

## **ORDINANCE 17-01**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 7, RELATING TO PAYMENT OF FEES.

**BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The Fountain Hills Town Code, Chapter 7 (Building and Building Regulations), Article 7-2 (Fees), Section 7-2-1 (Fees), is hereby amended as follows:

### **Section 7-2-1 Fees**

- A. **Permit Fees.** The permit fee for all new structures, EXCAVATIONS, OR OTHER CONSTRUCTION ACTIVITY, INCLUDING all renovation, remodeling and repairs, shall be in such amount as approved by the Council by resolution or as part of the Town's annual budget. ALL PERMIT FEES MUST BE PAID, IN FULL, PRIOR TO ISSUANCE OF A BUILDING PERMIT.
  
- B. **Plan Review Fees.** When a plan or other data for all new structures, EXCAVATIONS, OR OTHER CONSTRUCTION ACTIVITY, INCLUDING all renovation, remodeling and repairs, is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be in such amount as approved by the Council by resolution or as part of the Town's annual budget. All plan review fees must be paid, in full, prior to review of any plans or data.
  
- C. **PLANNING, BUILDING AND ENGINEERING FEES.** THE FEES FOR SERVICES PROVIDED BY THE PLANNING DIVISION, THE BUILDING DIVISION AND THE ENGINEERING DIVISION SHALL BE ESTABLISHED BY THE TOWN COUNCIL AS PART OF THE ANNUAL BUDGET PROCESS OR AS OTHERWISE ADOPTED BY TOWN COUNCIL RESOLUTION. ALL PLANNING, BUILDING AND ENGINEERING FEES MUST BE PAID, IN FULL, PRIOR TO ISSUANCE OF A BUILDING PERMIT.
  
- D. **THIRD PARTY PLAN REVIEW AND INSPECTION FEES.** IF NEW STRUCTURES, EXCAVATIONS, OR OTHER CONSTRUCTION ACTIVITY, INCLUDING ALL RENOVATION, REMODELING AND REPAIRS, ARE SUBJECT TO THIRD PARTY REVIEW OR INSPECTIONS, THE FEES FOR SUCH PLAN REVIEW AND INSPECTION SHALL BE PAID TO THE TOWN. AT THE TIME OF SUBMITTING THE PLANS FOR REVIEW TO THE TOWN IF DIRECTED BY THE TOWN, SUCH FEES SHALL BE PAID DIRECTLY TO THE THIRD PARTY PLAN REVIEWER AT THE TIME OF SUBMITTING THE PLANS FOR REVIEW TO THE THIRD PARTY PLAN REVIEWER. INSPECTION FEES SHALL BE PAID TO THE TOWN PRIOR TO ISSUANCE OF A BUILDING PERMIT.

- E. DEVELOPMENT IMPACT FEES. DEVELOPMENT IMPACT FEES SHALL BE PAID AT TIME SET FORTH IN SECTION 7-10 OF THE FOUNTAIN HILLS TOWN CODE, AS AMENDED.
- F. PAYMENT OF OUTSTANDING FEES OR TAXES. ANY OUTSTANDING FEES OR TAXES OWED BY THE APPLICANT TO THE TOWN FOR ANY PURPOSE MUST BE PAID TO THE TOWN PRIOR TO ISSUANCE OF A BUILDING PERMIT; IF NO BUILDING PERMIT IS NECESSARY, OR IF A BUILDING PERMIT HAS ALREADY BEEN ISSUED, ANY OUTSTANDING FEES OR TAXES OWED BY THE APPLICANT TO THE TOWN FOR ANY PURPOSE MUST BE PAID TO THE TOWN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

SECTION 2. The Fountain Hills Town Code, Chapter 7 (Building and Building Regulations), Article 7-2 (Fees), is hereby amended to create a new Section 7-2-2 (Compliance with Town Tax Code Provisions) to read as follows:

**Section 7-2-2 Compliance with Town Tax Code Provisions**

- A. Except as set forth below, no building permit shall be issued to any person, firm, corporation, partnership, joint venture, entity or any related parties, firms, corporations, partnerships, joint ventures or entities, however legally organized or constituted, who has been determined by the Town Manager or his designee to owe the Town Transaction Privilege Taxes pursuant to the provisions of the Town Tax Code.
- B. An applicant for a building permit who owes the Town Transaction Privilege Taxes may be issued a building permit only if the applicant has entered into a written agreement with the Town relating to payment of the tax obligation and is, at the time of the submittal of the building permit application, current in making all payments required under the terms of such agreement.
- C. A building permit issued to any person, firm, corporation, partnership, joint venture, entity or any related parties, firms, corporations, partnerships, joint ventures or entities, however legally organized or constituted that one subject to a written agreement relating to the payment of tax obligations as referenced above may be suspended or revoked by the Town Manager or his designee upon the failure of the person, firm, corporation, partnership, joint venture, entity or any related party to make any payments pursuant to the agreement.

SECTION 3. The Fountain Hills Town Code, Chapter 7 (Building and Building Regulations), Article 7-8 (Planning, Building and Engineering Fees), is hereby deleted in its entirety and reserved for future use.

SECTION 4. The immediate operation of this Ordinance is necessary for the preservation of the public health and safety, particularly the Town’s ability to adequately fund and provide building safety services without interruption, and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and

approval by the Town Council as required by law, and it is hereby exempt from the referendum provisions of the Town Code and the Constitution and laws of the State of Arizona.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

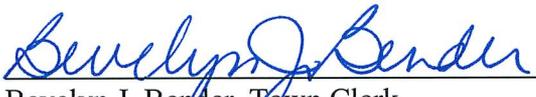
SECTION 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills, Arizona, June 1, 2017.

**FOR THE TOWN OF FOUNTAIN HILLS:**

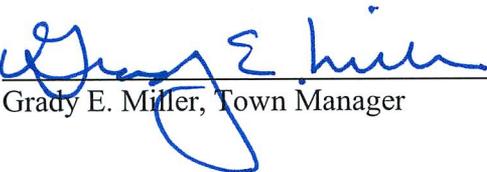
**ATTESTED TO:**

  
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Linda M. Kavanagh, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Grady E. Miller, Town Manager

  
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Andrew J. McGuire, Town Attorney