

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 90, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV, TECHNICAL CODES, SECTION 90-204, PERMITS AND FEES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.222, Florida Statutes provides local governments the authority to adopt fee schedules to defer the costs of inspection and enforcement of the Florida Building Code; and

WHEREAS, in 2021 the Florida Legislature amended Section 553.79(1)(d), Florida Statutes, to prohibit a local government from requiring a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application; and

WHEREAS, as Section 90-204 of the City's Code of Ordinances currently requires a copy of the construction contract to be submitted, the Venice City Council desires to amend its Code of Ordinances to maintain compliance with Section 553.79(1)(d), Florida Statutes; and

WHEREAS, in place of requiring a construction contract to set the project valuation for purposes of calculating building permit fees, the City desires to use the International Code Council Building Valuation Data, an industry standard, with a regional cost modifier for new construction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 90, Buildings and Building Regulations, Article IV, Technical Codes, Section 90-204, Permits and Fees, is hereby amended to read as follows:

Sec. 90-204. Permits and fees.

- (a) *Permits required.* Any person who intends to erect a structure, alter an existing structure, or construct or demolish any structure, or change the occupancy of a building or structure, shall make application for a permit to the building division before the work has begun. This requirement includes any type of work which is regulated by the

technical codes enforced by the city. The building official may approve minor repair work without the requirement of a permit provided such approval is not in violation of the technical codes.

(b) *Schedule of permit fees.* On all buildings, structures or alterations requiring a permit, as set forth in this chapter, fees shall be paid as required in this chapter at the time of issuance of the permit. The fees listed in this section may be changed by resolution of the city council; however, the fees shall be subject to adjustment at the end of each fiscal year based on fluctuations in the revised Consumer Price Index without further action by city council. Permit fees shall be posted in the office of the building official and on file in the office of the city clerk.

(1) *Building permit fees.* All building permit fees shall be pursuant to the latest fee schedule set by the city.

(2) *Compliance with Section 553.80(7), Florida Statutes.* Building permit fees may be discounted by resolution of the city council when reserves are in excess of the amount permitted under Section 553.80(7)(a), Florida Statutes.

(3) *Surcharge.* A surcharge of 0.015 percent of the permit value is to be used for the education of staff who directly make decisions on permits and inspections. This surcharge shall be deposited into an educational fund established for this purpose.

~~(4) *Moving of a building or structure.* For the moving of any building or structure, the fee shall be based on the project value.~~

~~(5) *Demolition of a building or structure.* For the demolition of any building or structure, the fee shall be based on the value.~~

~~(6) *Valuation of cost and labor.* For valuation of cost and labor for all improvements to be used to determine permit costs, construction costs shall be based on a copy of a construction contract. A copy of the construction contract shall be submitted, and the building official shall use the contract to set the value. When there is any doubt as to the value, the building official may ask for any verification needed.~~

Building valuation. For purposes of determining building permit fees the building valuation will be determined by the International Code Council Building Valuation Data which estimates per square foot value according to the type of construction and the predominate building use group occupancy. When there is any doubt as to the valuation, the building official may ask the applicant for any verification needed.

(8) *Fire department fees.* All fire department fees shall be pursuant to the latest fee schedule as set by the city.

(c) *Time to Challenge.* Any person challenging the validity of this section must do so by filing a lawsuit with a court of competent jurisdiction within 30 days of the date of adoption. Absent the timely filing of a lawsuit in a court of competent jurisdiction within

30 days of the date of adoption, this section shall be the final adjudication of all issues presented herein and not subject to challenge more than 30 days after adoption.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed to the extent of the conflict.

SECTION 4. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 24TH DAY OF MAY 2022.

First Reading: May 10, 2022

Final Reading: May 24, 2022

Adoption: May 24, 2022

Ron Feinsod, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 24th day of May 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of May, 2022

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney