

RESOLUTION 18-R-25 adopting a City of Murfreesboro Building and Codes Department Permit Refund Policy.

WHEREAS, Murfreesboro City Code, Section 7-2(J), International Building Code - Amended, states that "The City Council shall adopt a policy governing the refunding of permit fees."; and,

WHEREAS, Murfreesboro City Code, Section 7-8(F), International Mechanical Code - Amended, states that "The City Council shall adopt a policy governing the refunding of permit fees."; and,

WHEREAS, Murfreesboro City Code, Section 7-12(K), International Residential Code - Amended, states that "The City Council shall adopt a policy governing the refunding of permit fees."; and,

WHEREAS, Murfreesboro City Code, Section 7-15(G), International Energy Conservation Code - Amended, states that "The City Council shall adopt a policy governing the refunding of permit fees."; and,

WHEREAS, Murfreesboro City Code, Section 11-10, Permits—Non-transferability, refunds, and re-issuance, provides for the refunding of electrical permit fees under certain circumstances; and,

WHEREAS, Murfreesboro City Code, Section 15-2(G), International Fuel Gas Code - Amended, states that "The City Council shall adopt a policy governing the refunding of permit fees."; and,

WHEREAS, Murfreesboro City Code, Section 23-2(E), International Plumbing Code - Amended, states that "The City Council shall adopt a policy governing the refunding of permit fees.;" and

WHEREAS, the City Council desires to amend the City's current policy governing the refunding of fees associated with permits issued by the City of Murfreesboro Building and Codes Department by assessing a non-refundable \$35.00 service fee for any permit issued by the Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:


SECTION 1. The following City of Murfreesboro Building and Codes Department Permit Refund Policy is hereby adopted:

- (A) Requests for refund of fees associated with permits issued by the City of Murfreesboro Building and Codes Department must be submitted in writing and within 30 days of the permit issuance. The permit fees shall be eligible for refund, if one of the following conditions exists:
- (1) Permit was issued pursuant to a construction contract which has been subsequently terminated and no work has been performed;
 - (2) Permit was issued on a lot whose soil/environmental conditions were subsequently discovered to be difficult to build;
 - (3) Permit was issued for a structure and where after permit issuance it was discovered that structure would not fit on lot or meet setbacks; or

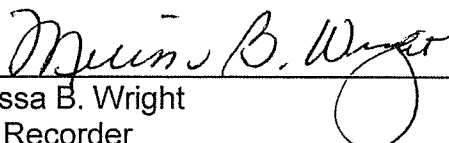
- (4) Permit was issued for a like change-out of a gas HVAC unit or water heater to a City Licensed Gas Contractor **or** a mechanical permit was issued for a like change-out of an HVAC unit.
- (B) Permit holders shall not be eligible for a refund except as specifically authorized in subsection (A). Permit holders are not eligible for refunds due to obtaining multiple permits for the same work or project unless one or more of the conditions set forth in subsection (A) authorizing a refund exists.
- (C) If a permit holder is eligible for a refund based on the conditions described above, the Building and Codes Department will authorize the City Recorder's office to issue a refund to be returned to the permit holder by mail. All refunds shall be subject to a \$35.00 service fee for each permit which will be deducted from the refund amount.
- (D) Permits issued by the Building and Codes Department cannot be transferred to a different contractor, job site or location. If a change in permit status occurs, the permit must be voided and a new permit issued with the correct status of contractor, job site or location.
- (E) When a change in contractor occurs before a job is completed, either the contractor who obtained the original permit or the owner of the property shall notify the department in writing and the original permit will be voided. A permit to finish construction shall be issued to the new contractor completing the work. The permit fee will be based on the cost of construction of the work to be done to complete the project.
- (F) This policy shall apply to all permits issued by the Building and Codes Department, including, without limitation, permits issued pursuant to the following Codes, adopted and amended by ordinance: International Building Code, Standard Grading and Excavation Code, National Electrical Code, International Mechanical Code, International Residential Code, International Energy Conservation Code, International Fuel Gas Code, and International Plumbing Code.

SECTION 2. This Resolution shall be effective on August 27, 2018, the public welfare and the welfare of the City requiring it.

Passed: August 16, 2018


Shane McFarland, Mayor

ATTEST:


Melissa B. Wright
City Recorder

APPROVED AS TO FORM:


Adam Tucker
Interim City Attorney