

ORDINANCE 1363-16

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING FOR AN AMENDMENT TO CHAPTER 14 ARTICLE IV OF THE CODE OF ORDINANCES, AMENDING THE BUILDING CONSTRUCTION PERMITTING RELATED SERVICE FEE SCHEDULE, PROVIDING FOR SEVERABILITY AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake Alfred City Charter Section 2.09 provides that establishing and amending any service or user charges for any City services must be adopted by ordinance; and

WHEREAS, Ordinance No. 818-97 provided for the establishment of building construction permitting and related services fees charged by the City of Lake Alfred, Florida which was later amended by Ordinance 1271-10 ; and

WHEREAS, on July 28, 2014, the City Commission of the City of Lake Alfred, Florida, adopted Ordinance No. 1333-14; and

WHEREAS, Ordinance No. 1333-14 adopted, by reference, the most current version of the Florida Building Code to be enforced as the Building Code of and/or for the City of Lake Alfred, Florida; and

WHEREAS, Section 166.222 of the Florida Statutes authorizes a municipality to adopt a schedule of reasonable inspection fees in order to defer the cost(s) of inspection and enforcement of its building code; and

WHEREAS, the schedule of fees, as authorized by Section 166.222 of the Florida Statutes, and collected by the City shall be used solely for carrying out its responsibilities in enforcing the Florida Building Code; and

WHEREAS, in providing a schedule of reasonable fees, Section 553.80(7) of the Florida Statutes provides that the total estimated revenue(s) derived from said fees, and the fines and investment earnings related to same, may not exceed the total estimated cost(s) of inspection and enforcement of the Florida Building Code; and

WHEREAS, the City, in implementing recognized management, accounting, and oversight practices, identified that the Code of Ordinances, as related to the City's schedule of inspection fees, referenced a building valuation model which was no longer applicable to the enforcement of the Florida Building Code; and

WHEREAS, the City determined that, in order to enforce its adopted Building Code and protect the health, safety and general welfare of the residents of the City of Lake Alfred, it is

necessary to amend the Code to provide an up-to-date building valuation data chart and schedule of reasonable fees for the inspection and enforcement of the Florida Building Code.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

SECTION 1: AMENDMENT.

Chapter 14, Article IV of the Code of Ordinances shall be amended as depicted in Exhibit "A" attached hereto and made a part hereof (deletions are shown in ~~striketrough~~ and additions are shown in underline format).

SECTION 2: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: CONFLICTS.

All ordinances or parts of ordinances and resolutions in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

SECTION 4: EFFECTIVE DATE.

This ordinance shall become effective immediately upon final adoption.

SECTION 5: CODIFICATION.

It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or recodified copy of same with the City Clerk.

PASSED on first reading at the regular meeting of the Lake Alfred City Commission held on the 1st day of February, 2016.

READ, PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 15th day of February, 2016.

CITY OF LAKE ALFRED, FLORIDA

CITY COMMISSION

Charles O. Lake

Charles O. Lake, Mayor

ATTEST:

Amee Bailey-Speck

Amee Bailey-Speck, City Clerk

Approved as to Form:

Frederick J. Murphy, Jr.

Frederick J. Murphy, Jr., City Attorney

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Chapter 14, Article IV of the Code of Ordinances of the City of Lake Alfred, Florida shall be amended to read as follows (provisions being deleted are shown as ~~strikethrough~~ and provisions being added are shown as underlined):

CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV. - FEES

~~Sec. 14-71. – Procedure for establishing building valuation and permit fees.~~

~~The valuation of new building construction for purposes of assessing building permit fees shall be determined by the following the "Good" or "Average" construction valuation, as designated in the latest Building Valuation Data Chart, with Florida as the regional modifier, as such data has been compiled by the Southern Standard Building Code Congress International, Inc., and published annually in the Southern Building magazine. "Good" or "Average" valuations shall be used by the city building official as defined in the notes to the Building Valuation Data Chart. A copy of such current chart shall be on file at all times in the office of the building official of the city.~~
(Ord. No. 818-97, § 1, 7-7-1997)

~~Sec. 14-72. – Valuation of other work requiring permits.~~

~~The valuation of other work to be performed within the city which requires a building or construction permit shall be provided by the applicant and shall be subject to review and the approval of the city building official in accordance with the latest addition of the Standard Building Code.~~
(Ord. No. 818-97, § 1, 7-7-1997)

~~Sec. 14-73. – Fees, charges.~~

~~The schedule of permit fees, reinspection fees, and all other charges to be imposed for construction in the city shall be set forth by resolution established by the city commission as they may be adopted.~~
(Code 1959, §§ 5-40, 7-18; Ord 818-97, § 1, 7-7-1997)

~~Sec. 14-74. – Refunds of permit fees.~~

~~Refunds of processed building permit fees shall not be issued without the specific approval of the city manager. The city shall retain from the amount of any permit fee to be refunded a charge of \$25.00 to cover administrative costs. Subcontractor permit fees which have been processed shall not be subject to refund.~~
(Ord. No. 818-97, § 1, 7-7-1997)

~~Sec. 14-75. – Reinspection requirements.~~

~~All fees due for any correction notice written for an inspection given pursuant to a permit shall be paid before any further inspections will be made pursuant to such permit. Any correction notice that is written and which has not been corrected within the time specified on the correction notice, or within ten days after the issuance of the correction notice, whichever time is greater, shall be subject to an additional reinspection fee. Any inspection request made to the city building official must be received from the contractor of record for the work to be inspected no later than the close of business the day prior to the requested inspection date.~~

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(Ord. No. 818-97, § 1, 7-7-1997)

Sec. 14-71. Schedule of Permit Fees

Subject to the Florida Building Code, the schedule of fees set forth herein shall be consistently applied to all construction activity and enforcing of the Florida Building Code within the municipal boundaries of the City of Lake Alfred, Florida, and regulated by the Lake Alfred City Charter, Code of Ordinances of the City of Lake Alfred, and the Unified Land Development Code of the City of Lake Alfred. As used herein, the phrase "enforcing the Florida Building Code" shall have the same meaning prescribed by Section 553.80(7)(a), Florida Statutes (July 1, 2014).

In providing the schedule of fees set forth herein, it is the City's intent that said fees, and any fines or investment earnings related to said fees, shall be used solely for carrying out the City's responsibilities in enforcing the Florida Building Code. It is also the City's intent to provide a reasonable fee, for which the total estimated annual revenue derived from said fees, and the fines and investment earnings related to said fees, will not exceed the total estimated annual costs of allowable activities. Notwithstanding the City's intent, in the event the schedule of fees set forth herein results in annual revenues exceeding annual costs, any unexpected balances shall be carried forward to future years for allowable activities

A. BUILDING PERMIT FEES

1. New Construction: \$75 per square foot, or valuation method per Permitting Fee Schedule in Section 14-71 (A)(2) of this code, whichever is greater.
2. Modifications, Alterations, Repairs, etc.: As per Permitting Fee Schedule listed below.

<u>Total Job Valuation</u>	<u>Permit Fee</u>
<u>\$1000 and less</u>	<u>\$30.39</u>
<u>\$1001 to \$50,000</u>	<u>\$30.39 for the first \$1,000 plus \$8.52 for each additional \$1,000 or fraction thereof, up to and including \$50,000.</u>
<u>\$50,001 to \$100,000</u>	<u>\$447.31 for the first \$50,000 plus \$7.30 for each additional \$1,000 or fraction thereof, to and including \$100,000.</u>
<u>\$100,001 to \$500,000</u>	<u>\$751.19 for the first \$100,000 plus \$6.09 for each additional \$1,000 or fraction thereof, to and including \$500,000.</u>
<u>\$500,001 and above</u>	<u>\$3,182.20 for the first \$500,000 plus \$4.86</u>

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for each additional \$1,000 or fraction thereof.

