

CITY OF BATAVIA

DATE: November 24, 2014
TO: Mayor and City Council
FROM: Jeff Albertson, Building Commissioner
SUBJECT: Ordinance #14-72: Implementation of Permits and a fee for Driveways.

Background

The City of Batavia has been requiring permits for the right-of-way (ROW) portion of a driveway for several years. This includes new driveway aprons or replacement of existing aprons. A permit has not been required for the private property portion of the driveway. This has caused issues with poor workmanship and difficulty in enforcing the improvement standards that exist for driveways. There are width requirements in both the municipal code and city Zoning Code that are required to be followed but are difficult to monitor and track without a permit requirement. Driveway width maximums are 6' wider than the garage door at the garage, 14' for a side-load garage at the property line, 18' for a front-load garage at the property line, and 22' at the curb.

The ROW portion of the driveway has required the submittal of a performance bond and certificate of insurance for permit issuance. We have had issues with contractors performing work on the private portion of the driveway damaging or destroying the ROW area with no bond or insurance certificate on file. We have also had intermittent problems with poor workmanship on the part of the contractors. With no required inspections or permit for the private portion it has made it difficult to enforce the City's standards and workmanship expectations. We find ourselves having to chase down contact information for the contractor through the property owner. In most cases the contractor has already been paid for the work, so they are reluctant to come back and correct any issues. The release of the performance bond would be the incentive for the contractor to complete the work in a timely and workmanlike manner. Alternatively the City could utilize the bond to complete the work required or repair damages.

We have checked with our neighboring towns and find that both Geneva and St. Charles require permits for the private portion of the driveway. Geneva charges \$100.00 and St. Charles charges \$55.00 for these permits. This amount covers both the ROW portion and the private portion. North Aurora and Sugar Grove also require permits for driveways.

No ordinance change to the city Building Code would be required to implement driveway permits. A fee for the proposed permits would need to be established. Staff would propose a fee of \$55.00 for driveway permits. We believe this would cover costs for the 2 inspections required as part of the permit.

We anticipate “unifying” the driveway and ROW permits so only one permit application will be required. Implementation of the permit requirement is anticipated for January 1, 2015 to give contractors and applicants time to become aware of the new requirement.

COW Recommendation

The COW reviewed this item at its meeting on November 18, 2014. The Committee voted 8 to 0 to recommend approval of this item.

Staff Recommendation

Staff recommends the Council approve Ordinance #14-72, implementation of driveway permit for driveways with a fee to be established of \$55.00 at its December 1, 2014 meeting.

Cc:

City Administrator
Community Development Director
File

CITY OF BATAVIA

ORDINANCE 14-72

**AMENDING THE MUNICIPAL CODE TITLE 9
BUILDING REGULATIONS
(Fee Schedule)**

WHEREAS, the City Council of the City of Batavia hereby finds that it is in the City’s best interest to establish permit fees that correspond to the cost of providing permit related services; and

WHEREAS, the City’s staff has analyzed the costs related to providing inspections and other services in relation to building permits for driveways, which are reflected in the proposed fees contained herein;

NOW THEREFORE, be it hereby ordained by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That Title 9 “Building Regulations”, Chapter 9-1-3-B “Building Permit and Plan Review Fees”, be and are hereby amended by adding the following provision therefore:

Permit Type	Proposed Fee
Miscellaneous	
4. Driveways	\$55

City of Batavia, Illinois Ordinance #14-72

SECTION 2: This Ordinance 14-72 shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 1st day of December, 2014.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of December, 2014.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Saam					Stark				
5	Vasilion					Atac				
6	Cerone					Clark				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nay	0 Absent		0 Abstentions				
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi L. Wetzel, City Clerk

City of Batavia, Illinois Ordinance #14-72

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Published in pamphlet form
by authority of the Mayor
and City Council of the
City of Batavia,
Kane County, Illinois, this
2nd day of December, 2014