



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1811

**AN ORDINANCE ESTABLISHING A COMPREHENSIVE FEE AND DEPOSIT SCHEDULE FOR
BUILDING AND DEVELOPMENT
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 23rd DAY OF April, 2018.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS 24th DAY OF April, 2018.

ORDINANCE NO. 1811

**AN ORDINANCE ESTABLISHING A COMPREHENSIVE FEE AND DEPOSIT SCHEDULE FOR
BUILDING AND DEVELOPMENT
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall, Illinois, as follows:

WHEREAS, the Village of Montgomery (“Village”) is not a home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois, and therefore, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Department of Community Development performs and oversees a number of functions related to building, planning, and development throughout the Village for which it requires deposits and charges fees; including, but not limited to: contractor licensing, plan review, permitting, performing inspections, issuing certifications, and other like actions (hereinafter “Community Development Fees”); and,

WHEREAS, during the course of development, the Village also requires certain site control escrow deposits to ensure soil erosion and sedimentation control (“Site Control Fees”); and,

WHEREAS, the review, analysis and drafting of annexation agreements, ordinances, site plans, subdivision plats, planned unit developments, zoning ordinances, and the like also requires the technical skills of retained outside personnel; and,

WHEREAS, in addition to the aforesaid deposits and fees charged by the Village generally, costs incurred by Village personnel and consultants in zoning, annexation, site development, and subdivision matters has greatly increased in recent years; and,

WHEREAS, the Plan Commission, Board of Appeals, and the President and Village Board of the Village (“Village Officials”) recognize that the Village’s expenses are greatly increased by the services rendered by its Village Engineer, Village Attorney, and other technicians, professionals, and experts who must review these various land development requests (“Professional Consultant Fees”); and,

WHEREAS, the Village Officials further recognize that the compensation of the retained professionals of said Village should not be an expense that burdens Village residents and taxpayers because the projects and plans, when evaluated, approved and accepted by the Village will lead to monetary benefits to the zoning petitioner, annexing party, Developer, Builder, Owner, Subdivider, or party seeking a variation or filing an appeal (“Developer”); and,

WHEREAS, the Village Officials further recognize that the expenses to the Village often outweigh the benefits to be received by the Village residents and its taxpayers; and,

WHEREAS, the Village Officials also recognize that some improvements made as a consequence of the Developer's request, when required by the Village in a specific area, would be constructed, installed and paid for by special assessments or by a special taxing district and therefore such expenses are paid for only by those citizens, residents, and taxpayers directly and specifically benefitting from such improvements, which expenses including engineering, legal, planning, and other technical, professional, or expert assistance required by the Village to construct, install, and pay for said improvements; and,

WHEREAS, the actual costs to review, analyze, and provide advice and assistance to Village Officials on land development plans presented by Developers cannot be determined in advance; and,

WHEREAS, the Village has previously authorized and approved charging such fees and deposits through Ordinance No. 1446 (An Ordinance Amending Section 603.0 of the Soil Erosion and Sedimentation Control Ordinance), Ordinance No. 1503 (An Ordinance Repealing Ordinance 1449 and Reestablishing Fees and Deposits for Administrative and Consultant Expenses Relating to the Zoning, Subdividing, Development, Recording, and Annexation of Lands) and Resolution No. 10-004 (A Resolution Resetting Fees to be Charged by the Community Development Department); and,

WHEREAS, for ease of administration, the Village Officials find it in the best interest of the Village, its citizens, and those seeking to build and develop within its corporate limits, to establish a comprehensive deposit, fee, and permitting schedule addressing Community Development Fees, Professional Consultant Fees and Site Control Fees; and,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE:

1-11 BUILDING AND DEVELOPMENT FEES - GENERAL

(a) Fees Imposed

Fees shall be imposed for building and development within the Village in accordance with the schedules set forth herein.

