

RESOLUTION NO. 2012-04

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA PROVIDING FOR A SCHEDULE OF FEES AND CHARGES IN ACCORDANCE WITH THE PROVISIONS OF THE CITY'S *LAND DEVELOPMENT CODE*; PROVIDING FOR FINDINGS; AUTHORIZING THE CITY MANAGER TO INSTITUTE IMPLEMENTING ACTIONS AND TO IMPLEMENT ADJUSTMENTS TO FEES AND CHARGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores has adopted the *Land Development Code* which provides for the establishment of reasonable application, inspection and other fees and charges to offset the costs of administration of the *Land Development Code* ; and

WHEREAS, the City Manager has recommended a fee schedule to the City Council which includes normative adjustments and implementing administrative actions; and

WHEREAS, the City Council deems it reasonable, appropriate and in the public interest to establish a fee schedule as recommended by the City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS. The foregoing recitals (whereas clauses) are incorporated herein by reference and adopted as legislative and administrative findings in support of the matters set forth in this Resolution and made a part hereof.

SECTION 2. ADOPTION OF FEES AND CHARGES. The City Council of the City of Daytona Beach Shores hereby adopts the “*Land Development Code* Schedule of Fees” attached as Exhibit A to this Resolution, which document is incorporated herein as a material part hereof, as the schedule of fees to be charged for development, building and construction inspections and enforcement as referenced in and under the City’s *Land Development Code*.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS/POWERS OF THE CITY MANAGER.

(a). The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Resolution and to take any and all necessary administrative actions.

(b). The City Manager is authorized to make annual adjustments to the fees and charges set forth in this Resolution on one (1) occasion each fiscal year of the City in an amount which shall not exceed ten percent (10%) of the fee or charge. The City Manager shall report any and all such adjustments, regardless of whether increases or decreases, promptly in writing to the City Council.

(c). In the event that an application or activity is not assigned a particular fee under the terms of this Resolution, the City Manager is authorized to establish a fee which shall not be less than the costs to the City for the activity.

(d). Applicants for activities under the *Land Development Code* shall reimburse the City for all legal costs incurred as a result of review by the City Attorney.

(e). Neither the City Manager or any City staff shall have the power or authority to waive any fees or charges or to provide any special dispensation or treatment to any entity or person using any City facility absent action taken by the City Council upon a finding of a public purpose for such action; provided, however, that the City Manager, or designee, may waive fees in the following circumstances:

(1). For City work on City projects regardless whether the City accomplishes the work using its own forces or whether the City uses a contractor to accomplish the work.

(2). For work for which a permit is applied for by other local governments (such as Volusia County, the City of Port Orange and the City of Daytona Beach). This provision shall not be interpreted to waive permitting requirements.

(3). When a double permit fee is applicable or a penalty is assessable, but only upon the applicant demonstrating a legitimate hardship to the City Manager, or designee, and the waiver is implemented in writing and articulates the justification for such waiver.

SECTION 4. CITY CLERK DUTIES. A copy of this Resolution shall be available in the Office of the City Clerk at all times.

SECTION 5. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. SEVERABILITY. If any Section or portions of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Harry Jennings

ATTEST:

By: _____
Michael T. Booker, City Manager

Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Lonnie Groot, City Attorney

Passed and adopted on first reading this _____ day of _____, 2012.

Posted this _____ day of _____, 2012.