

STAFF REPORT-Text Amendment

Public Hearing Date: September 21, 2023

City Council Meeting: October 2, 2023

Case: TA-2023- 05

Proposed Request: Text Amendment to the City of Forest Park Code of Ordinance

Staff Report Compiled By: LaShawn Gardiner, Director

PROPOSED TEXT AMENDMENT

A text amendment is being proposed for Article A-General Provisions, Section 8-2-2 Permits (F) (1), so that churches are no longer exempt from paying building inspection permit fees for construction.

BACKGROUND

It has been found in the current code, more specifically, Article A-General Provisions, Section 8-2-2 Permits (F) (1), that churches are exempt from paying building inspection permit fees for construction that occurs in the City of Forest Park. Due to churches not paying the building inspection permit fee for construction, it may lead to such structures either not being inspected, which is a safety issue and concern, however, the entity can hire a third-party inspector to inspect the property and the city can request a copy of that inspection report. Currently our building inspector, Charles Abbot & Associates, does not inspect churches because the city does not collect a building permit fee based on the language of the code section identified, and Charles Abbot & Associates bills the city on the number of inspections performed.

Current Language of Article A-General Provisions, Section 8-2-2:

Sec. 8-2-2. Permits.

- (a) Any person obtaining a permit for the construction, repair or demolition of any structure shall, at the time of making application for such permit, list the name and address of the person or business securing such permit, and the names and addresses of all contractors and subcontractors who shall perform any service in connection with the construction, repair or demolition of the structure for which such permit is sought. If, at the time of applying for such permit, any of such contractors and subcontractors have not been employed or contracted with, then upon the employment or entering into the contract with such contractors and subcontractors and before the performance of any service by same, such person shall immediately list their names and addresses on the form to be secured from the building inspector and file same with the building inspector.
- (b) No permit covering electrical, plumbing or mechanical installations and fixtures shall be issued to a contractor who does not possess a current certification and license from the state construction industry licensing board, provided that nothing in this section shall prevent a homeowner from installing or maintaining electrical, plumbing or mechanical work within his own property boundaries provided the work is done by himself and is used exclusively by him and his family. This owner's privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting the property owner from obtaining a permit and having the work inspected nor from paying the required fees therefor.
- (c) In addition to the inspection of building sewer lines and connections required under the plumbing code and performed by the building inspector, final approval of line installations shall be conditional on the inspection

and approval of sewer lines from point of connection to within five (5) feet of the building by the director of public services, or his designated representative.

- (d) Permits issued for the installation of fireplaces or wood burning stoves shall require final inspection and approval by the city fire marshal.
- (e) For all permits as set forth in this article, a fee shall be charged, which fee or fees shall be determined by a resolution of the mayor and council, which resolution shall be maintained on file in the office of the city clerk.

(f) (1) Churches shall be exempt from paying building inspection permit fees for construction occurring within the incorporated city limits of the City of Forest Park.

- (2) For the purposes of this subsection, a church shall be defined as: A place used primarily for religious worship which is not used for the purpose of producing private or corporate profit and income distributable to shareholders in corporations owning such property or to other owners of such property and where any income from such place shall be used exclusively for religious, educational or charitable purposes and/or for the purpose of maintaining the religious, educational, and/or charitable place of worship.

The following amendment is proposed to replace the current language:

ARTICLE A-General Provisions, Section 8-2-2 Permits (F)(1)

(f)(1) Churches shall pay building inspection permit fees for construction occurring within the incorporated city limits of the City of Forest Park.

This amendment will provide the following:

1. Alleviate safety issues and concerns,
2. Allow the city or its designated building inspector to inspect such properties without having to depend on inspections from a third-party inspector, and
3. Allow the city to maintain sufficient records of such inspections.

This amendment will assist in ongoing revenue recovery efforts while addressing the need for such construction projects to be inspected by a city official. Staff recommends approval of this text amendment.