- B. ELECTRICAL, MECHANICAL, PLUMBING & GAS PERMIT FEES
 - 1. New Construction: (in association with a Building Permit) and Mobile Home Setup Permits: \$91.16 each
 - 2. Modifications, Alterations, Repairs, etc: As per Permitting Fee Schedule listed in Section 14-71 (A)(2) of this chapter
- C. DEMOLITION PERMIT FEE: \$91.16 each
- D. ADMINISTRATION FEE (Applies to all permitting): \$24.31
- E. EDUCATION PERMIT FEE (Applies to all permitting): \$5.79 per permit
- F. ARCHIVAL FEE (Applies to all permitting): \$5.79 per permit
- G. PLANS REVIEW FEE - (NON-REFUNDABLE)
 - 1. Residential: (Single Family Residence) 50% of Permit Fee
 - 2. Commercial: (Multi-family, Commercial, Industrial) 50% of Permit Fee
 - 3. Commercial Fire Plan Review: 25% of Permit Fee

Sec. 14-72 Penalties and fees for reinspections, resubmittals, duplicates, changes and renewals

- A. WORKING WITHOUT A PERMIT PENALTY: Double the total building permit fee or \$91.16, whichever is greater
- B. RE-INSPECTION FEE: for every inspection requested that is not ready by time requested or fails inspection: \$30.39 per occurrence

Subject to Section 553.80(2)(c) of the Florida Statutes (2015), if the City of Lake Alfred's Building Official and/or his designee finds it necessary, in order to enforce compliance with the Florida Building Code, to conduct any inspection after an initial inspection and one subsequent reinspection of any project or activity for the same code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to Chapter 120 of the Florida Statutes, the City of Lake Alfred shall impose a fee of four times the amount of the fee imposed for the initial inspection or first reinspection, whichever is greater, for each such subsequent reinspection.

- C. RE-SUBMITTAL FEE: for every additional submission of plans after initial review: 50% of total plan review fee

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Subject to Section 553.80(2)(b) of the Florida Statutes (2015), if the City of Lake Alfred's Building Official and/or his designee finds it necessary, in order to enforce compliance with the Florida Building Code and issue a permit, to reject design documents required by the code three or more times for failure to correct a code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to Chapter 120 of the Florida Statutes, the City of Lake Alfred shall impose, each time after the third such review the plans are rejected for that code violation, a fee of four times the amount of the proportion of the permit fee attributed to plans review.

- D. DUPLICATES: Standard copies of any permit documentation shall be charged according to the City's public records schedule
- E. CHANGES: for changes to permit after issuances, including changing contractors, revising work description, etc.: \$24.31
- F. RENEWAL: For every permit requested to be renewed for an additional 180 days, pursuant to the Florida Building Code: 50% of total building permit fee

Sec. 14-74 Automatic increase of fees

In order to maintain the department level of service and as authorized by Florida Law, all permit fees set forth above shall be automatically increased by 5% every two (2) years beginning October 1, 2016. A current schedule of permit fees set forth in this Ordinance shall be on file with the City Clerk's Office.

Sec. 14-7675. Lien searches and other related lien reports.

(a) This section establishes a minimum \$25.00 fee for lien searches and other related lien reports and a fee schedule as follows:

- Same day of request\$40.00
- Within one working day of request\$30.00
- Within three working days of request\$25.00

(b) The provisions of this section shall allow for the established fees set forth above to be applicable upon written request of lien searches or reports received by the City of Lake Alfred.

(c) A lien search certificate is herein defined as a document issued by the City of Lake Alfred which sets forth any and all liens against a particular piece of property as disclosed by a search of the city lien docket and the amount of said liens.

(Lien Search fees previously established Ord 1277-10, August 16, 2010)