

ORDINANCE NO. 8008

**AN ORDINANCE OF THE CITY OF LAWRENCE,
KANSAS, ESTABLISHING A POLICY AND A
PROCEDURE FOR THE ASSESSMENT OF BUILDING
PERMIT FEES WITHIN THE CITY OF LAWRENCE,
KANSAS, COMMENCING ON THE 1ST DAY OF
JANUARY, 2009.**

Whereas, it is deemed advisable by the Governing Body of the City of Lawrence, Kansas, that it establish a policy and a procedure for the assessment of building permit fees, which are charged for the regulation of certain building activities within the City of Lawrence, Kansas;

Whereas, commencing on the 1st day of January, 2009, it shall be the policy of the City of Lawrence, Kansas, that all building permit fees assessed by it shall be based upon the actual costs anticipated by it for the regulation of building activities within the City of Lawrence, Kansas;

Whereas, commencing on the 1st day of January, 2009, to implement its policy regarding the assessment of building permit fees, the City of Lawrence, Kansas, adopts the following procedure to ensure that all building permit fees assessed by it shall be based upon the actual costs anticipated by it for the regulation of building activities within the City of Lawrence, Kansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF LAWRENCE, KANSAS:**

SECTION I: DEFINITIONS

a. Applicant. For the purposes of this Ordinance, an applicant is any person, company, or other entity, that makes application to the City of Lawrence, Kansas, for a building permit for any building activity within the City of Lawrence, Kansas.

b. Building activity. For the purposes of this Ordinance, building activity shall be defined as: (1) all new construction, rehabilitation or renovation of existing structures that requires the issuance of a building permit pursuant to City Code, and (2) installation or exchange of all or any part of new or existing mechanical, electrical, or plumbing systems that requires the issuance of a building permit pursuant to City Code.

c. Building permit fee. A building permit fee is a fee charged by the City of Lawrence, Kansas, and assessed, pursuant to the City Code, to any applicant

for any building activity within the City of Lawrence, Kansas. For the purpose of this Ordinance, a sign permit is not a building permit.

d. City. As used in this Ordinance, the term City shall refer to the City of Lawrence, Kansas.

SECTION II: TEMPORARY REDUCTION IN BUILDING PERMIT FEES.

a. Commencing January 1, 2007, and ending at midnight on December 31, 2008, any applicant for a building permit for any building activity within the City shall be charged or assessed a building permit fee that is 95% of the amount that would have been due according to Section 5-104.12(c) of the Code of the City of Lawrence, Kansas as that code existed during the calendar year 2005.

b. Nothing in this ordinance shall prohibit the City from charging or assessing other lawful fees, exactions or other charges; provided such charges, fees or exactions are not directly related to the regulation of building activity pursuant to the provisions of the City's adopted building, mechanical, electrical and plumbing codes. Nothing in this ordinance shall prohibit the City from enacting impact fees, utility inspection fees, planning inspection fees, public infrastructure inspection fees, sign permit fees, system development charges, or any other lawful fee or charge that is not for the purpose of regulating building activities.

SECTION III: PROCEDURE.

a. Year End Report. Commencing on or before March 1, 2007, and annually thereafter, the Department of Neighborhood Resources, or its successor, shall prepare a Year End Report setting forth the building permit fee revenue and expenditures reasonably related to the regulation of building activity within the City for the previous calendar year. The Year End Report shall be made available to the public on or before that same date at the office of the Department of Neighborhood Resources, or its successor.

b. Expenses Reasonably Related to the Regulation of Building Activity. In determining whether a cost or expense is reasonably related to the regulation of building activity, the Department of Neighborhood Resources, or its successor, shall be guided by the definitions in this Ordinance and by the Policy Statement adopted by the Governing Body of the City of Lawrence, Kansas, concurrent with the passage of this Ordinance, as both the Ordinance and the Policy Statement may be amended from time to time.

c. Annual Building Permit Fee Revenue Excess or Shortfall. The Year End Report shall include a calculation of the total amount by which building

permit fee revenue exceeds the total expenditures reasonably related to the regulation of building activity within the City for the previous calendar year, or the total amount by which building permit fee revenue is exceeded by the total expenditures reasonably related to the regulation of building activity within the City for the previous calendar year, as the case may be.

d. Cumulative Past Overage. For purposes of this Ordinance, the Cumulative Past Overage amount shall be the cumulative total of the Building Permit Fee Revenue Excess or Shortfall for the previous calendar year (as reflected in the Year-End Report for that calendar year) and the Building Permit Fee Revenue Excess or Shortfall from all previously prepared Year End Reports, except that the Cumulative Past Overage amount can never be less than zero. For purposes of the Year End Report for the year 2006, any Excess or Shortfall from previous years shall not be considered, and the Cumulative Past Overage for 2006 shall be equal to the Building Permit Fee Revenue Excess or Shortfall for the year 2006. Each successive Year End Report shall include a calculation of the Cumulative Past Overage amount.

e. Budget. Commencing July 1, 2007, and annually thereafter on or before that date, the Department of Neighborhood Resources, or its successor, through the City Manager, shall prepare and submit to the Governing Body a Recommended Budget, anticipating the revenue and costs of the regulation of building activity for the succeeding calendar year. The Recommended Budget shall be made available to the public on or before that same date at the office of the Department of Neighborhood Resources, or its successor. By September 1, 2007, and annually thereafter on or before that date, the City shall adopt a Budget that sets out, among other things, the anticipated costs for regulating building activities during the ensuing calendar year.

f. Schedule of Fees. Commencing on or before July 1, 2007, and annually thereafter on or before that date, the Department of Neighborhood Resources, or its successor, shall, based upon the Year End Report and Recommended Budget, prepare and submit to the Governing Body, through the City Manager, a Recommended Schedule of Fees for regulating building activity for the succeeding calendar year, subject to the 95% limitation set forth in Section II of this ordinance. The Recommended Schedule of Fees shall be made available to the public on or before that same date at the office of the Department of Neighborhood Resources, or its successor. In preparing the Recommended Schedule of Fees, the Department of Neighborhood Resources, or its successor, shall not attempt to recoup the past Building Permit Revenue Shortfalls, if any.

g. Overage Adjustment. In the event that the Year End Report for a given year shows that the Cumulative Past Overage amount (if any) is greater than twenty percent (20%) of the cost of regulating building activity for that year, then the Department of Neighborhood Resources shall, in setting its Recommended Schedule of Fees, reduce building permit fees for the calendar

year following the issuance of the Report to such a level that the projected Cumulative Past Overage amount calculated through that year will equal zero.

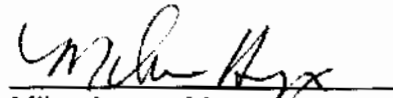
h. Building Permit Fees. The ultimate decision regarding building permit fees is and shall be that of the governing body, upon advice from City Staff. However, such advice and ultimate decision shall recognize the need to set such fees that will adequately cover the costs of the services to be performed and provided by the City in regulating building activity.

SECTION IV: EFFECTIVE DATE.

a. This Ordinance shall be in full force and effect following its passage and publication according to law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 23rd day of MAY 2006.

APPROVED:


Mike Amyx, Mayor

ATTEST:


Frank Reeb, City Clerk