

CITY OF PLYMOUTH
CHAPTER NO. 6 ORDINANCES OF 2010

An Ordinance Creating Section 15-1-3 (q) of the Municipal
Code of the City of Plymouth Establishing Construction
Deposit

THE COMMON COUNCIL OF THE CITY OF PLYMOUTH DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Section 15-1-3 (q) of the Municipal Code of the City of Plymouth is hereby
created to read as follows:

(q) **Completion and Security Deposit Required.** A deposit of one thousand dollars (\$1,000.00) is required, for all projects whose total cost, including labor, materials and supplies, will equal or exceed fifteen thousand dollars (\$15,000.00), This deposit is not required for any remodeling project that does not expand, enlarge, alter or reduce the exterior dimensions or foot print of an existing structure.

The deposit shall be refunded after the project is completed and the Building Inspector/ Zoning Administrator, and the Director of Public Works have found that the building complies with all applicable codes and that any damage to City infrastructure (sidewalks, streets, sanitary sewer, storm sewer, water supply system and erosion control) has been properly repaired or replaced.

- a. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires.
- b. The Plan Commission, in its discretion, may require the owner responsible for any building construction that is not in compliance with building setbacks and top of building foundation elevation requirements to remove, repair, or correct any such violation or require forfeiture in the sum of two thousand dollars (\$2,000.00), which shall include the above deposit, for any such violation.
- c. The Plymouth City Council, in its discretion, may require the owner responsible for damage to any City infrastructure to repair or replace any such damage within a reasonable period of time, or require the owner or contractor to forfeit any or all of the deposit.
- d. The deposit shall be forfeited if the exterior is not finished within two years of the date the permit is issued.
- e. Forfeiture of the deposit shall be an additional ordinance enforcement remedy and shall not limit or prohibit the City from any other remedies available at law or in equity.
- f. Any person aggrieved by a decision of the Plan Commission, Building Inspector, or the Director of Public works with respect to the forfeiture of all or any portion of a deposit may appeal the decision to the Plymouth City Council. Any appeal must be made in writing and filed with the

Plymouth City Clerk within thirty (30) days from the date of notice of any forfeiture decision. The Plymouth City Council may, within ninety (90) days from the date of the filing of such appeal, affirm, reverse or modify the decision as it deems appropriate. The appeal shall be deemed denied in the event the Common Council takes no action on the appeal within ninety (90) days from the date of filing.

SECTION 2: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed: March 30, 2010

Patricia Huberty, Clerk