

ORDINANCE NO. 17 - 28

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CITY OF PALATKA ORDINANCE NO. 08-20, THE CITY OF PALATKA 2008 ECONOMIC RECOVERY AND INCENTIVE PROGRAM; EXTENDING THE SUSPENSION OF COLLECTION OF THE CITY'S PARKS AND RECREATION FACILITIES IMPACT FEES, FIRE RESCUE IMPACT FEES, ROAD IMPACT FEES AND LAW ENFORCEMENT IMPACT FEES FOR A PERIOD NOT TO EXCEED TWO YEARS; PROVIDING FOR NOTICE OF IMPACT FEE RATES UPON EXPIRATION OF THE SUSPENSION PERIOD AND/OR REINSTATEMENT OF COLLECTION OF SUSPENDED IMPACT FEES, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 17, 2007 the City Commission enacted Ordinance No. 07-23, the City of Palatka Comprehensive Impact Fee Ordinance (Ordinance No. 07-23 as amended herein shall be collectively referred to as the "Ordinance") imposing impact fees for Parks and Recreation Facilities, Fire Rescue, Roads, Law Enforcement, Water and Sewer Facilities within the incorporated area of the City; and

**WHEREAS**, the impact fees imposed pursuant to the Ordinance took effect on April 1, 2008; and

**WHEREAS**, in response to the economic downturn, on December 18, 2008 the City Commission enacted Ordinance No. 08-20, creating the City of Palatka 2008 Economic Recovery and Incentive Program providing for the suspension of impact fees for Parks and Recreation Facilities, Fire Rescue, Roads and Law Enforcement within the incorporated area of the City for two years; and

**WHEREAS**, on April 14, 2011, in response to the continued economic downturn, the City Commission enacted Ordinance No. 11-07, extending the suspension of the collection of those certain impact fees excepting water and sewer facility impact fees through December 31, 2013; and

**WHEREAS**, on January 9, 2014, in response to the continued economic downturn, the City Commission enacted Ordinance No. 14-01, extending the suspension of the collection of those certain impact fees excepting water and sewer facility impact fees through May 31, 2014; and

**WHEREAS**, on May 24, 2014, in response to the continued economic downturn, the City Commission enacted Ordinance No. 14-12, extending the suspension of the collection of those certain impact fees excepting water and sewer facility impact fees through December 31, 2015; and

**WHEREAS**, on January 28, 2016, in response to the continued economic downturn, the City Commission enacted Ordinance No. 16-01, extending the suspension of the collection of those certain impact fees excepting water and sewer facility impact fees through December 31, 2017; and

**WHEREAS**, although the national and state economies have indicated recovery since 2011, the City Commission desires to continue the 2008 Economic Recovery and Incentive Program to provide for suspension of the City's Parks and Recreation, Fire

Rescue, Roads and Law Enforcement Impact Fees for a period not to exceed two years in order to allow time for the local economy to recover, and to provide ample time to hold discussion, public notices and hearings regarding the reinstatement of said Impact Fees.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, that:**

**Section 1:** Section 1.03 of Ordinance 08-20, hereinafter known as "the Ordinance," is hereby amended to include the following:

J. The 2008 economic downturn resulted in increased foreclosures, business closings and a decline in new construction projects within the City. A decline in construction projects within the City impacts all local industries that are dependent upon growth, such as construction, manufacturing and real estate. A decrease in the number of building permits issued by the City also adversely impacts the City's budget. Growth of the City's tax base is dependent upon new construction, redevelopment and increasing property values. In this economic climate the collection of Parks and Recreation, Fire Rescue, Roads and Law Enforcement Impact Fees, as established pursuant to this Ordinance, may place the City in a non-competitive position with other local governments that have chosen not to require growth to pay its fair share of needed Capital Facilities and thus hinder efforts by the City and the community to encourage economic development opportunities within the City, to preserve and create permanent employment expansion opportunities for the City's citizens, and expand the City's tax base. Therefore the City Commission wishes to continue the 2008 Economic Recovery and Incentive Program, as created by Ordinance No. 08-20, adopted on December, 18, 2008, and extended by Ordinance 11-07 adopted April 14, 2011 through December 31, 2013, extended again by Ordinance No. 2014-01 adopted January 9, 2014 through May 31, 2014, and extended again by Ordinance No. 2014-12 adopted May 24, 2014 through December 31, 2015, and extended again by Ordinance No. 2016-01 adopted January 28, 2016 through December 31, 2017, providing for suspension of the City's parks and recreation, fire rescue, roads and law enforcement Impact Fees for a period not to exceed two years (24 months) in order to allow time for the local economy to recover and to stimulate local development, preserve jobs in the construction industry and expand the City's tax base.

