

ORDINANCE NO. 04-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AMENDING CHAPTER 6, SECTION 6-20 OF THE CITY OF SOUTH BAY'S CODE OF ORDINANCES ENTITLED "PERMIT FEE SCHEDULE" TO PROVIDE FOR FEE INCREASES BY ORDINANCE; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 6, 2010, the City of South Bay ("City") passed and adopted Ordinance 2-2010 relating to the establishment of a building permit fee schedule; and

WHEREAS, Section 166.222, Florida Statutes provides that a municipality may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of its building code; and

WHEREAS, the building permit fee schedule has been kept on file in the City Clerk's Office, however, the City Commission desires that the fee schedule be established by Ordinance for purposes of transparency; and

WHEREAS, the City Commission further desires to increase the building permit fee schedule which has not been increased in several years; and

WHEREAS, the City Commission seeks to amend Chapter 6 of the City's Code of Ordinances, Section 6-20 entitled "Permit Fee Schedule" to add a permit fee schedule related to Building and Construction Regulations and lien searches; and

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

WHEREAS, after review and investigation, it has been determined by the City Manager that the current permit fee schedule is below the costs of related inspection services and other necessary services provided; and

WHEREAS, City Commission of the City of South Bay desires to approve the Building Permit Fee Schedule, attached hereto as Exhibit "A" as in the best interests of the residents of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 6, Section 6-20 “Permit Fee Schedule”, to provide for certain fee increases by Ordinance and shall read:

Sec. 6-20. - Permit fee schedule.

1. (a) There is hereby adopted by reference as if set out at length herein a building permit fee schedule. The building permit fee schedule is ~~on file in the city clerk's office.~~ set forth herein:

(b) A surcharge of 25 percent shall be ~~added to each permit for costs.~~

(c) No person shall be issued a permit without first paying the fees in accordance with subsections (a) and (b) of this section.

2.) Primary Permit Fees- Based on construction value determined using the latest published schedule of building valuation data as compiled by the International Code Council, Inc.; fees shall be calculated using the following formula and paid prior to issuance of a building permit. The purpose of using the International Code Council, Inc., Valuation table is to provide a fair and equitable means of determining the construction value and is only a minimum value. The contractor’s contract value shall only be used when the table does not cover the scope of work in the proposed project. Primary permit fees shall include the fees for sub-permits, the plans including the details of all associated work as determined by written policy, required separate

applications, value of labor, and value of materials, profits, permits, and fees. Failure to include the required information at the time of application may require a separate permit to be issued with the appropriate fees being charged to the applicant:

a) Based on construction value determined using the latest published schedule of building valuation data as compiled by the International Code Council, Inc., or contract which is to be submitted at the time of permit application and accepted by the Building Official, the permit fee shall be calculated using the following formula and paid prior to issuance of a building permit.

<u>Permit Rate of:</u>	<u>On Construction Valuation of:</u>
<u>2.00%</u>	<u>\$0.01- \$10,000, plus</u>
<u>1.00%</u>	<u>\$10,001-\$500,000, plus</u>
<u>0.50%</u>	<u>\$over \$500,000</u>

<u>b) Minimum fee</u>	<u>\$50.00</u>
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3) Building Plan Review Fee - To be paid at the time of permit application. Building plan review is required on all architectural design plans or as may be required at the discretion of the Building Official:

a) Residential

- 1) 30% of the estimated permit fee calculated in (1) above
- 2) Minimum fee \$75.00 **\$100.00**

b) Commercial

- 1) 50% of the estimated permit fee calculated in (1) above
- 2) Minimum fee \$100.00 **\$125.00**

c) Review fee is in addition to the permit fee is due at time of application

d) Review fees are not refundable

4) Demolition and the moving of building/structures - Based on contract value, which is to be submitted at the time of permit application and accepted by the Building Official;

a) 1.5% of contract value

b) Minimum \$75.00 **\$100.00**

5) Right of Way Permit Fee 1) \$1000.00

6) Re-Inspection fee charged for each inspection as follows, if the violation requires an additional inspection, or the job is not ready for an inspection subject to the review of the Building Official;

	a) 1st Re-Inspection	\$50.00	\$75.00
Fee	b) 2nd Re-Inspection (same type)	\$50.00	\$75.00 + \$50.00 Penalty
	c) 3rd Re-Inspection (same type)	\$50.00	\$75.00 + \$75.00 Penalty
Fee	d) 4th Re-Inspection (same type)	\$50.00	\$75.00 + \$100.00 Penalty
Fee	e) Cancellation Fee		\$50.00

7) Miscellaneous Inspection Fee (per inspection) ~~\$65.00~~ **\$90.00**

8) Failure to obtain permit - Four times the permit fee, subject to review by the Building Official.

