit outs of core and shells, the fee shall be \$15 for each \$1,000 or fraction thereof rounded to the next whole \$1,000 cost of work with a minimum fee of \$50. A copy of the contract is required. ~~The Inspections Division shall have the right to verify or correct the estimated value of any proposed building structure addition or alteration; additions include permanent encroachments, patios, carports, etc.~~

D. Trade Permits: Associated electrical, mechanical, and plumbing fees shall be applied in accordance with respective fee schedule.

~~D. Change of use/occupancy. Changes in use or occupancy in which no alterations are required to be made to a structure in order to meet code compliance shall be \$150.~~

~~* Changes in use or occupancy that require alterations in order to meet the code shall have the permit's fees applied in accordance with the building alterations fee.~~

~~E. C.O. only. C.O. building permits shall be applied to the following:~~

~~(1) Newly constructed multiple family residential units shall be \$50 per dwelling unit.~~

~~* A building, electrical, mechanical, and plumbing application is required for each individual dwelling unit. Associated electrical, mechanical, and plumbing fees shall be applied in accordance with respective fee schedule. Structures for with valid existing C.O. which requires an update of ownership or address shall be \$50.~~

F. Swimming pools.

(1) Residential.

(a) Storable pools: \$50.

(b) Aboveground pools: \$75.

(c) In-ground pools shall be \$250.

(2) Commercial. In-ground pools shall be \$500.

G. Modular buildings and construction trailers. A permit shall be secured for the placement of a prefabricated structure at the new location in accordance with the permit fee schedule established for new construction.

H. Demolition. The permit fee for all buildings or structures shall be \$75 for the first 1,000 square feet of floor area, including basement, plus \$45 for each additional 1,000 square feet or fraction thereof.

I. Plans examination. The following shall be charged for plans requiring examination.

~~(1) Residential.~~

~~(a) Additions and decks.~~

~~[1] Up to 500 square feet: \$75.~~

~~[2] 501 to 1,000 square feet: \$100.~~

~~[3] Over 1,000 square feet: \$150.~~

* ~~New one- and two-family residential dwellings are required to go to third-party review.~~

~~(2) Commercial: must go to a third-party review.~~

* ~~Exception: Projects that are less than \$2,000 in valuation and do not include electrical for review may be reviewed by the City.~~

~~(3) A City review fee shall be assessed to commercial plans meeting review exception and for all third-party plans in which cost of work greater than \$50,000 to be processed by the City as follows: \$50.~~

Plan Review fee. The fee for plan review shall apply to all commercial, residential and trade reviews as follows. All fees for plan review are due at time of application submittal.

* Note: Fees for plan reviews are non-refundable.

** The Building Code Official reserves the right to reject any plans that do not show in detail that the work will conform to the Uniform Construction Code.

(a) Commercial plans reviewed, stamped, and submitted by 3rd party shall be charged a \$100.00 fee for City ordinance review only: per each submission and resubmission.

(b) Residential plans reviewed, stamped, and submitted by 3rd party shall be charged a \$50.00 fee for City ordinance review only: per each submission and resubmission.

(c) Plans submitted to the City for initial review shall be charged based by use category as follows.

Use Types:

S-2, U, F-1, F-2, H-1, H-2, H-3, H-4, H-5 \$.10 /PER SQ FT Min Fee. \$150.00

Use Types:

A-2, A-3, B, S-1, M, R-2, \$.15/ PER SQ FT Min Fee. \$150.00

Use Types:

R-3 (typical residential) \$.15/Per SQ FT Min. Fee \$75.00

Use Types:

A-1, A-4, A-5, E, I-1, I-3, I-4, R-1, R-4 \$.20/PER SQ FT Min Fee. \$150.00

Use Types:

I-2 \$.25/PER SQ FT Min Fee. \$150.00

Expedited Review (10 Working Days)

Add \$.05/PER SQ
FT

J. Roof replacement. The permit fee shall be:

(1) Residential: \$50.

(2) Nonresidential: \$200.

* Structures that require repair/replacement of structural elements of a roof (i.e., sheathing, rafters, beams, etc.) shall have the permit fees applied in accordance with the building alterations fee.

