

Budget and Finance

12/16/16

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(Freeman, Milkovich + Neal)

SUBSTITUTE OFFERED
AS AN AMENDMENT

Offered by: MAYOR HORRIGAN & COUNCILMAN FUSCO

KEITH

ORDINANCE NO. 413 -2016 amending/supplementing Title 19 "Building Code," Chapter 190 "General Provisions," Article 2 "Project Permits" to require all building construction contractors to register with the Director of Public Service prior to obtaining a building permit and to transfer a copy of any building permit to the Tax Administrator in accordance with the recommendations of the Blue Ribbon Task Force; and declaring an emergency.

WHEREAS, the Blue Ribbon Task Force submitted a Report and Recommendations to Mayor Horrigan on February 1, 2016 which included approximately 100 recommendations for changes to and improvements in, the administration of the City; and

WHEREAS, a majority of recommendations have been referred to various City departments or divisions for review and implementation; and

WHEREAS, the Blue Ribbon Task Force recommended that the City improve income tax collections from contractors; and

WHEREAS, requiring the registration of contractors with the Department of Public Service and the transfer of building permits to the Tax Administrator will improve the City's ability to collect income tax from contractors.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 19 "Building Code," Chapter 190 "General Provisions," Article 2 "Project Permits," Section 190.204 "Permit Applications" of the Code of Ordinances of the City of Akron, be and is hereby amended and/or supplemented to read as follows:

190.204 - Permit applications.

- A. Form. An application for a permit shall be submitted to the Superintendent in such form as the Superintendent may prescribe.
- B. Person to Submit. The application shall be made by the owner or lessee, or agent of either, or the architect, engineer, contractor or builder employed in connection with the proposed work.
- C. Owner and Contractor Information. The application shall contain the full name and address of the owner and the contractor, and the officer in charge if the owner is an entity.
- D. Cost. The application shall contain the estimated cost of the job for which a permit is requested. If an applicant for a permit fails to give a correct statement of the cost of the work for which a permit is requested, the Superintendent may obtain at the applicant's cost an independent estimate of cost. This estimate shall be used in the granting of the permit.

- E. Contents of Application. The permit application shall describe the proposed work and include two copies of plot plans and building or structure plans. The full application shall include but not be limited to the following:
1. Application. The application shall include:
 - a. House number and permanent parcel number.
 - b. Contractor's Akron income tax registration number.
 - c. The closest cross streets.
 - d. Construction type.
 - e. Occupancy use group.
 2. Plot plan. The plot plan shall include:
 - a. Elevation of the primary and other accessory buildings.
 - b. Elevation of the curb and crown at the extension of lot lines, corners of structures, both sides of retaining walls and other locations needed to evaluate the topography.
 - c. Sewer grade and elevation as approved by the sewer division of the Service Department and location of water mains and services.
 - d. Dimensions of plot and north arrow.
 - e. Dimensions of front building lines and rear and side yards.
 - f. Locations and dimensions of buildings, garages, carports, and other accessory buildings and structures.
 - g. Dimensions to all adjacent buildings not separated by a public street or alley.
 - h. Location of walks, driveways and approaches.
 - i. Locations of steps, terraces, porches, fences and retaining walls.
 - j. Locations and dimensions of easements.
 - k. Location and width of street and right-of-way.
 - l. Proposed storm drainage system, roof and stormwater disposal and curb cuts as approved by the sewer and highway divisions of the Service Department.
 - m. Location of water-gas-electrical lines under or over the right-of-way or private property.
- F. Agreement to Conditions. The applicant shall agree to permit conditions specified in Section 190.206 of this building code.
- G. Responsible Person. Required plans shall bear the identification of the person primarily responsible for their preparation and for the structural safety, provision of other safety requirements and sanitation shown thereon.
- H. Revisions. Revisions to permitted work in progress of systems or materials shall be considered plan amendments and do not require a separate permit.