(b) Fees Non-Refundable

All fees assessed by the Village of Montgomery shall be non-refundable, except as may otherwise be set forth herein. Notwithstanding the foregoing, when presented with exigent circumstances, requests for refunds may be granted on a case-by-case basis, subject to staff review. The determination as to whether circumstances warrant a refund shall be within the sole discretion of the Village and any such determination shall be non-precedential.

(c) Working Without a Permit

Where work for which a permit is required by the Code is started or proceeded with prior to obtaining said permit, by one who knows or should have known the requirements for said permit, the fees shall be increased by fifty percent (50%), but in any event the minimum additional fee shall not be less than forty-five dollars (\$45.00). The payment of such additional fee shall not relieve any persons from fully complying with the requirements of this Code, in the execution of the work, nor from any other penalties prescribed therein.

(d) Government or Charitable Purposes

Whenever the construction, alteration or addition is being made for any governmental or charitable organization, there shall be no charge by the Village of Montgomery made for any permit issued or any service in connection with the project. Third party and/or costs incurred by the Village of Montgomery will require reimbursement. Proper documentation will be required to validate IRS status.

(e) Professional and Consulting Fees

As established herein, it is the obligation of the applicant to pay all administrative, professional consulting, recording, and public hearing expenses (including re-hearings or re-publications and signage), including court reporter fees, incurred by the Village in processing and acting upon petitions or requests for land development or expansion. The deposit for those fees and expenses as hereinafter set forth is intended to insure to the Village that adequate funds will be available to the Village to pay those fees and expenses, but the deposit required is based upon an estimate only of what those fees may be and by those making the deposit the applicant is not relieved of the obligation to pay those fees in full if in fact those fees and expenses exceed the deposit amount. Invoices for professional services received on behalf of the applicant shall be submitted to the applicant on a timely basis and paid within 20 days of the date thereof. Unpaid invoices by any applicant may be satisfied by any other funds on deposit with the Village for said applicant. The Village will put the application on hold upon the original deposit amount is replenished.

1-12 BUILDING DIVISION – LICENSE, PERMIT, AND INSPECTION FEE SCHEDULE

The following schedule of fees shall be imposed by the Village's Building Division:

(a) Contractor Licensing Fee

A contractor licensing fee of \$125.00 shall be required.

(b) Multi-Family Residential New Construction

\$25.00 per hundred square feet or portion thereof (\$100.00 Minimum), of overall area of each floor, including basement, crawl space and garage.

\$20.00 per hundred square feet of additions or assessor buildings, or portion thereof (\$100.00 Minimum), of each floor, basement and crawl space.

(c) Single Family Residential New Construction

\$25.00 per hundred square feet or portion thereof, of overall area of each floor, including basement, crawl space and garage.

\$20.00 per hundred square feet of additions or accessory buildings, or portion thereof, of each floor, basement and crawl space

See below Table 1-12-T1- Fee Schedule of Residential Accessory Buildings and Alterations:

Deck	\$55.00	Flat fee for inspection and compliance
Demolition	\$100.00	Flat fee for inspection and compliance
Driveways	\$55.00*	Flat fee for inspection and compliance *May have additional fees for required engineer reviews
Engineering Site Plan Review Fee	\$150.00	Review of new home surveys.
Engineering Site Plan Re-Review	\$75.00	Only applicable if the initial review resulted in a failed application.
Engineering As-Built Review Fee	\$200.00	Inspection and review of as-built documents.
Engineering As-Built Re-Inspection Fee	\$100.00	Only applicable if the initial review resulted in a failed inspection.
Electrical Upgrade	\$100.00	Flat fee for Service Upgrade
Fence	\$55.00	Flat fee for inspection and compliance
Finish Basement	Cost Based, \$55.00 (For up to \$1,000 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee
Fire Pit	\$55.00	Flat fee for inspection and compliance
Gazebo	\$55.00	Flat fee for inspection and compliance
Irrigation System	\$100.00	Flat fee for inspection and compliance
Patio	\$55.00	Flat fee for inspection and compliance
Plumbing	Variable	\$60.00 per inspection, may have additional fees for required plumbing reviews
Pool (Above Ground)	\$55.00	Flat fee for inspection and compliance
Pool (In-Ground)	\$100.00	Flat fee for inspection and compliance
Re-roof	Cost Based, \$55.00 (For up to \$1,000 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee
Remodeling/Alteration	Cost Based, \$55.00 (For up to \$1,000 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee

Sewer & Water Inspection	\$50.00	(New Construction) Fox Metro
Siding	Cost Based, \$55.00 (For up to \$1,000 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee
Shed	\$55.00	Flat fee for inspection and compliance
Windows and Doors	Cost Based, \$55.00 (For up to \$1,000 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee

**Any architectural, plan review or engineering review fee incurred by the Village of Montgomery for outside consultants or other professional assistance shall be assessed to the applicant. In the event that the plan review is performed solely by an outside professional, the amount described for buildings over 200 square feet and larger shall be waived. A deposit may be required at the time of submittal.

See below Table 1-12-T2 Fee Schedule for Commercial/Industrial Buildings:

Cell Phone Tower/Antenna	\$500.00 (new construction)	\$200.00 (modify existing)
Demolition	\$300.00	Flat fee for inspection and compliance
Driveway/Parking Lot	Cost Based, \$100.00 (For up to \$5,000.00 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee
Electrical Upgrade	\$100.00	Flat fee for Service Upgrade
Fence	\$55.00	Flat fee for inspection and compliance
Grading	\$50.00	Flat fee for inspection and compliance
Irrigation System	\$100.00	Flat fee for inspection and compliance
Plumbing	Variable	\$60.00 per inspection, may have additional fees for required plumbing reviews
Remodeling/Alteration	Cost Based, \$55.00 (For up to \$1,000 valuation)	Each additional \$1,000 valuation add \$6.00 to base fee
Signs (Permanent)	\$55.00	Flat fee for inspection and compliance
Signs (Temporary-Advertising)	\$15.00 Per 15 Day Period	Maximum of 12 per year
Storm water	\$500.00	Flat fee for inspection and compliance

Elevator Plan Review	\$100.00 per unit*	
Elevator New Construction	\$100.00 per unit*	
Elevator Re-Inspection	\$100.00 per unit*	
Elevator Modifications	\$55.00 Minimum	Reimbursement of outside consultant fees

*Note: There are additional fees for the state mandated annual inspection and certification for elevators.

See below Table 1-12-T3 Miscellaneous Building Fees:

Building (Shell Only)	\$300	Flat fee for inspection and compliance
Certificate of Occupancy	\$40.00	Additional \$40.00 per unit if Multi-Unit
Failure to obtain Permit	\$45.00 Minimum	Permit fee may increase by 50%
Foundation Only	\$100.00 Residential \$300.00 Commercial	Flat fee for inspection and compliance
Moving/Raising/Underpinning	\$300.00	Flat fee for inspection and compliance
Plan Review**	\$125 or 10% of Building Fee	If over 200 Square feet, <200 sq. ft. no fee
Re-Inspections	\$60.00	Excluding Elevator
Re-Issuance of Permit	\$100	Contractor Changes
Sewage Disposal/Septic	Variable	See Fox Metro Water Reclamation/County

**Any architectural, plan review or engineering review fee incurred by the Village of Montgomery for outside consultants or other professional assistance shall be assessed to the applicant. In the event that the plan review is performed solely by an outside professional, the amount described for buildings over 200 square feet and larger shall be waived. A deposit may be required at the time of submittal.

See below Table 1-12-T4 for Cash Bond Requirements for Temporary Certificates of Occupancy

Asphalt Driveway	\$1,200.00
Public Sidewalk	\$1,200.00
Landscape/Sod	\$2,000.00
Final Grading	\$2,000.00
Approved As-Built Survey	\$1,500.00
Parkway Tree	\$350.00/each
Other	TBD

**Temporary Certificates of Occupancy shall be obtained in accordance with Sec. 6-35 and through the submission of the forms on file with the Village Clerk, as may be updated from time to time

(d) Water Tapping Fees

New water mains/taps must be approved through Public Works and the Village Engineers Office. Contact the Building Department for more information and applicable fees. *Ref.* Code of Ordinances, Chapter 20 Section 32.

1-13 PLANNING DIVISION FEE AND DEPOSITS SCHEDULE

The following fees shall be imposed by the Village’s Planning Division. All fees must be paid on or before the time an application or request is presented to the Village and prior to any action thereon. Funds shall be deposited with the Village of Montgomery in accordance with the following schedules. Developers shall execute and file with the Village Clerk the “Developer’s Agreement With Respect to Land Development Fees and Deposits,” which shall be on file with the Village Clerk and as may be updated by staff from time to time.

(a) Planning Division Fees

1. See Below Table 1-13-T1 for Plan Commission Application Fees

Annexation	\$400.00
Concept Plan	No Fee
Final Plat	\$400.00
Planned Unit Development	\$400.00
Rezoning	\$400.00
Special Use	\$400.00
Text Amendment	\$400.00 Includes Public Notice*

*If Public Notice exceeds \$75, additional fees may be required.

2. See Below Table 1-13-T2 for Zoning Board of Appeals Application Fees

Administrative Variance	\$250 Includes Public Notice
Variance	\$400 Includes Public Notice
Zoning Appeal	\$200

3. See Below Table 1-13-T3 for Miscellaneous Planning Fees

Temporary Use		\$100*
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*Unless otherwise addressed in Section 4.15 of the Zoning Ordinance.

(b) Planning Division Deposits

The following deposits shall be required by the Village’s Planning Division.

A cash deposit shall be required prior to the initiation of review and shall correspond with the type and size of development project identified in the Village’s Deposit Ordinance, as may be amended from time to time.

All fees must be paid on or before the time an application or request is presented to the Village and prior to any action thereon; funds shall be deposited with the Village of Montgomery in accordance with the following schedules. The deposit amounts set forth herein shall be deposited in an escrow and maintained by the Finance Department. Interest on the account shall accrue to the Village of Montgomery. If any deposits are drawn upon by the Village the applicant shall be responsible for replenishing said deposit within 15 days of receiving notice so that the account remains at its proper balance.

(a) See Below Table 1-13-T4 for Plan Commission Application Deposits

Nuisance Abatement**	\$5,000
Planned Unit Development	\$10,000.00
Rezoning	\$2000.00
Special Use	\$5,000.00 With Village Consulting \$1,000.00 Without Village Consulting
Special Use/Planned Development	\$10,000.00
Subdivision Plats:	
< 1 Acre	\$2,000.00
1-10 Acres	\$5,000.00
10-35 Acres	\$10,000.00
>35 Acres	\$20,000.00
Annexation Agreements	
< 1 Acre	\$2,000.00
1-10 Acres	\$5,000.00
10-35 Acres	\$10,000.00
>35 Acres	\$20,000.00
Site Plan Review	
< 1 Acre	\$2,000.00
1-10 Acres	\$5,000.00
10-35 Acres	\$10,000.00
>35 Acres	\$20,000.00
Text Amendment	No Deposit Required

*If a petition for an item in the above Table 1-13-T4 requires a zoning amendment, variation, or special use permit, or planned unit development zoning, the sum deposited shall be in accordance with this schedule rather than Table 1-13-T5.

If engineering is required, and no Planning Division Deposits are on file with the Village, the amount of the engineering deposit will be assessed on a project by project basis and an estimate of projected fee will be provided. Any engineering deposit must be paid in full at time of building permit issuance. However, in certain cases the engineering fee may exceed the initial estimate and in such cases an additional invoice will be provided for any services rendered beyond the initial engineering fee.

