



VILLAGE OF MONTGOMERY

ORDINANCE NO. 2002

**AN ORDINANCE AMENDING A COMPREHENSIVE FEE AND DEPOSIT
SCHEDULE FOR BUILDING AND DEVELOPMENT
AND CREATING NEW SECTION 1-12 IN THE VILLAGE CODE OF ORDINANCES
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 10th day of April, 2023.

Published in Pamphlet form by Authority
of the President and Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties, Illinois,
this 10th day of April, 2023

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AN ORDINANCE AMENDING A COMPREHENSIVE FEE AND DEPOSIT
SCHEDULE FOR BUILDING AND DEVELOPMENT
AND CREATING A NEW SECTION 1-12 , IN THE VILLAGE CODE OF
ORDINANCES
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, on or about April 23, 2018, through Ordinance No. 1811, the Village created a new Section 1-11 (Building and Development Fees) and adopted a comprehensive deposit, fee, and permitting schedule addressing Community Development Fees, Professional Consultant Fees, and Site Control Fees ("**Building and Development Fee Schedule**"); and,

WHEREAS, the Village had previously amended and updated certain provisions of Section 1-11 and consequently the Building and Development Fee Schedule was not codified in the Village Code of Ordinances; and,

WHEREAS, the Village now wishes to amend and update the provisions previously approved pursuant to Ordinance No. 1811 and codify said provisions in newly created Section 1-12.

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:

1-12-1 BUILDING AND DEVELOPMENT FEES- GENERAL

(a) Fees Imposed

A Building and Development Fee Schedule 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 shall be non-refundable, except as otherwise 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 approval by the Director of Community Development or their designee. The determination as to whether a refund shall be granted is within the sole discretion of the Village and any such determination shall be non-precedential.

(c) Working Without a Permit

If a permit is required by the Village and work is started or proceeded without obtaining said permit, the permit fee(s) shall be increased by one hundred percent (100%), but in any event the minimum additional fee shall not be less than ninety dollars (\$90.00). The payment of such additional fee(s) shall not relieve any person from fully complying with the requirements of this Code or other applicable requirements of the Village, 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 for any permit issued or any service performed in connection with the project. However, third party expenses and/or costs incurred by the Village will require reimbursement. Proper documentation will be required to validate IRS status.

(e) Professional and Consulting Fees

As established herein, an applicant shall pay all administrative, professional consulting, recording, and public hearing expenses (including, but not limited to, re-hearings, re-publications, signage, and 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. It is expressly acknowledged that the deposit required is based upon an estimate and 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 twenty (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 without requiring the additional consent of the application. Additionally, the Village will place the application on hold until the required deposit amount is replenished.

1-12-2 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 Fee**

\$30.00 per hundred square feet or portion thereof, of overall area of each floor, including basement, crawl space and garage.

\$25.00 per hundred square feet of additions or accessory buildings, or portion thereof (\$100.00 Minimum), of each floor, basement, and crawl space.

(c) **Single Family Residential New Construction Fee**

\$30.00 per hundred square feet or portion thereof, of overall area of each floor, including basement, crawl space and garage.

\$25.00 per hundred square feet of additions or accessory buildings, or portion thereof, of each floor, basement, and crawl space.

(d) **Residential Accessory Buildings and Alteration Fees**

See below Table 1-12-T1

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

Deck	\$90.00	Flat fee for inspection and compliance
Demolition	\$100.00	Flat fee for inspection and compliance
Driveways	\$90.00	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 fails
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 fails
Electrical Upgrade	\$125.00	Flat fee for service upgrade
Fence	\$90.00	Flat fee for inspection and compliance

