

03/28/2005

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

AN ORDINANCE TO AMEND CHAPTER 110, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY REVIEW FEES CHARGED RELATIVE TO SUBDIVISIONS AND UNPLATTED LAND DEVELOPMENT, AND TO REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

**Sec. 110-141 through 110-171.** No change.

**Sec. 110-172. Development fees.**

The fees in section 110-171 cover review of subdivision plans and plats only. City charges for review of construction plans for improvements and for inspection of construction, engineering fees, inspection fees, water and sewer connection charges and other applicable development charges shall be as provided in this section.

(1) *Engineering review of utility and road construction.* The review fee shall be based on a percent of the estimate, as determined by the department of public service, of the projected construction costs for retention/detention facilities, public or private roads, water mains, sanitary sewers, storm sewers, and pathways.

a. The first two reviews shall be charged according to the following schedule:

Construction Costs	Percentage	Minimum Fee
\$0.00 to \$50,000.00	<del>3.5</del> <u>3.75</u>	<del>\$600.00</del> <u>750.00</u>
\$50,000.00 to \$100,000.00	<del>3</del> <u>3.25</u>	<del>1,750.00</del> <u>2,200.00</u>
\$100,000.00 to \$1,000,000.00	<del>4.5</del> <u>4.75</u>	<del>3,000.00</del> <u>3,750.00</u>
Over \$1,000,000.00	<del>15</del> <u>15.25</u>	<del>15,000.00</del> <u>18,750.00</u>

b. Subsequent reviews. There shall be ~~a~~an hourly surcharge for the third and each subsequent review ~~in an amount equal to 1 1/2 percent~~

~~of the projected construction costs for the incomplete portion of the work as determined by the department of public service, as outlined in subsection (4)-(3) in this section.~~

c. Consultants. If consulting engineering personnel are used to conduct construction plan review, one-quarter (1/4%) percent of the fee will be retained by the City.

(2) *Off-site improvements review.* Charges for reviews shall be based on a percent of the estimated dollar amount of the work to be done, according to the ~~following~~ above schedule.:

<del>Construction Costs</del>	<del>Percentage</del>	<del>Minimum Fee</del>
<del>\$0.00 to \$50,000.00</del>	<del>3.5</del>	<del>\$ 600.00</del>
<del>\$50,000.00 to \$100,000.00</del>	<del>3</del>	<del>1,750.00</del>
<del>\$100,000.00 to \$1,000,000.00</del>	<del>1.5</del>	<del>3,000.00</del>
<del>Over \$1,000,000.00</del>	<del>1</del>	<del>15,000.00</del>

~~(3) Administrative engineering plan review fees. Fifteen percent of the sum of the fee in subsections (1) and (2) of this section shall be added to the fees as an administrative fee. The minimum shall be \$75.00~~

(4) *Construction engineering services.* Fees for construction engineering services shall be as follows:

a. *Review, consultation, inspection fees.*

1. Per-hour charge..... ~~\$60.00~~ \$63.00

2. There shall be a minimum four-hour charge for cancellations without prior notification to the city of ~~\$240.00~~ \$252.00.

3. If ~~consultant-engineering~~ consultant-engineering personnel are ~~employed~~ used to conduct construction reviews, consultations, and/or inspections, the fees will be equivalent to the city's cost for such consultant ~~employment~~ services plus a ~~15~~ 20-percent administrative fee.

4. *Escrow for services fees.* There shall be an escrow account established for review, consultation, and inspection fees before work is commenced based on the construction contract amount according to the following schedule:

Construction Contract Amount	Percentage Amount of Deposit	Minimum Fee
Up to \$50,000.00	10	\$2,300.00
\$50,000.00 to \$100,000.00	7	5,000.00
Over \$100,000.00	5	7,000.00

~~(5) Road construction fee. Prior to beginning any on-site construction, a nonrefundable road fee shall be paid to the city in the amount of four percent of the cost of final grading, paving, curbing, shoulders and ditching; however, such fee shall not be less than \$3,500.00.~~

~~(6) Administrative charges. Fifteen percent of the sum of the fees or escrow deposits as set forth in this subsection. An administrative charge shall be added to such fees or deposits as an engineering administrative fee; however, such fee shall not be less than \$75.00. prescribed in this section as set forth in Section 110-205.~~

**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 \$.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 110-172(e), pertaining to construction engineering services.

(4) *Administrative charges.* ~~Fifteen percent of the sum of the fees in this section. An administrative charge shall be added to such the fees as an engineering administrative fee prescribed in this section as set forth in Section 110-205.~~

**Sec. 110-201 through 110-204.** No change.

**Sec. 110-205. Administrative ~~costs~~ charge.**

The administrative ~~cost~~ charge shall be an amount equal to ~~15~~ 20 percent of the total of all fees outlined in this division, ~~which are charged for review of the preliminary plan, final plan, and master deed for one family residential detached condominiums.~~ An escrow deposit for administrative costs shall be made each time an escrow deposit and/or fees are paid to the city and shall be equal to ~~fifteen~~ twenty percent of the escrow deposit and/or fees paid.