(b) See Below Table 1-13-T5 for Zoning Board of Appeals Application Deposits

Administrative Variance	\$500.00
Variance	\$500.00
Zoning Appeal	\$500.00

(c) Impact Fees

Impact fees have been established through annexation agreements for individual subdivisions. Certain fees pertaining primarily to land/cash requirements can be found in the Subdivision Control Ordinance.

(d) Accounting Fees

The Developer shall pay an administrative fee to the Village which shall be equal to five percent (5%) of the amount invoiced for all items and expenses (whether characterized as fees, costs, or otherwise).

Administrative Fee	5%
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(e) Nuisance Abatement

In accordance with the fee set forth in Table 1-13-T4 above, the Developer shall be required to inspect and clean the streets and roadways adjacent to and within 1,000 feet of the entrance to the construction site as needed during each week while construction is occurring on said site. The Developer shall also mow weeds, pick up trash and debris and repair and replace soil erosion control fencing so as to comply with applicable ordinances of the Village. If streets are being constructed, the Developer shall cause each street constructed within the development to be plowed within twelve (12) hours following an accumulation of three (3) inches of snow thereon. As security for such obligations of the Developer and as a condition of the issuance of any filling or grading permits, the Developer shall deposit with the Village the sum required herein ("Site Control Escrow"). In the event that the Developer fails to snow plow the streets as required above, the Village may attempt to contact the Developer by telephone (using the contact information from the application), and if satisfactory answers (and performance thereafter) are not forthcoming from said contact (as determined by Village staff), may immediately perform such undertaking and deduct the cost thereof from the Site Control Escrow. In the event the Developer fails to clean the streets, mow weeds, pick-up debris, or repair or replace soil erosion control fencing within twelve (12) hours after receipt of notice from the Village of Developer's failure to comply with this provision, then the Village may perform or contract with others to perform such understating and deduct the cost thereof from the Site Control Escrow. The Developer shall, within 15 business days following written notice from the Village, replenish the Site Control Escrow as funds are from time to time properly withdrawn therefrom by the Village so as to maintain the same dollar balance. All sums remaining on deposit with the Village pursuant to this provision shall be returned to the Developer upon final acceptance by the Village of all public improvements or completion of the development, whichever shall be the last to occur. If a deposit is not required and costs are

incurred by the Village the Certificate of Final Occupancy shall not be issued until all incurred costs are paid in full. If the grading permit was issued and no building permit was required (i.e. grading to improve drainage where no actual building was build) the grading permit will not be closed until all incurred costs are paid in full.

(f) Miscellaneous Fees and Expenses

1. Publication and Public Hearing Expenses

The Developer shall pay all publication expenses and public hearing expenses (including any re-hearings or re-publications of hearings and signage), including court reporter fees.

2. Recording of Plats and Documents

The Developer shall pay recording fees for all plats, ordinances, and documents recorded by the Village. The Village shall take responsibility for recording and retaining the original, and shall provide the Developer with one (1) complimentary copy. Any additional copies requested by the Developer will be at the Developer's cost.

3. Inspection

All public and private improvements proposed to be made under the provisions of this Ordinance shall be inspected during the course of construction by Village consultants. During the course of construction of the improvements, the Developer shall be required to notify the Village Engineer forty-eight (48) hours before the inspection of all utilities. The Developer shall pay the cost of all inspection and testing services. The fee shall be imposed by the Village based on current rates and standard industry practice.

(g) Non-Village Fees

In addition to those fees and deposits set forth herein, additional fees may be charged by other governing entities (e.g. Fox Metro Water Reclamation District, County Fees, Fire Protection District Fees, etc.)

