

MEMORANDUM

Office of the City Attorney

Legistar No. 041148

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

May 9, 2005

TO: Mayor and City Commission

DATE: ~~April 25, 2005~~

FROM: City Attorney

~~FIRST READING~~

SECOND READING

SUBJECT: Ordinance No. 0-05-48

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances regarding home occupation inspection and permit fees; 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.

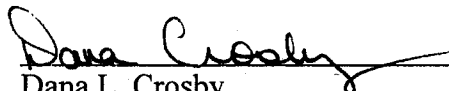
The City Commission, at its meeting of April 11, 2005, authorized the City Attorney to draft and advertise an ordinance amending Appendix A of the City of Gainesville Code of Ordinances, Home Occupational Permit Fee. Past amendments to Appendix A have resulted in the inadvertent omission of the Home Occupational Permit fee authorized at section 30-58, City of Gainesville Land Development Code. The ordinance drafted by the City Attorney would relocate these fees, enacted in ordinance 3548 (adopted July 17, 1989) to Appendix A, City of Gainesville Code of Ordinances. The regulatory fees remain as established in ordinance 3548, as follows:

- an initial filing fee of \$60.00 to cover the cost of an inspection and issuing the permit, which is paid at the time of submitting each application;
- an annual permit processing fee of \$10.00, which is paid each and every year; and,
- an additional fee of \$50.00 for the cost of re-inspection, which is paid every three (3) years per permit.

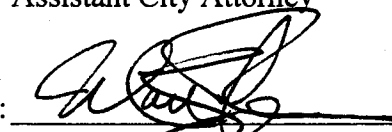
The fee is assessed per application submitted to the City.

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, May 9, 2005.

Prepared by:


Dana L. Crosby
Assistant City Attorney

Approved and
Submitted by:


Marion L. Radson,
City Attorney

**Ordinance No. _____
0-05-48**

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An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances regarding home occupation inspection and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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

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

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

18 **Section 1.** Appendix A to the Code of Ordinances (Schedule of Fees, Rates and Charges) is
19 hereby amended to create the following section:

20 **HOME OCCUPATION PERMIT**

21 An application for a permit shall be submitted for each home occupation (s. 30-58).

22 Initial filing fee \$60.00 per application submitted

23 Permit processing fee \$10.00 annually per permit

24 Reinspection fee \$50.00 per permit (required every three years)

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

DRAFT

April 7, 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.

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

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PEGEEN HANRAHAN
MAYOR

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18 ATTEST:

Approved as to form and legality

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22 _____
KURT M. LANNON

MARION J. RADSON

23 CLERK OF THE COMMISSION

CITY ATTORNEY

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

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