**Secs. 110-231 through 110-371.** No change.

**Sec. 110-371.** No change.

**Sec. 110-372. Department of public service.**

The fees for department of public service reviews and inspection pursuant to article III of chapter 130 pertaining to unplatted land development shall be as follows:

(1) *Site plans.*

- a. Up to ten acres..... \$1,100.00
- b. Over ten acres, \$1,100.00 plus \$90.00 per acre or fraction thereof over ten acres.

(2) *Construction plan review fee.* The review fee shall be based on the estimate, ~~at~~ as determined by the department of public service, of the projected construction costs for retention/detention facilities, public or private roads, water mains, sanitary sewers, storm sewers and pathways. Charges for the first two reviews shall be based on the dollar amount of work to be done according to the following schedule:

Construction Costs	Percentage	Minimum Fee
\$0.00 to \$50,000.00	<del>3.5</del> <u>3.75</u>	\$ <del>600.00</del> <u>750.00</u>
\$50,000.00 to \$100,000.00	<del>3</del> <u>3.25</u>	<del>1,750.00</del> <u>2,200.00</u>
\$100,000.00 to \$1,000,000.00	<del>1.5</del> <u>1.75</u>	<del>3,000.00</del> <u>3,750.00</u>
Over \$1,000,000.00	<del>1</del> <u>1.25</u>	<del>15,000.00</del> <u>18,750.00</u>

In addition, there shall be an hourly surcharge for the third and each subsequent review ~~in an amount equal to 1 ½ percent of the projected construction cost for the incomplete portion of the work as determined by the department of public service~~ as set forth in subsection (4) of this section.

a. If consultant engineering personnel are ~~employed~~used to conduct construction plan review, one-quarter (1/4%) percent of the fee will be retained by the city.

(3) *Off-site improvements.* Charges for review shall be based on the dollar amount of the work to be done, according to the ~~following~~ above schedule.÷

<del>Construction Costs</del>	<del>Percentage</del>	<del>Minimum Fee</del>
<del>\$0.00 to \$50,000.00</del>	<del>3.5</del>	<del>\$ 600.00</del>
<del>\$50,000.00 to \$100,000.00</del>	<del>3</del>	<del>2,200.00</del>
<del>\$100,000.00 to \$1,000,000.00</del>	<del>1.5</del>	<del>3,000.00</del>
<del>Over \$100,000.00</del>	<del>1</del>	<del>15,000.00</del>

(4) *Construction engineering services.* Construction engineering services fees shall be as follows:

a. *Review, consultation, inspection fees.*

1. Per-hour charge.....~~\$60.00~~63.00

2. There shall be a minimum four-hour charge for cancellations without prior notification to the city of ~~\$240.00~~252.00.

If consultant engineering personnel are employed to conduct construction reviews, consultations, and/or inspections, the fees will be equivalent to the city's cost for such consultant employment plus a ~~15~~20-percent administrative fee.

b. *Escrow for services fees.* There shall be an escrow account established for review, consultation, and inspection fees before work is commenced based on the construction contract amount according to the following schedule:

Construction Contract Amount	Percentage Amount of Deposit	Minimum Fee
Up to \$50,000.00	10	\$2,300.00
\$50,000.00 to \$100,000.00	7	5,000.00
Over \$100,000.00	5	7,000.00

~~c. Road construction fees.~~

~~1. Prior to beginning any on-site construction, a nonrefundable road fee shall be paid to the city in the amount of four percent of the cost of final grading, paving, curbing, shoulders and ditching; however, such fee shall not be less than \$3,500.00.~~

~~2.c. Private road escrow deposit.~~ For private roads, there shall be an escrow deposit made based on the cost of grading, gravel, paving, curbing, shoulders and ditching ~~at the rates shown in subsection (4)b of this section.~~ according to the above schedule.

d. *Administrative charges.* ~~Fifteen~~ Twenty percent of the sum of the fees or escrow ~~deposits~~ deposits, as set forth in this subsection shall be added to such fees or deposits as an engineering administrative fee; however, such fee shall not be less than ~~\$75.00.~~ 100.00.

**Secs. 110-373 through 110-374.** No change.

**Sec. 110-375. City administrative charges.**

City administrative charges for reviews and inspections pursuant to article III of chapter 130 pertaining to unplatted land development shall be ~~fifteen~~ twenty percent of the total ~~\$75.00~~ and 100.00 minimum.

Section 2. 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 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

Section 4. 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 Eccentric* on \_\_\_\_\_.

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

\_\_\_\_\_  
Bryan K. Barnett Pat Somerville, 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 Wednesday,

\_\_\_\_\_.

\_\_\_\_\_  
Jane Leslie, ~~Interim~~ Clerk  
City of Rochester Hills