9) Plan Revision (Minor) - Minor plan revisions are those that would change certain minor components, as determined by the Building Official, on the set of submitted or permitted construction plans. Such minor components include, but are not limited to, revision to electrical, mechanical, or plumbing and changes to structural components that do not change the model of the unit or the square footage and layout of the structure:

a) Pre-permit	\$75.00	\$100.00
b) Post-permit	\$75.00	\$100.00 PER HOUR (\$50.00 \$65.00 minimum billed to the nearest half hour)

10) Plan Revision (Major) - Major plan revisions are those that would change the model of the unit or the square footage and layout of the structure, as determined by the Building Official, on the set of submitted or permitted construction plans. Such major revisions may require a review by zoning, public works, fire, and the health department:

a) Pre-permit	\$75.00	\$100.00 per hour (\$75.00 \$90.00 minimum billed to the nearest half hour)
b) Post-permit	\$75.00	\$100.00 per hour (\$75.00 \$90.00 minimum billed to the nearest half hour)

11) Transfer of Permit:

a) New Contractor	\$40.00	\$100.00
b) New Lot	Considered (Major) revision	

12) Appeal of the Building Official determination ~~\$300.00~~ **\$350.00**

13) Expired Permits:

a) Permit renewal

1) ~~50%~~ **60%** of the original permit fee for each required 90-day extension.

2) \$100.00 Minimum

b) Inspections Only

1) ~~\$75.00~~ **\$100.00** plus permit fee

2) ~~\$50.00~~ **\$75.00** for each required final inspection.

14) Refunds: 20% over \$100.00; except as specifically provided herein on this Building Division Permit Fee Schedule.

15) Return Check Charge:

a) ~~\$25.00~~ **\$35.00** or 5% of the amount of the check, whichever is greater.

b) Maximum charge-\$40.00

16) Training Surcharge - The following charges will apply to all permits and shall be reserved to fund the cost of educational materials, seminars and conferences, and training of such building personnel required to be certified in accordance with Chapter 468, Florida Statutes.

a) One-half percent (0.50%) of the permit fee.

17) Special Inspection Charge - The following charges shall apply for after-hour inspections and for inspections on weekends, holidays, and other times that are considered to not be within the hours of a typical business day:

a) ~~\$225.00~~ **\$250.00**

18) Conditional Certificate of Occupancy - At the discretion of the Building Official, a conditional (temporary) certificate of occupancy may be issued for structures which have unresolved or accepted conditions which do not affect the health and life safety of the occupants of the structure. The fees for these temporary certificates of occupancy shall be:

a) ~~\$100.00~~ **\$125.00** for single-family residence

b) ~~\$300.00~~ **\$325.00** plus \$50.00 per condition for commercial and multi-family projects.

c) Conditional certificate of occupancy fees are not refundable.

19) Radon Surcharge and Certificate Maintenance Fee - Pursuant to Sections 468.631, 404.056 and 166.201 Florida Statutes, the following surcharges shall be collected by the Building Official and forwarded to the appropriate state agency for all under roof floor

space permitted, including new construction, renovations, alterations and additions. Such surcharges shall be computed and collected as follows:

- a) One-half cent (0.05%) per square foot, plus
- b) One-half cent (0.05%) per square foot Certificate Maintenance Fee.
- c) Radon Surcharge and Certificate Maintenance Fee are not refundable.

20) Professional Service Charges - Additional professional services required by the Building Official to ensure public health, safety, and welfare will be charged to the application at the actual cost for the performance of the professional service. Such services include but are not limited to, structural engineering, hazardous material evaluation services, and sub-contract building inspection services. At the discretion of the Building Official, the applicant may be required to pay a deposit to cover the estimated cost of additional professional services. Any amount of the deposit not expended for the professional services will be refunded to the applicant. These charges shall be in addition to the Primary Permit Fee and any other fees contained in the Building Division Rate Schedule. No certificate of occupancy shall be issued until all additional professional service charges have been paid.

21) Any services not listed or specified in this rate schedule do not preclude the possible need for additional inspections and charging a minimum fee of \$65.00- ~~\$90.00~~

22) Special Plan Review Charges-The following charges shall apply for after-hour plan review and for plan review on weekends, holidays and other times, which are considered not to be within the hours of a typical business day.

- a) ~~\$50.00~~ ~~\$75.00~~ per hour rounded up to the next hour.
- b) ~~\$100.00~~ ~~\$125.00~~ minimum.

23) Fees for replacement documents shall be as follows:

- | | |
|--|---|
| <u>a) Replacement of permitted plans</u> | <u>\$50.00 \$75.00 plus printing cost</u> |
| <u>b) Replacement of permit card</u> | <u>\$35.00 \$60.00 each</u> |
| <u>c) Replacement of additional CO</u> | <u>\$50.00 \$75.00 each</u> |

24) Certificate of Occupancy and Completion

- | | |
|--------------------------|--|
| <u>a) 24-hour notice</u> | |
| | <u>\$100.00 \$150.00 Residential</u> |
| | <u>\$200.00 \$250.00 Commercial</u> |
| | |

b) Less than 24-hour notice	
	\$150 \$175.00 Residential
	\$250 \$275.00 Commercial

25) Zoning review fees shall be set as an additional cost to other fees set forth in this section for a non-refundable cost of ~~\$65.00~~ **\$90.00**

26) Any unwarranted inspection trip where work not ready for inspection, there is no permit card on job site or plans not on job site or no access to property shall carry a cost - ~~\$75.00~~ **\$100.00**

27) Stop work order fee (to have work order lifted) - ~~\$75.00~~ **\$100.00**

28) Notary fees **\$5.00**

29) Cost of Lien Search Request Fees:

- a. \$75.00 for standard service per property.
- b. \$100.00 for rush order requests per property.

30) Additional Fees previously assessed by other City operations, other agencies or state law may be due at time of permitting

Section 3. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Inclusion in Code.

It is the intention of the City Commission of the City of South Bay that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of South Bay and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption.

PASSED FIRST READING this ____ day of _____ 2024.

PASSED SECOND READING this ____ day of _____ 2024.

Joe Kyles, Mayor

ATTEST:

By: _____
Vicenta Del Bosquez, City Clerk

**AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Week, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Polk	_____ (Yes)	_____ (No)
Vice-Mayor Barnard	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)



City of South Bay

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Facsimile: 561-996-7950

www.southbaycity.com

Commission

Joe Kyles Sr.
Mayor

Barbara King

Esther E. Berry

Albert Polk

Taranza McKelvin

Leondrae Camel
City Manager

City Clerk
Vincenta DelBosquez

Burnadette Norris-Weeks
City Attorney

"An equal Opportunity
Affirmative Action Employer"

To: Honorable Mayor and Commissioners
From: Massih Saadatmand, Finance Director
Thru: Mr. Leondrae Camel, City Manager
Date: March 28, 2024
Ref: Weekly check register

Enclosed, please find the summary of check register as of March 28, 2024:

General Fund

- Utility:

Verizon	\$ 585.82
FPL	6,414.43
Comcast	1,204.71
PBCWU Dept	2,734.59

• Bank of America	3,282.56
• CAP Government	2,963.75
• Washington Marriot	4,756.95
• Unicus	4,000.00
• Marathon	2,644.67
• Stony Electric	8,640.00
• Purchase	2,731.28
• Payment for various services	11,422.22
• Payroll deductions	722.65
• Other	<u>2,959.99</u>

Total	\$ <u>55,063.62</u>
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ARP Act Fund

Home repair	2,000.00
Payroll	<u>1,630.90</u>
	\$ <u>3,630.90</u>

Capital Project Fund

CAP Government	\$ <u>9,880.00</u>
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Sanitation Fund

Waste Management	\$ <u>42,706.02</u>
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The expense classifications are reported in general ledger