

Second Draft
April 7, 1987

ORDINANCE NO. 169

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, PROVIDING THAT APPLICANTS FOR OFFICIAL ACTION FROM THE TOWN OF SEWALL'S POINT WITH REGARD TO LAND DEVELOPMENT, LAND USE, OR LAND IMPROVEMENTS SHALL BE REQUIRED TO PAY FOR THE PROFESSIONAL SERVICES REQUIRED BY THE APPLICATION, AS A CONDITION TO THE ISSUANCE OF THE PERMIT OR APPROVAL OF THE APPLICATION OR PETITION; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Sewall's Point has determined that the following ordinance is necessary in order to defray the added expense incurred by the Town in connection with applications for land development, land use, or land improvements; and

WHEREAS, the Town Commission has the power to require applicants for land development, land use or land improvements within the Town to pay for the resulting expenses specifically incurred by the Town; and

WHEREAS, the Town Commission has determined that the following ordinance is necessary and proper to preserve and promote the general health, safety and welfare of the residents of the Town of Sewall's Point, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that:

1. Each applicant for a building permit, rezoning, comprehensive plan amendment, special exception, variance, minor subdivision, plat approval, letter of determination, or any other type of application relating to land development, land use, or land improvement, who thereby requires official action or assistance from either the Town staff or the Town Commission, shall pay to the Town the cost of all professional services, including, but not limited to, the services of the Town Attorney, the Town Engineer, their assistants and staff, rendered in connection with conferences, telephone calls, meetings, document preparation, document revision, document review, public hearings, site visitations and the rendition

of other miscellaneous professional services which are caused or required by the application.

2. The Town Commission shall determine, by resolution from time to time, a reasonable hourly rate to be charged for the professional services and may require a deposit to cover the estimated costs of professional services with each application. In determining the hourly rates, the Town Commission shall consider rates charged by attorneys, engineers, and other professionals in the area for similar work.

3. No permit shall be issued or application or petition approved until such time as all professional fees, as determined by the Town Commission pursuant to this ordinance, have been paid in full.

4. This section shall not apply to the following:

(a) Applications by governmental authorities, public utilities, and franchises of the Town;

(b) Applications as to which the estimated costs of professional services does not exceed One Hundred Dollars (\$100.00); and

(c) Such other applications as may be from time to time exempted by the Town Commission, taking into consideration the applicant's ability to pay, the benefit to the general health, safety and welfare to be derived, and such other factors as are deemed relevant.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid or inoperative part therein, and the

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remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 8th day of April, 1987.

Passed second reading at the regular meeting of the Town Commission held on the 13th day of May, 1987.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

John C. Guenther
JOHN C. GUENTHER, Mayor -
Commissioner

Approved as to form and
correctness:
M. Lanning Fox
M. LANNING FOX, Town
Attorney

Gilbert C. Strubell
GILBERT C. STRUBELL, Vice-Mayor -
Commissioner

Robert R. Aune
ROBERT R. AUNE, Commissioner

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Irene E. O'Brien
IRENE E. O'BRIEN, Commissioner

Russell A. Macdonnell
RUSSELL A. MACDONNELL, Commissioner