Finish Basement	Cost based \$90.00 (for up to \$1,000.00 valuation)	Each additional \$1,000.00 valuation add \$10.00 to base fee.
Fire Pit	\$90.00	Flat fee for inspection and compliance
Garage Detached	\$200.00	Flat fee for inspection and compliance
Gazebo	\$90.00	Flat fee for inspection and compliance
Generator	\$90.00	Flat fee for inspection and compliance
Hot Tub/Spa	\$90.00	Flat fee for inspection and compliance
Irrigation System	\$125.00	Flat fee for inspection and compliance
Patio	\$90.00	Flat fee for inspection and compliance
Pergola/Covered Patio	\$90.00	Flat fee for inspection and compliance
Plumbing	Variable	\$90.00 per inspections, may have additional fees for required plumbing reviews
Pool (Above Ground)	\$125.00	Flat fee for inspection and compliance
Pool (In-Ground)	\$200.00	Flat fee for inspection and compliance
Re-Roof Residential	\$125.00	Flat fee for inspection and compliance
Remodeling/Alteration	Cost based \$90.00 (for up to \$1,000 valuation)	Each additional \$1,000 valuation and add \$10.00 to base fee
Sewer & Water Inspection	\$50.00	(New Construction) Fox Metro
Siding	\$90.00	Flat fee for inspection and compliance
Shed	\$90.00	Flat fee for inspection and compliance
Windows and Doors	\$90.00	Flat fee for inspection and compliance

*Any architectural, plan review or engineering review fee incurred by the Village 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 plan review fee (Table T-12-T3 Miscellaneous Building Fees) shall be waived. A deposit may be required at the time of submittal.

(e) Commercial and Industrial New Construction Fee

\$30.00 per hundred square feet or portion thereof, of overall area of each floor, including basement, crawl space and garage.

\$25.00 per hundred square feet of additions or accessory buildings, or portion thereof (\$100.00 Minimum), of each floor, basement, and crawl space.

(f) Commercial and Industrial Buildings and Alterations Fees

See below Table 1-12-T2

Table 1-12-T2 Fee Schedule for Commercial/Industrial Buildings and Alterations*:

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 \$1000.00 valuation add \$10.00 to base fee
Electrical Update	\$125.00	Flat fee for Service Upgrade
Fence	\$90.00	Flat fee for inspection and compliance
Generator	\$90.00	Flat fee for inspection and compliance
Grading	\$90.00	Flat fee for inspection and compliance
Irrigation System	\$125.00	Flat fee for inspection and compliance.
Plumbing	Variable	\$90.00 per inspection, may have additional fees for required plumbing review.
Remodeling/Alteration	Cost based, \$90.00 valuation.	Each additional \$1000.00 valuation add \$10.00 to base fee
Roofing - Commercial	Cost based, \$100.00 (for up to \$5,000.00 valuation)	Each additional \$1000.00 valuation add \$10.00 to base fee
Signs (Permanent - Non-Illuminated)	\$90.00	Flat fee for inspection and compliance
Signs (Permanent - Illuminated)	\$125.00	Flat fee for inspection and compliance
Signs (Temporary)	\$15.00 Per 15 Day period	Maximum of 12 per year
Storm Water	\$500.00	Flat fee for inspection and compliance

*Any architectural, plan review or engineering review fee incurred by the Village 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 plan review fee (Table T-12-T3 Miscellaneous Building Fees) shall be waived. A deposit may be required at the time of submittal.

Elevators

Elevator Plan Review	\$200.00 per unit*	
Elevator New Construction	\$200.00 per unit*	Flat fee for inspection and compliance
Elevator Re-Inspection	\$100.00 per unit*	
Elevator Modifications	\$100.00 Minimum	Reimbursement of outside consultant fees

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

(g) Miscellaneous Building Fees

See below Table 1-12-T3

Table T-12-T3 Miscellaneous Building Fees:

Asbestos Abatement	\$100.00	Flat fee for inspection and compliance
Building (Shell Only)	\$300.00	Flat fee for inspection and compliance
Certificate of Occupancy	\$100.00	Additional \$100.00 per unit in multi-unit
Electric Vehicle Charging	\$100.00 per station	Flat fee for inspection and compliance
Failure to Obtain Permit	\$90.00 minimum	Permit fee shall increase by 100%
Foundation Only	\$100.00 Residential \$300.00 Commercial	Flat fee for inspection and compliance
Misc./Other	\$90.00	Per inspection
Moving/Raising/Underpinning	\$300.00	Flat fee for inspection and compliance
Nuisance Abatement††	\$5000.00	
Plan Review **	\$125.00 or 10% of Building Fee	If over 200 square feet, <200 sq. ft no fee
Re-Inspections	\$90.00	Excluding Elevators
Re-Issuance of Permit	\$100.00	Contractor Changes
Sewage Disposal/Septic	Variable	See Fox Metro Water Reclamation/County
Solar Panel Installation	Residential \$100.00 Commercial \$300.00	Flat fee for inspection and compliance
Wind Turbine	Residential \$100.00 Commercial \$300.00	Flat fee for inspection and compliance

** Any architectural, plan review or engineering review free incurred by the Village 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 plan review fee shall be waived. A deposit may be required at the time of submittal.

