

**AN ORDINANCE AMENDING
TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 16 (SUBDIVISIONS),
TITLE 17 (ZONING), AND TITLE 18 (LAND DEVELOPMENT) OF THE
COLLINSVILLE MUNICIPAL CODE WITH REGARD TO CHANGES IN
OWNERSHIP AND CONTRACTORS IN PROPERTY DEVELOPMENTS**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLINSVILLE as follows:

SECTION 1: That Title 15 (Buildings and Construction) of the Collinsville Municipal Code, is hereby amended by the addition thereto of Chapter 15.10 entitled “Change in Property Ownership and/or Contractor During Land Development Activities,” to be read in its entirety as follows:

“Chapter 15.10. - CHANGE IN PROPERTY OWNERSHIP AND/OR CONTRACTOR DURING LAND DEVELOPMENT ACTIVITIES

Sec. 15.10.010. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when a change of ownership of a property and/or contractor occurs subsequent to an application for, but prior to an approval of any platting procedure, zoning procedure, grading permit, or building permit; or during any development, land disturbance or construction activity; or during the term of an active permit or authorization issued by the City; or prior to the issuance of an occupancy permit (all hereinafter referred to as “development activities”), a written notification of a change in ownership and/or contractor shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

Sec. 15.10.020. – Definitions.

Contractor means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof, including every: i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning ("HVAC) contractor, and iv) general contractor, building contractor, residential contractor, and landscape contractor, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Sec. 15.10.030. - Procedure.

- A. When a change of ownership of a property occurs during development activities (as defined herein), a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.
- B. The written notification required by this Chapter shall provide:

1. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
 2. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.
- C. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party as of the transfer date, but the date of the effective permit or authorization shall remain as when it was originally issued. Permit issuance dates shall not be deemed extended due to a change in the property's ownership or contractor.
- D. When a change in a contractor occurs during development activities, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.
- E. The written notification required by this Chapter shall provide:
1. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
 2. all owners' names, addresses, phone numbers, and email addresses.
 3. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
 4. all past contractors' names, addresses, phone numbers, and email addresses.
 5. all engineers' and architects' names, addresses, phone numbers, and email addresses.

Sec. 15.10.050. – Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to Sec. 1.16.010. General penalty.”

SECTION 2: That Title 15 (Buildings and Construction) of the Collinsville Municipal Code, is hereby amended by the addition thereto of Chapter 15.46 entitled “Outstanding Monies Due to the City,” to be read in its entirety as follows:

“Chapter 15.46. Outstanding Monies Due to the City.

Any permit, license, program, or utility, or service provided by the City of Collinsville may be denied if the person has outstanding fines, fees, taxes, or money due the City and has failed to pay the fines, fees, taxes or money due. The denial of the permit, license, program, utility or service shall not apply to emergency services relating to the public health, welfare or safety. The denial of permit, license, program, utility or service shall not apply to any property with outstanding real property taxes. The person requesting the permit, license or fee, utility, or service may appeal a denial to the Hearing Officer. The appeal shall be made

in the same manner as otherwise provided for the appeal of administrative decisions in the City's Zoning Code Sec. 17.130.030.- Appeals.”

SECTION 3: That Chapter 16.20 (Administrative Provisions) of Title 16 (Subdivisions) of the Collinsville Municipal Code, is hereby amended by the addition thereto of Section 16.20.15 entitled “Outstanding Monies Due to the City,” to be read in its entirety as follows:

“Sec. 16.20.15. Outstanding Monies Due to the City.

Any permit, license, program, or utility, or service provided by the City of Collinsville may be denied if the person has outstanding fines, fees, taxes, or money due the City and has failed to pay the fines, fees, taxes or money due. The denial of the permit, license, program, utility or service shall not apply to emergency services relating to the public health, welfare or safety. The denial of permit, license, program, utility or service shall not apply to any property with outstanding real property taxes.

The person requesting the permit, license or fee, utility, or service may appeal a denial to the Hearing Officer. The appeal shall be made in the same manner as otherwise provided for the appeal of administrative decisions in the City's Zoning Code Sec. 17.130.030.- Appeals.”

SECTION 4: That Section 16.08.020 (Selected definitions) of Chapter 16.08 (Definitions) of Title 16 (Subdivisions) of the Collinsville Municipal Code, is hereby amended by the addition of a definition for “Contractor,” to be read in its entirety as follows:

“*Contractor* means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning (“HVAC”) contractor, and iv) general contractor, building contractor, residential contractor, and landscape contractor, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.”

SECTION 5: That Title 16 (Subdivisions) of the Collinsville Municipal Code is hereby amended by the addition thereto of Chapter 16.22 entitled “Change in Property Ownership and/or Contractor During Land Development Activities,” to be read in its entirety as follows:

“Chapter 16.22. - CHANGE IN PROPERTY OWNERSHIP AND/OR CONTRACTOR DURING LAND DEVELOPMENT ACTIVITIES

Sec. 16.22.010. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when a change of ownership of a property and/or contractor occurs subsequent to an application for, but prior to an approval of any platting procedure, zoning procedure, grading permit, or building permit; or during any development, land disturbance or construction activity; or during the term of an active permit or authorization issued by the City; or prior to the issuance of an occupancy permit (all hereinafter referred to as “development activities”), a

written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

Sec. 16.22.020. - Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project's construction and completion.

Sec. 16.22.030. - Procedure.

- A. When a change of ownership of a property occurs during development activities (as defined herein), a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.
- B. The written notification required by this sub-Section shall provide:
 - 1. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
 - 2. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.
- C. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.
- D. When a change in a contractor occurs during development activities, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.
- E. The written notification required by this sub-Section shall provide:
 - 1. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
 - 2. all owners' names, addresses, phone numbers, and email addresses.
 - 3. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
 - 4. all past contractors' names, addresses, phone numbers, and email addresses.
 - 5. all engineers' and architects' names, addresses, phone numbers, and email addresses.
- F. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

Sec. 16.22.040. – Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in

equity available to the City, including fines and penalties pursuant to Sec. 1.16.010. General penalty.”

SECTION 6: That Section 17.020.020 (Definitions) of Chapter 17.020 (Interpretation and Definitions) of Title 17 (Zoning) of the Collinsville Municipal Code, is hereby amended by the addition of a definition for “Contractor,” to be read in its entirety as follows:

“*Contractor* means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning (“HVAC”) contractor, and iv) general contractor, building contractor, residential contractor, and landscape contractor, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.”

SECTION 7: That Section 17.030 (General Provisions) of Title 17 (Zoning) of the Collinsville Municipal Code, is hereby amended by the addition thereto of Section 17.030.180 entitled “Change in Property Ownership and/or Contractor During Land Development Activities,” to be read in its entirety as follows:

“Sec. 17.030.180. - CHANGE IN PROPERTY OWNERSHIP AND/OR CONTRACTOR DURING LAND DEVELOPMENT ACTIVITIES

A. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when a change of ownership of a property and/or contractor occurs subsequent to an application for, but prior to an approval of any platting procedure, zoning procedure, grading permit, or building permit; or during any development, land disturbance or construction activity; or during the term of an active permit or authorization issued by the City; or prior to the issuance of an occupancy permit (all hereinafter referred to as “development activities”), a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

B. Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project’s construction and completion.

C. Procedure.

1. When a change of ownership of a property occurs during development activities (as defined herein), a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

2. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
 - ii. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.
3. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.
4. When a change in a contractor occurs during development activities, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.
5. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
 - ii. all owners' names, addresses, phone numbers, and email addresses.
 - iii. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
 - iv. all past contractors' names, addresses, phone numbers, and email addresses.
 - v. all engineers' and architects' names, addresses, phone numbers, and email addresses.
6. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

D. Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to Sec. 1.16.010. General penalty.”

SECTION 8: That Section 17.180.010 (Fee Schedule) Title 17 (Zoning) of the Collinsville Municipal Code, is hereby amended by the addition thereto of subsection C, to be read in its entirety as follows:

“C. Outstanding monies due to the City.

Any permit, license, program, or utility, or service provided by the City of Collinsville may be denied if the person has outstanding fines, fees, taxes, or money due the City and has failed to pay the fines, fees, taxes or money due. The denial of the permit, license, program, utility or service shall not apply to emergency services relating to the public health, welfare

or safety. The denial of permit, license, program, utility or service shall not apply to any property with outstanding real property taxes.

The person requesting the permit, license or fee, utility, or service may appeal a denial to the Hearing Officer. The appeal shall be made in the same manner as otherwise provided for the appeal of administrative decisions in the City's Zoning Code Sec. 17.130.030.- Appeals.”

SECTION 9: That Chapter 18.02 (General Provisions) of Title 18 (Land Development) of the Collinsville Municipal Code, is amended by the addition thereto of Section 18.02.050 entitled “Change in property ownership and/or contractor during land development activities”, to be read in its entirety as follows:

“Sec. 18.02.50. - Change in property ownership and/or contractor during land development activities

A. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when a change of ownership of a property and/or contractor occurs subsequent to an application for, but prior to an approval of any platting procedure, zoning procedure, grading permit, or building permit; or during any development, land disturbance or construction activity; or during the term of an active permit or authorization issued by the City; or prior to the issuance of an occupancy permit (all hereinafter referred to as “development activities”), a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

B. Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project’s construction and completion.

C. Procedure.

1. When a change of ownership of a property occurs during development activities (as defined herein), a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.
2. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), address and locator number or legal description of the property in the letter’s subject line.
 - ii. all transferors’ and the transferees’ names, addresses, phone numbers, and email addresses.

3. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.
4. When a change in a contractor occurs during development activities, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.
5. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
 - ii. all owners' names, addresses, phone numbers, and email addresses.
 - iii. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
 - iv. all past contractors' names, addresses, phone numbers, and email addresses.
 - v. all engineers' and architects' names, addresses, phone numbers, and email addresses.
6. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

E. Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to Sec. 1.16.010. General penalty.”

SECTION 10: That Section 18.02.100 (Costs) of Chapter 18.02 (General Provisions) of Title 18 (Land Development), is hereby amended by the addition of subsection E entitled “Outstanding monies due to the City,” to be read in its entirety as follows:

“E. Outstanding monies due to the City.

Any permit, license, program, or utility, or service provided by the City of Collinsville may be denied if the person has outstanding fines, fees, taxes, or money due the City and has failed to pay the fines, fees, taxes or money due. The denial of the permit, license, program, utility or service shall not apply to emergency services relating to the public health, welfare or safety. The denial of permit, license, program, utility or service shall not apply to any property with outstanding real property taxes. The person requesting the permit, license or fee, utility, or service may appeal a denial to the Hearing Officer. The appeal shall be made in the same manner as otherwise provided for the appeal of administrative decisions in the City's Zoning Code Sec. 17.130.030.- Appeals.”

SECTION 11: In the event any section or provision of this Ordinance shall be held unconstitutional or invalid by any Court, in whole or in part, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than the part held unconstitutional or invalid.

SECTION 12. All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 13. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 14. This Ordinance is effective upon its passage by the City Council, approval by the Mayor, and publication according to law.

SECTION 15: This Ordinance shall become effective upon its passage and publication by the City Clerk.

PASSED by the City Council on _____, 2018.

Ayes:

Nays:

Absent:

Approved: _____, 2018.

John Miller, Mayor

ATTEST:

Kimberly Wasser, City Clerk