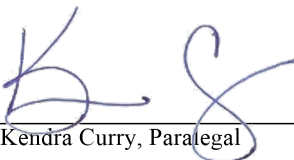


**CITY OF DELAND, FLORIDA**  
**REQUEST FOR COMMISSION ACTION**  
**September 18, 2017**

<b>Department: City Manager</b>	<b>Attachments:</b>
<b>Subject: Emergency Ordinance Waiving Building Permit Fees and Tree Removal Fees Associated with Impacts from Hurricane Irma</b>	<b>1. Ordinance</b>
<b>Prepared by:</b>	<b>Approved by:</b>
 Kendra Curry, Paralegal 9/14/2017	 Michael Pleus, City Manager 9/14/2017

**SUMMARY/HIGHLIGHT:** The attached ordinance is adopted pursuant to Section 166.041(3)(b), Florida Statutes, and Section 26 of the Charter of the City of DeLand. The state statute allows for the adoption of emergency ordinances with only one vote, so long as there is a 2/3 majority, but the City's charter is more restrictive and requires a unanimous vote of the commissioners present and voting at the meeting at which the emergency ordinance is presented. The ordinance waives building permit fees for hurricane repairs and waives the permit fees for tree removal permits for hurricane damaged trees. The City Manager signed an executive order to this effect on September 14, 2017 and, as such, the ordinance is effective retroactively to September 14, 2017.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:** High Value Government.

**SUSTAINABILITY:** N/A

**FISCAL IMPACT:** Theoretically, there will be a loss of building permit and tree removal permit fee revenue.

**RECOMMENDATION:** It is recommended that the City Commission approve the attached ordinance.

**BACKGROUND/DISCUSSION:** Adoption of this type of ordinance is standard after a hurricane. This ordinance does not authorize the removal of trees which were not damaged by the hurricane and which do not otherwise need to be removed as a result of such damage.

**ITEM SUMMARY:**

*The adoption of emergency ordinances with only one vote, so long as there is a 2/3 majority. The ordinance waives building permit fees for hurricane repairs and waives the requirement for tree removal permits for hurricane damaged trees.*

**EMERGENCY ORDINANCE NO. 2017-**

**AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF  
DELAND, FLORIDA, ENACTING TEMPORARY EMERGENCY  
PROCEDURES FOR THE PROCESSING OF BUILDING PERMITS  
AND WAIVING BUILDING PERMIT FEES FOR HURRICANE  
REPAIRS, AND WAIVING THE REQUIREMENT FOR PERMITS  
FOR THE REMOVAL AND REPLACEMENT OF HURRICANE  
DAMAGED TREES; PROVIDING FOR SEVERABILITY AND AN  
EFFECTIVE DATE.**

**WHEREAS**, many residents and businesses throughout the City of DeLand sustained damage as a result of Hurricane Irma; and

**WHEREAS**, a State of Emergency has been declared by the Governor of the State of Florida as per Executive Order 17-235 as a result of Hurricane Irma; and

**WHEREAS**, the State Emergency Management Act, Chapter 252, Florida Statutes, provides a municipality with the power and authority to take every prudent action necessary to ensure the health, safety, and welfare of the community in response to a natural disaster; and

**WHEREAS**, Section 26 of the Charter of the City of DeLand authorizes the City Commission to adopt emergency ordinances with a unanimous vote of the commissioners present and voting at the City Commission meeting at which the emergency ordinance is presented; and

**WHEREAS**, Chapter 166.041, Florida Statutes, authorizes the governing body of a municipality to enact an emergency ordinance (without the requirements for two readings and notice by publication); and

**WHEREAS**, the emergency situation created by Hurricane Irma has resulted in a unique situation wherein emergency repairs and tree removal require immediate response and repair in order to ensure the protection of the health, safety and welfare of the citizens and businesses within the City of DeLand; and

**WHEREAS**, the City Manager issued an executive order on September 14, 2017, waiving building permit fees and the requirement for tree removal permits for hurricane damaged buildings and trees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF  
DELAND, FLORIDA:**

**Section 1.** All building permit fees are hereby waived for structural repairs associated with damage sustained from Hurricane Irma. This shall apply to, but not be limited to, roofing repairs, broken windows and/or doors, fences that fell down or other similar repairs resulting from storm damage. All fees associated with these improvements are hereby waived.

**Section 2.** All fees associated with Section 33-57 of the Code of Ordinances of the City of DeLand related to the removal of trees damaged by Hurricane Irma that pose a threat to the life, safety or welfare of a person or property shall be waived. The provisions of Section 33-57 requiring the issuance of a permit and the replacement of trees shall remain in full force and effect.

**Section 3.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 5.** This Ordinance shall become effective retroactively from September 14, 2017 and remain in effect for a period of thirty (30) days therefrom, that being October 14, 2017, at which time it shall have no further force or effect.

**PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Robert F. Apgar  
Mayor - Commissioner

**ATTEST:**

\_\_\_\_\_  
Julie A. Hennessy  
City Clerk - Auditor

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Darren J. Elkind  
City Attorney