- I. ANY APPLICANT FOR A BUILDING PERMIT MUST SUBMIT CERTIFICATION THAT THE APPLICANT IS REGISTERED WITH THE SUPERINTENDENT OF BUILDING INSPECTION, PURSUANT TO SECTION 190.401(A) OF THIS CODE, OR SUBMIT CERTIFICATION THAT THE APPLICANT IS EXEMPT FROM THE REQUIREMENT TO REGISTER, PURSUANT TO SECTION 190.401(B) OF THIS CODE. IF AN APPLICANT IS NOT COMPLIANT WITH SECTION 190.401, NO PERMIT SHALL BE ISSUED UNDER THIS CHAPTER.**

- J. NO PERMIT SHALL BE ISSUED IF THE APPLICANT HAS FAILED TO PAY, IN FULL, ANY AND ALL PENALTIES IMPOSED PURSUANT TO SECTION 190.210 (B) OR (C) OF THIS CODE.**

Section 2. That Title 19 “Building Code,” Chapter 190 “General Provisions,” Article 2 “Project Permits,” Section 190.203 “Submission of Information to Tax Administrator Upon Issuance of Building Permit” of the Code of Ordinances of the City of Akron, be and is hereby enacted to read as follows:

190.203- SUBMISSION OF INFORMATION TO TAX ADMINISTRATOR UPON ISSUANCE OF BUILDING PERMIT.

- A. ANY PERSON OR BUSINESS ENTITY THAT HAS BEEN ISSUED A BUILDING PERMIT SHALL SUBMIT THE FOLLOWING TO THE CITY TAX ADMINISTRATOR OR HIS/HER DESIGNEE WITHIN SEVEN (7) BUSINESS DAYS AFTER THE ISSUANCE OF THE BUILDING PERMIT, IN A FORM PRESCRIBED BY THE TAX ADMINISTRATOR:**
 - 1. A COPY OF THE BUILDING PERMIT ISSUED;**
 - 2. A GOOD FAITH ESTIMATE OF THE TOTAL WORK HOURS NECESSARY TO COMPLETE THE PROJECT FOR WHICH THE PERMIT WAS SOUGHT AND ISSUED;**
 - 3. A GOOD FAITH ESTIMATE OF THE HOURLY WORK WAGE OF EACH PERSON EMPLOYED TO COMPLETE THE PROJECT FOR WHICH THE PERMIT WAS SOUGHT AND ISSUED; AND**
 - 4. A LIST OF ALL KNOWN CONTRACTORS AND SUBCONTRACTORS FOR THE PROJECT FOR WHICH THE PERMIT WAS SOUGHT AND ISSUED.**

- B. ANY PERSON OR BUSINESS ENTITY THAT HAS BEEN ISSUED A BUILDING PERMIT UNDER THIS CHAPTER SHALL UPDATE AND/OR SUPPLEMENT THE INFORMATION REQUIRED UNDER 190.203(A), UPON ANY CHANGE IN THE INFORMATION SUBMITTED TO THE TAX ADMINISTRATOR IN A FORM PRESCRIBED BY THE TAX ADMINISTRATOR.**

Section 3. That Title 19 "Building Code," Chapter 190 "General Provisions," Article 2 "Project Permits," Section 190.210 "Fees and Penalties" of the Code of Ordinances of the City of Akron, be and is hereby amended/supplemented to read as follows:

190.210 - Fees and penalties.

- A. Fees Established by Director of Public Service. Fees and charges associated with permits and reasonably related to the cost of the associated services shall be available at the office of the building inspection division.
- B. Penalty for No Permit. In addition to the provisions in § 199.999 of this building code, all fees for permits shall be tripled if the work for which the permit is required is commenced before the permit is issued.
- C. **THE PENALTY FOR FAILURE TO COMPLY WITH SECTION 190.203 SHALL BE A FINE OF FIVE THOUSAND DOLLARS (\$5,000.00).**

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety for the reason that the registration of contractors with the Department of Public Service and the transfer of building permits to the Tax Administrator will improve the City's ability to collect income tax from contractors; and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed: December 19, 2016



Clerk of Council

President of Council

Approved: _____, 2016

MAYOR

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AKRON CITY COUNCIL