**Section 2:** Section 2.04 of the Ordinance is hereby amended to include the following paragraph:

C. All construction occurring within the City that submits a complete application for a Building Permit on or after January 1, 2009 and continuing through December 31, 2019, or until such time that Collection of Impact Fees has been reinstated according to applicable Florida Law and Notice required under Section 8.10 has been given and expired, shall not be required to pay the Parks and Recreation Facilities Impact Fees imposed by this Section pursuant to Section 8.02.

**Section 3:** Section 3.04 of the Ordinance is hereby amended to include the following paragraph:

C. All construction occurring within the City that submits a complete application for a Building Permit on or after January 1, 2009 and continuing through December 31, 2019, or until such time that Collection of Impact Fees has been reinstated according to applicable Florida Law and Notice required under Section 8.10 has been given and expired, shall not be required to pay the Fire Rescue Impact Fees imposed by this Section pursuant to Section 8.02.

**Section 4:** Section 4.04 of the Ordinance is hereby amended to include the following paragraph:

C. All construction occurring within the City that submits a complete application for a Building Permit on or after January 1, 2009 and continuing through December 31, 2019, or until such time that Collection of Impact Fees has been reinstated according to applicable Florida Law and Notice required under Section 8.10 has been given and expired, shall not be required to pay the Road Impact Fees imposed by this Section and set forth in Appendix C. to the Ordinance pursuant to Section 8.02.

**Section 5:** Section 5.04 of the Ordinance is hereby amended to include the following paragraph:

C. All construction occurring within the City that submits a complete application for a Building Permit on or after January 1, 2009 and continuing through December 31, 2019, or until such time that Collection of Impact Fees has been reinstated according to applicable Florida Law and Notice required under Section 8.10 has been given and expired, shall not be required to pay the Law Enforcement Impact Fees imposed by this Section pursuant to Section 8.02.

**Section 6:** That Section 8.02 of The Ordinance is hereby amended to read as follows:

**SECTION 8.02    2008    ECONOMIC    RECOVERY    AND    INCENTIVE  
PROGRAM.**

A. The City Commission hereby continues the 2008 Economic Recovery and Incentive Program, as created by Ordinance No. 08-20, adopted on December, 18, 2008, and extended by Ordinance No. 2011-07 adopted on April 14, 2011, Ordinance 2014-01 adopted on January 9, 2014, Ordinance 2014-12 adopted on May 22, 2014 and Ordinance 2016-01 adopted on January 28, 2016, to provide for suspension of the City's Parks and Recreation, Fire Rescue, Roads and Law Enforcement Impact Fees for a period not to exceed two years, commencing on January 1, 2018, in order to allow time for the national, state and local economy to recover and to stimulate local development, preserve jobs in the construction industry and expand the City's tax base.

B. During the suspension period, the City shall not collect the Parks and Recreation Impact Fees imposed pursuant to Section 2.04 herein, the Fire Rescue Impact Fees imposed pursuant to Section 3.04 herein, the Roads Impact Fees imposed pursuant to Section 4.04 herein or the Law Enforcement Impact Fees imposed pursuant to Section 5.04 herein.

C. The provisions of this Ordinance relating to expenditure of existing Impact Fee funds and annual reporting requirements shall remain in effect during the suspension period.

D. At the time of impact fee reconsideration the city manager shall report to the commission on the status of construction activity within the city since the effective date of this program. Such report shall include the number and type of permits issued, the amount of impact fee revenues lost as a result of the suspension, pending development projects, an overview of the national, state and local economy, and recommendations for whether the suspension period should be extended.

F. Collection of the Parks and Recreation, Fire Rescue, Roads and Law Enforcement Impact Fees shall resume on January 1, 2020, provided that the notice period required by Section 8.10 has expired by such date. In the event the notice period has not expired on December 31, 2017, collection of the fees shall resume upon expiration of the 90 day notice period.

**Section 7.**      **Severability.** If any clause, section or provision of this Ordinance or any Impact Fee imposed pursuant to this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance or remaining Impact Fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**Section 8.**      **Codification.** A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

**Section 9.**      **Effective Date.** A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the City Commission within ten (10) days after enactment by the Commission and the Ordinance shall take effect as provided by law.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida, this 14<sup>th</sup> day of December, 2017.

**PALATKA CITY COMMISSION**

**(SEAL)**

**By: \_\_\_\_\_**  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**CITY ATTORNEY**