††Nuisance Abatement

In accordance with the fee set forth in Table 1-12-T3 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 fifteen (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.

(h) Temporary Certificates of Occupancy

Temporary Certificates of Occupancy shall be obtained in accordance with Sec. 6-35 and through the submission of the forms on file with the Community Development Department, as may be amended from time to time.

Cash bonds shall be paid for any Temporary Certificate of Occupancy in accordance with Table 1-12-T4 below.

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

Asphalt Driveway	\$3000.00
Public Sidewalk	\$2500.00
Landscape/Sod	\$2500.00
Final Grading	\$2500.00
Approved As-Built Survey	\$2500.00
Parkway Tree	\$350.00/each
Other	TBD

(i) Water Tapping Fees

New water mains/taps must be approved by the Department of Public Works and the Village Engineer. Contact the Building Department for more information and applicable fees.

1-12-3 PLANNING DIVISION FEE AND DEPOSITS SCHEDULE

The following fees shall be imposed by the Village’s Planning Division. All fees and deposits 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 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 amended by staff from time to time.

(a) Planning Division Fees

1. Planning and Zoning Commission Application Fees:

See Below Table 1-12-T1

Table 1-12-T1 Planning and Zoning Commission Application Fees

Administrative Variance	\$300.00 Includes Public Notice*
Annexation lots less than 1 acre	\$600.00
Annexation lots more than 1 acre	\$1000.00
Concept Plan	No Fee
Planned Unit Development	\$600.00 +\$15 per acre above 10 acres
Rezoning	\$600.00
Site Plan Review	\$600.00

Special Use (other than planned unit developments)	\$600.00
Subdivision - Minor	\$600.00
Subdivision - Preliminary	\$600.00 +\$15 per acre above 10 acres
Subdivision/PUD - Final	\$800.00
Text Amendment	\$600.00 Includes Public Notice*
Variance	\$600.00 Includes Public Notice*
Zoning Appeal	\$300.00

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

2. Miscellaneous Planning Fees
See Below Table 1-12-T2

Table 1-12-T2 Miscellaneous Planning Fees

Temporary Use		\$100*
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*Unless otherwise addressed in Section 9.04 of the Unified Development 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 by staff 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 in accordance with the following schedules. The deposit amounts set forth herein shall be deposited in an escrow and maintained by the Village's Finance Department. Interest on the account shall accrue to the Village. If any deposits are drawn upon by the Village and the account balance reaches less than the amount required in Table 1-12-T3, the applicant shall be responsible for replenishing said deposit within fifteen (15) days of the date of notice so that the account remains at its proper balance. If the funds are not replaced within the specified timeframe,

See Below Table 1-12-T3

Table 1-12-T3 Planning and Zoning Commission Application Deposits

Administrative Variance	\$500.00
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Planned Unit Development	\$10,000.00
Rezoning	\$2,000.00
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 includes more than one item from Table 1-12-T3 the amount deposited shall be for the highest applicable amount listed.

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.

(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 Unified Development 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). The Developer shall pay an additional administrative fee which shall be equal to eight percent (8%) of any invoice for engineering services incurred.

Administrative Fee	5%
Engineering Fee	8%

(e) **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 not less than 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.

(f) **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.)

(g) **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 by the Village (or thereafter, if not at time of final action) or at the written request by Developer 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 the Village or after a termination of the proceedings by the Developer.

(h) 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, including, but not limited to, withholding any permits and certificates of occupancy pertaining to the deposit, until this deposit is replenished and all other accrued expenses have been paid.

1-12-4 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 10th day of April, 2023.



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

ATTEST:



Debra Buchanan
Village Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Matt Bauman	---	---	x	---
Trustee Tom Betsinger	---	---	x	---
Trustee Dan Gier	✓	---	---	---
Trustee Steve Jungermann	✓	---	---	---
Trustee Doug Marecek	✓	---	---	---
Trustee Theresa Sperling	✓	---	---	---
Village President Matthew Brolley	---	---	x	---