

12/02/2011

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTIONS 54-46, 94-142 AND 110-173; TO REPEAL SECTIONS 18-433, 54-158, 54-164, 54-235, 54-271 AND 110-405; AND TO ADD NEW SECTION 54-165 TO THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN; TO ABOLISH THE REQUIREMENT FOR CASH BONDS IN CONNECTION WITH PERMITS FOR MOVING BUILDINGS, ROADSIDE STANDS, DEMOLITION, CONSTRUCTION OF NEW MULTI-DWELLING AND NON-RESIDENTIAL BUILDINGS, SIDEWALKS, AND FOR SIGNS; TO ABOLISH THE DOUBLE-FEE PENALTY FOR WORK STARTED PRIOR TO ISSUANCE OF A BUILDING, PLUMBING OR ELECTRICAL PERMIT; TO MAKE BUILDERS RESPONSIBLE FOR REPAIRING DEFECTS IN SIDEWALKS; TO ADD A ZONING REVIEW FEE; TO REPEAL CONFLICTING ORDINANCES; AND TO PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Sections 18-433, 54-158, 54-164, 54-235, 54-271 and 110-405 of the Code of Ordinances of the City of Rochester Hills are hereby repealed.

Section 2. Section 54-46 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

**Sec. 54-46. Roadside stands, markets, and Christmas tree sales.**

The fees for operating roadside stands, markets, and Christmas tree sales shall be as follows:

- (1) For a resident residing on the property and operating:
  - a. Roadside stand or market..... \$100.00
  - b. Tree sales..... 100.00
  - c. Application fee ..... 50.00
  - d. No bond is required. Application fees shall be credited to the approved permit fee.
- (2) All others:
  - a. Permit fee..... 200.00
  - b. Application fee..... 50.00
  - ~~c. Cash bond..... 1,000.00~~
  - ~~d.~~ The application fee shall be credited to the approved permit fee.

Section 3. Section 94-142 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

**Sec. 94-142. Repair of damage by developer or builder.**

Sidewalks provided by a developer or builder that are damaged prior to occupancy shall be repaired by the developer or builder prior to the date of final occupancy, ~~or if repairs cannot be made, a cash escrow in an amount equal to 150 percent of the projected cost for such repairs shall be posted with the city. The builder shall be responsible for repairing defects in the sidewalk for 18 months after a final certificate of occupancy is issued.~~

Section 4. Section 100-173 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

**Sec. 110-173. Sidewalk construction.**

Fees for the review of construction plans and inspections for sidewalks shall be calculated according to the following schedule to defray costs incurred by the city to provide these services. The fees must be paid at the time of application or in advance of services provided:

(1) *Application and permit fees.*

- a. Subdivision lot with land improvements. The application and permit fee for a subdivision lot submitted with a land improvement permit application shall be \$80.00.
- b. Site without land improvements. The application and permit fee per site for an application submitted without a land improvement permit application shall be \$80.00 plus \$0.50 per linear foot of sidewalk. The maximum fee under this subsection shall not exceed \$130.00.

~~(2) *Bond.* At the time of application, a cash bond in the amount of \$1,000.00 shall be deposited with the city to guarantee the proper installation of the sidewalk and to cover the cost of repair of any damage caused to the sidewalk system. The bond shall be maintained until the later of the expiration of the land improvement permit or 18 months after the last sidewalk segment is completed.~~

~~(3)~~ *Inspection fees.*

- a. Field inspection. The fees in subsection (1) of this section shall include a field inspection of one hour or less.
- b. Additional or longer inspections. Additional fees shall be charged for additional inspections or inspections of more than one hour at the inspection rate specified in subsection 110-171(1), pertaining to construction engineering services.

~~(4)~~ *Administrative charges.* An administrative charge shall be added to the fees prescribed in this section as set forth in section 110-205.

Section 5. Section 54-165 shall be adopted and added to the Code of Ordinances of the City of Rochester Hills, as follows:

**Sec. 54-165. Zoning review.**

For review of zoning and zoning compliance, the fee shall be \$35.00.

Section 6. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 7. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 8. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, following its publication in the *Rochester Post* on \_\_\_\_\_, 2011.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2011.

---

Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2011.

---

Jane Leslie, Clerk  
City of Rochester Hills