(h) Refund for Overpayments

The fee schedule set forth herein is based upon an estimate of the costs and fees that will be incurred by the Village in reviewing and acting upon the application described. At the time of final action (or thereafter, if not at time of final action) by the Village Officials or at the written required by an application that further action on the application terminate, an itemization of consultant's costs and publication fees and public hearing expenses shall be sent to the Developer. Refunds of unexpended deposits shall be paid by the Village to the Developer when final action has been taken by Village Officials or after a termination of the proceedings by the Developer.

(i) Additional Deposit Required

The amounts required herein are estimates only. The Village may request an additional deposit (or deposits) during the course of the review of land development plans if the deposit (or deposits) paid to the Village has been exhausted. In such event, a redeposit shall be made in an amount determined by the Village Engineer. The Village reserves the right to delay any further action until this deposit is replenished and all other accrued expenses have been paid.

1-14 LETTERS OF CREDIT AND PERFORMANCE BONDS

- (a) All letters of credit and/or performance bonds required by the Village shall be in the same format as the form on file with the Village Clerk, as may be amended from time to time, in an amount of 110% of the cost of the project.
- (b) No letter of credit or performance bond shall be accepted by any official of the Village that does not comply with the form on file with the Village, unless the submitted form has been approved in writing by the Village attorney. In either case, the plans or specifications for the improvement which results in the requirement for a letter of credit or performance bond shall include as easement of access (acceptable to the Village attorney) onto the property in question for the Village to complete the improvements specified in the letter of credit and/or performance bond.
- (c) Letter of credit and/or performance bond reduction/release requests may be made using the following procedure:
 - 1. The developer or applicant for the project in question must submit a written request with supporting documentation to the director of community development which shall include the following:
 - i. A cover letter formally requesting a reduction or release of the letter of credit
 - ii. An engineer's payment request or similar statement indicating specifically what items have been completed.
 - iii. Certifications by the developer that all improvements have been satisfactorily installed in accordance with the Village's ordinances and requirements.
 - iv. Waivers of lien from the contractors.
 - 2. Upon review of the supporting documentation by the Village engineer, a letter will be furnished by the Director of Community Development recommending approval of the requested reduction/ release, a reduction to the revised amount or a denial of the request.
 - 3. If the Village engineer recommends either approval of the request or a reduction to the revised amount, and after concurrence from the Village staff that the recommendation is acceptable, the request will be forwarded to the Village's development committee for recommendation to the Village Board. If the next regularly scheduled development committee meeting is canceled, then the request will be taken to the committee of the whole meeting.

- i. Letter of credits that have been issued in order to gain a temporary certificate of occupancy, as required in section 6-35, or for public improvements (i.e., water main, storm sewer, street extension, etc.) for individual site development projects (i.e., a commercial project such as construction of a pharmacy building and site) are not required to go through the development committee and village board review and approval process. These letters of credit reduction requests can, but are not required to, be reviewed and approved by staff. The village staff has the right (in their discretion) to require any or all letter of credit reduction or release requests to go through the development committee and village board review and approval process.
4. The Village Board shall then take action on the development committee's recommendation at their next board meeting and shall either approve, deny or modify the recommendation. These provisions do not grant an applicant a right to a reduction or release. The Village Board retains full authority using its discretion to refuse a partial reduction of a letter of credit. The village board retains full authority to refuse a release of a letter of credit unless release is mandated by Illinois law.
 5. If approval is granted, a letter will be sent to the developer from the Village's deputy clerk at the direction of the director of community development requesting a new or amended letter of credit (if a reduction or revision was approved) or releasing the letter of credit.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this 23rd day of April, 2018.



 Matthew Brolley
 President of the Board of Trustees of the Village of Montgomery

ATTEST:


 Penny FitzPatrick



Village Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	✓	—	—	—
Trustee Pete Heinz	—	—	✓	—
Trustee Steve Jungermann	✓	—	—	—
Trustee Denny Lee	✓	—	—	—
Trustee Doug Marecek	✓	—	—	—
Trustee Theresa Sperling	✓	—	—	—
Village President Matthew Brolley	No	vote cast		