K. Parking lots. For the inspection of parking lots, the fee shall be \$15 for each \$1,000 or fraction thereof rounded to the next whole \$1,000 cost of work with a maximum fee of \$150. The Bureau shall have the right to verify or correct the estimated value of any proposed parking lot.

L. Archives. An archive fee of \$10 or 0.02% of the cost of work, whichever is greater, shall be added to all permit application fees.

M. Certificates of occupancy. A certificate of occupancy fee shall be applied to all permits as follows.

(1) Residential, one- and two-family dwellings: \$50.

(2) Commercial.

~~(a) Dwelling units (C.O. only permits): \$50.~~

(a) Change of use/occupancy. Changes in use or occupancy in which no alterations are required to be made to a structure in order to meet code compliance shall be \$150.

~~(b) All other Commercial permits Certificate of Occupancy: \$100.~~

~~(b) Commercial: Temporary Certificate of Occupancy (TCO) - \$350~~

* Note: A TCO may only be issued by the Building Code Official (BCO) when all fire alarm, suppression systems, fire rated assemblies and other life and safety components have been completed and approved.

N. Permit reinstatement. All permits are valid for one year from issuance date (see Chapter 225, Construction Codes, Uniform, Attachment 1, Building Code Amendments, Section 105.5, Time Limitation on Permits). Permits that have exceeded this time limit are considered expired. Expired permits where work has commenced and is ongoing is required to be reinstated by the applicant. Reinstatement fees shall apply to building, electrical, mechanical, plumbing, and fire fees and charged as follows:

(1) Reinstatement: \$100.

* Expired permits that have not been reinstated within 180 days of permit expiration shall not be eligible for permit reinstatement and shall reapply for a new permit which is subject to the full fees associated with a new permit application.

** A permit may be reinstated no more than one time.

- O. Appeals. Housing Appeals Board Fees shall be \$100 per application for one- and two-family residential, and \$200 for all others. Building Appeals Board fees shall be \$100 for one- and two-family residential, and \$200 for all others. Disruptive Conduct Board of Appeals shall be \$100 per application.

SECTION THREE: That this Ordinance take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- What department or bureau is this bill originating from?
This bill originates from the Department of Community and Economic Development's Bureau of Building Standards & Safety. This bill calls to amend ordinances 270-26 Definitions and 270-31 Building Fees for the adoption of plan review to be performed by our newly budgeted Building Code Professionals. It will also clear up some of the language in the ordinance and include the addition of a "Temporary Certificate of Occupancy" (TCO).
- Summary and facts of the bill.
Our current ordinance requires all plans to be reviewed by a 3rd party review company prior to submission. Contractors, developers and residents thus pay a fee to a 3rd party and then pay the City a fee for an in-house review of these same plans. This legislation will eliminate the need for prior 3rd party review and allow the constituent the option of allowing the City to conduct the entire review.
- Purpose – Please include the following in your explanation:
 - a. What does the bill do? What are the specific goals or tasks the bill seeks to accomplish?
This legislation authorizes the City to amend ordinance 270-31 Building Fees to adopt a fee schedule to include plan review. The new fee schedule will include both the cost to conduct initial reviews or secondary reviews for plans that have been reviewed by a 3rd party. This bill will also add the cost for a TCO which previously had not been permitted in our ordinance.
 - b. What are the benefits of doing this?
The new option to have the plans reviewed directly by the City will save money to constituents and provide better customer service. It will also provide the City with a new source of revenue. Plans reviewed by the same staff that conduct the inspections, will provide more project knowledge to the inspector and provide an overall better inspection process for both the inspector and the contractor.
 - c. How does this bill relate to the City's vision/mission/priorities?
This bill supports the mission to provide safe spaces to live, work and play. Inspectors who perform reviews will have a more thorough knowledge of the project, materials approved for use and the existing condition of the property. This will in turn, provide for a more accurate inspection, reducing errors during construction.
- Financial Impact – Please include the following in your explanation:
 - a. Cost (initial and ongoing)
The cost to the City was the new position upgrades during the 2024 budget process. The building and trade inspectors were changed to Building Code Professionals which anticipated the adoption of in house plan reviews.
- Priority status – Are there any deadlines to be aware of?
This bill has a high priority status as the revenue from this service was accounted for in the 2024 budget.
- Why should Council unanimously support this bill? This ordinance will provide better customer service, more accurate reviews and inspections and will result in reduced errors.