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RECOMMENDED BY: THE MAYOR and THE COMMITTEE OF THE WHOLE

SUBMITTED BY: THE CITY ATTORNEY

ORDINANCE NO. 19-90

AN ORDINANCE TO AMEND TITLE 4, “MUNICIPAL SERVICES”, CHAPTER 5, “STREETS AND SIDEWALKS”, ARTICLE H, “EXCAVATIONS”, SECTION 4-5-136, “SAME; ISSUANCE; FEE”, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, TO MODIFY PERMIT FEES.

WHEREAS, the City of Birmingham regulates construction in its public rights of way and requires compliance with certain standards for the installation or repair of infrastructure in the rights of way for the public health, safety and welfare; and,

WHEREAS, the Council finds that fees for plans review, permits and inspections are needed to maintain appropriate levels of review, inspection and enforcement to compel compliance with the adopted standards; and,

WHEREAS, the City of Birmingham is reviewing processes in the Department of Planning, Engineering and Permits to better respond to requests for inspections and plan reviews and finds that fees should be adjusted to help support those efforts.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that Title 4, “Municipal Services”, Chapter 5, “Streets and Sidewalks”, Article H, “Excavations”, Section 4-5-136, “Same; issuance; fee”, of the General Code of the City Of Birmingham, to modify permit fees and to read in full as follows:

“Sec. 4-5-136 Same; issuance; fee.

“(a) All permits required by this article shall be issued by the city engineer or his or her designee. A permit fee of four hundred dollars (\$400.00) shall be paid for each permit prior to issuance, provided that in the event construction is started before a written permit is granted, no permit shall be issued except upon payment of a fee of six hundred dollars (\$600.00). The provisions of this section shall apply to all persons alike, whether they are authorized by law or franchise to excavate in or under any of the streets or sidewalks of the city or not.

(b) “A Plan Review Fee shall also be required when plans are required to be reviewed before permit issuance. Plan Review Fees are due at the time of application.

“Plan Review Fee:

“Valuation

Fee

“\$0 - \$10,000.00	\$150.00
“\$10,001.00 - \$50,000.00	\$350.00
“\$50,001.00 - \$100,000.00.....	\$700.00
“\$100,001.00	\$700.00 Plus
	\$1.50 per \$1000.00 valuation for each \$1000.00 of the estimated value in excess of \$100,001.00

(c) The applicant shall provide an estimated construction value at the time of application. Estimated cost shall include the total cost of all work and shall include overhead and profit, engineering and architectural design fees, and be equivalent to the end cost of the project. Detailed estimates and copy of the original executed contract(s) may be required for review to validate the declared scope and/or value of the construction. Final valuation shall be set by the City Engineer.”

SECTION 2. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective July 1, 2019 or when published as required by law, whichever date is later.

