

ORDINANCE 2022-49

AN ORDINANCE PERTAINING TO BUILDING PERMIT FEES WITHIN THE CITY OF NEWBERRY; AMENDING THE PRIOR CHAPTER 14 SECTION 110 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBERRY TO UPDATE THE BUILDING PERMIT FEE SCHEDULE; ALLOWING THE BUILDING PERMIT FEE SCHEDULE TO BE AUTHORIZED ANNUALLY BY RESOLUTION; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Newberry wishes to amend the process for setting building permit fees; and,

WHEREAS, Chapter 14 of the City's Code of Ordinances pertains to the rules and regulations associated with building permit fees; and

WHEREAS, the City Commission previously amended this Chapter in 2003; and

WHEREAS, the City Commission now desires to update Chapter 14 Section 110 of the Code of Ordinances to set building permit fees as part of the annual budgeting process and authorize staff to adopt separate policies and procedures; and

WHEREAS, the City Commission, being fully advised of the facts and circumstances, hereby finds it necessary and in the interest of community development and business affairs to update Chapter 14 Section 110 of the Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF NEWBERRY, FLORIDA, as follows:

SECTION ONE: Chapter 14 Section 110 of the Newberry Code of Ordinance relating to building permit fees is hereby amended to read in full as follows:

ARTICLE II. – BUILDING CODE

DIVISION 3. – BUILDING PERMITS

Sec. 14-110. – Fees enumerated.

- (a) The fees for all building permits issued by the City shall be established by Resolution. The City Commission shall review such building permit fees annually during the budget review and adoption process for the purpose of proposing and adopting necessary changes in fees.**
- (b) The building permit fees established in the budget review and adoption**

process are established for any new building or enclosed addition regardless of the method of construction, manner of placement, or relocation from another site. The Resolution establishing the fees shall also establish a Fee Conversion Table. In determining the value of construction, unless otherwise provided for within the aforementioned Fee Conversion Table, the Resolution shall reference the applicable building valuation data, including regional modifiers, for all areas under roof according to type of construction and occupancy classification, as published by the International Code Council. The most current issue of the applicable Building Valuation Data (including regional modifiers) shall be made a part of the Resolution. Such applicable copy of the Building Valuation Data shall be available for inspection and review at all times in the city building department. For those types of structures which are not covered by the building valuation data as specified above, such valuations shall be based upon the above-stated fee conversion table included in the Resolution, or, if not listed, shall be based upon the contractor's cost estimate subject to the following: In those instances in which valuation is based upon the contractor's estimate, the contractor shall provide such verification as the Building Official may require, such as the written contract between the contractor and owner. If the contractor fails to provide such verification, the Building Official may, in his or her sole discretion, determine the valuation base upon value of construction of the proposed work.

SECTION 2. INCLUSION IN THE CODE

It is the intention of the City Commission of the City of Newberry, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Newberry, Florida; that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate designation to accomplish such intention.

SECTION 3. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with this Ordinance, repealed.

SECTION 4. PROVIDING FOR SEVERABILITY

It is the declared intent of the Newberry City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance and the remainder

of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 12th day of December, 2022.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on this 29th day of December, 2022.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 9th day of January, 2023.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA



Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:



Judy S. Rice, City Clerk

APPROVED AS TO FORM AND
LEGALITY:



City Attorney's Office



