

MEMORANDUM

Office of the City Attorney

Legistar No. 041241

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: June 13, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-51

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances to include under Building and Building Regulation a fee for special inspection services for certain single family, multi-family, and mixed use development projects; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The City's Building Division has had several requests, with increasing frequency in recent years, for special inspections and/or the assignment of an inspector to a specific job site on a full-time basis for the purpose of inspection. To date the City has not had the mechanism in place to provide this service.

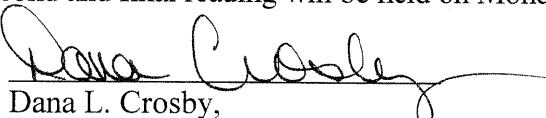
On April 25, 2005, the City Commission authorized the City Attorney to prepare an ordinance to allow the City to have full cost recovery for providing this special inspection service. The draft ordinance proposes to amend Appendix A of the Code of Ordinances to allow for recovery of the expenditures necessary for special inspections. In order for a building or project to qualify for special inspections it must meet the following criteria:

1. Contract price of \$10,000,000 or greater, or
2. 50,000 or greater total gross square feet, or
3. Meets the definition of a Threshold Building as defined in s. 553.71(7), Fla. Stat.

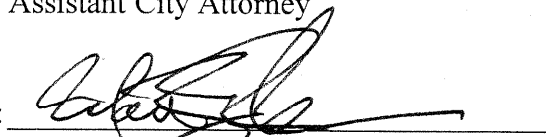
Additionally, large single-family dwelling developments (in excess of 75 dwelling units) may request special inspections of the Building Official.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, June 27, 2005.

Prepared by:


Dana L. Crosby,
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

Ordinance No. 0-05-51

1
2
3
4
5
6
7
8
9
10
11

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances to include under Building and Building Regulation a fee for special inspection services for certain single family, multi-family, and mixed use development projects; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

12
13
14

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

15
16
17

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

18
19

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

20
21
22

Section 1. Subsection (10), Buildings and Building Regulation, Appendix A, City of Gainesville Code of Ordinances (Schedule of Fees, Rates and Charges), is amended to add a new paragraph d. as follows:

23

(10) Special Services

24

d. Special Inspection Service Charge for on-site, full-time inspector

25

\$9100.00 per 30 day period

26

1. Multi-Family and Mixed Use Buildings:

27

Buildings or projects that meet one of the following criteria are eligible for special

28

inspections:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

- (i) The proposed project has a contract price of \$10,000,000 or greater; or
- (ii) The proposed project is 50,000 feet or greater in total gross square footage; or
- (iii) The proposed project structure meets the definition of a Threshold Building as defined in section 553.71(7), Florida Statutes.

2. Single Family Dwelling Developments:

Upon the written request of a Developer or Contractor of a single-family dwelling development in excess of 75 dwelling units and upon written approval by the Building Official, special inspections shall be provided to the developer or contractor of said single-family dwelling development at the service charge stated above.

Requests for special inspections must be completed by the Developer/Contractor in writing and will be approved by the Building Official in writing prior to Developer or Contractor filing the first application for permitting. The fees shall be due and payable on the date the first application for permitting is filed with the City. Subsequent requests to continue the special inspection service for additional 30-day periods must be received by the City in written form two weeks prior to the expiration of the current 30 day period and shall be submitted along with the special service monthly fee. All fees are non-refundable.

The City reserves the right to suspend such special inspections in the event of impossibility or in times of natural disaster. Any fees previously paid to the City will be held in abeyance pending resumption of special inspections.

Section 2. It is the intention of the City Commission that the provisions of Section 1 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of

DRAFT

May 10, 2005

1 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
2 renumbered or relettered in order to accomplish such intentions.

3 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
4 unconstitutional by any court of competent jurisdiction, then said holding shall in no way
5 affect the validity of the remaining portions of this ordinance.

6 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
7 conflict hereby repealed.

8 **Section 5.** This ordinance shall be effective immediately.

9
10 **PASSED AND ADOPTED** this _____ day of _____, 2005.

11
12
13
14
15
16
17

PEGEEN HANRAHAN
MAYOR

18 ATTEST: Approved as to form and legality

19
20
21

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

22
23
24 This Ordinance passed on first reading this _____ day of _____, 2005.

25 This Ordinance passed on second reading this _____ day of _____, 2005.

0001**LEGALS****ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 13th day of June, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 27th day of June, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

ORDINANCE TITLE

Ordinance 0-05-51

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances to include under Building and Building Regulation a fee for special inspection services for certain single family, multi-family and mixed use development projects; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

June 3, 2005
Publish Date

Clerk of the Commission

27561, 6/3/05
#A00000426