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**RECOMMENDED BY: THE MAYOR and THE COMMITTEE OF THE WHOLE**

**SUBMITTED BY: THE CITY ATTORNEY**

**ORDINANCE NO. 19-88**

**AN ORDINANCE TO AMEND TITLE 4, “MUNICIPAL SERVICES”, CHAPTER 5, “STREETS AND SIDEWALKS”: ARTICLE F, “CONSTRUCTION OF DRIVEWAYS AND SIDEWALKS”, SEC. 4-5-94, “SAME; FEES”, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, TO MODIFY PERMIT FEES.**

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**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 that Title 4, “Municipal Services”, Chapter 5, “Streets and Sidewalks”, Article F, “Construction of Driveways and Sidewalks”, Sec. 4-5-94, “Same; fees”, of the General Code of the City of Birmingham, be and is hereby amended to modify permit fees and to read in full as follows:

**“Sec. 4-5-94 Fees**

“(a) The fees for permits required by this article shall be as follows:

New construction permits for paved sidewalks, driveways, sidewalk openings or vaults which are obtained as part of a new construction of a structure shall be included in the cost of the building permit based on building permit rates and fees. Vaults constructed as part of the new construction of a structure shall be subject to the annual permit fee beginning January 1 of the next calendar year following the issuance of a certificate of occupancy for the new structure.

New construction or modification of paved sidewalks, sidewalk openings or vaults .....	\$100.00
New construction of driveways:	
for the first driveway:	
Up to 15 feet wide .....	\$150.00
Over 15 feet wide .....	\$300.00
For each additional driveway on the same application .....	\$100.00
Initial permit for existing sidewalk opening and/or vault.....	\$100.00
Annual Renewal permit for sidewalk opening with vault of 300 cubic feet or less.....	\$100.00
Annual Renewal permit for sidewalk opening with vault in excess of 300 cubic feet.....	\$100.00
plus \$50.00 for each additional 1,000 cubic feet or fraction thereof	
Transfer of permit for vault and/or sidewalk opening.....	\$100.00
Delinquent Annual Renewal (February 1 and after):	
For sidewalk opening with vault of 300 cubic feet or less.....	\$150.00
For sidewalk opening with vault in excess of 300 cubic feet .....	\$150.00
plus \$50.00 for each additional 1,000 cubic feet or fraction thereof	

“(b) In the event construction is commenced before a written permit required by this article is granted, no permit shall be issued except upon payment of a fee of two hundred dollars (\$200.00) along with the fee required by subsection (a) of this section; provided, however, that any penalties for failure to obtain a permit prior to new construction of paved sidewalks, driveways, sidewalk openings or vaults as part of new construction of a structure shall be governed by regulations for building permit rates and fees.

“(c) “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

(d) 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.



*Lee Frazier*