

TAB 7

ORDINANCE 2016-15

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING THE REGULATIONS RELATED TO WATER AND SEWER IMPACT FEES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the City Commission has held at least one discussion on the issue of the payment of water and sewer impact fees related to previously developed properties; and

WHEREAS, the City Commission finds that fairness and equity requires that properties which had been developed previously should be credited for previously existing development on the site; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA,
as follows:

Section 1. Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. Amended Code Language.

A. Section 29-82 of the Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 29-82. – Water service.

(a) In addition to connection fees for water service, a water impact fee shall be due and payable in the amount of three hundred and thirteen dollars (\$313.00) per family dwelling unit. In the event the number of fixture units, as defined in the Standard Plumbing Code, exceeds twenty-one (21) fixture units per family dwelling unit, an impact fee of fourteen dollars and ninety cents (\$14.90) per fixture unit shall be due and payable for each such fixture unit that exceeds twenty-one (21) in number.

(b) In addition to connection fees for water service, a water impact fee shall be due and payable in the amount of three hundred and thirteen dollars (\$313.00) per each unit to be used for purposes other than a family dwelling unit. In the event the number of fixture units, as defined in the Standard Plumbing Code, exceeds twenty-one (21) fixture units per unit, an impact fee of fourteen dollars and ninety cents (\$14.90) per fixture unit shall be due and payable for each such fixture unit that exceeds twenty-one (21) in number.

(c) ~~No~~ The water impact fee shall be due for a water service reconnection in the event that water service had been curtailed due to fire or to moving a building, provided such reconnection is completed within five (5) years after the date of such service curtailment. credited for the amount of the water impact fee which would have been paid based on the number of fixture units within a building or structure which has been demolished or destroyed on the site on or after July 2, 1984.

B. Section 29-83 of the Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

(a) In addition to connection fees for sewer service, a sewer impact fee shall be due and payable in the amount of one thousand three hundred and eight-nine dollars (\$1,389.00) per family dwelling unit. In the event the number of fixture units, as defined in the Standard Plumbing Code, exceeds twenty-one (21) fixture units per family dwelling unit, an impact fee of sixty-six dollars and fourteen cents (\$66.14) per fixture unit shall be due and payable for each such fixture unit that exceeds twenty-one (21) in number.

(b) In addition to connection fees for sewer service, a sewer impact fee shall be due and payable in the amount of one thousand three hundred and eighty-nine dollars (\$1,389.00) per each unit to be used for purposes other than a family dwelling unit. In the event the number of fixture units, as defined in the Standard Plumbing Code, exceeds twenty-one (21) fixture units per unit, an impact fee of sixty-six dollars and fourteen cents (\$66.14) per fixture unit shall be due and payable for each such fixture unit that exceeds twenty-one (21) in number.

(c) ~~No~~ The sewer impact fee shall be due for a sewer service reconnection in the event that sewer service had been curtailed due to fire or to moving a building, provided the reconnection is completed within five (5) years after the date of such service curtailment, credited for the amount of the sewer impact fee which would have been paid based on the number of fixture units within any building or structure which has been demolished or destroyed on the site on or after July 2, 1984.

C. Section 29-87 of the Palmetto Code of Ordinances is hereby deleted in its entirety.

Section 3. Codification. The City Clerk shall ensure that this Ordinance shall be submitted for codification upon taking effect.

Section 4. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

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| FIRST READING | |
| PUBLICATION DATE | |
| SECOND READING | |

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this ____, day of _____, 2016.

By: _____
Shirley Groover Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk