

ORDINANCE NO. O-2-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS. ARTICLE III BUILDING STANDARDS. SEC. 14-108 LOCAL AMENDMENTS TO CHAPTER 1 ADMINISTRATION OF THE FLORIDA BUILDING CODE ADOPTED. SECTION 109 FEES. BY REQUIRING ADJUSTMENTS TO PERMIT FEES PAID PRIOR TO ISSUANCE OF A CO OR EQUIVALENT IN ORDER TO ENSURE PAYMENT OF CORRECT FEES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to ensure payment of correct building permit fees for all Town issued building permits; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores has determined that requiring adjustments to initial permit fees prior to the issuance of a CO or equivalent based on owner and contractor certification of all sums and consideration paid and payable for the construction activity is an appropriate manner of accomplishing this.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 14. Buildings and Building Regulations. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Building Standards. Sec. 14-108. Local Amendments to Chapter 1. Administration of the Florida Building Code Adopted. Section 109 FEES, by amending subsection 109.3 Building Permit Valuations by requiring adjustments to permit fees paid prior to issuance of a CO or equivalent in order to ensure payment of correct fees; providing that subsection 109.3 Building Permit Valuations shall hereafter read as follows:

**CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS
ARTICLE III BUILDING STANDARDS
SEC. 14-108. LOCAL AMENDMENTS TO CHAPTER 1. ADMINISTRATION OF THE
FLORIDA BUILDING CODE ADOPTED
SECTION 109
FEES**

109.3 Building permit valuations.

(1) Prior to permit issuance. Proof of the total valuation of construction activity (building, alteration, structure, electrical, gas, mechanical and/or plumbing systems) for permit fee cost valuation purposes may be established by the permit applicant via submission to the Building Official of a written, signed and notarized construction contract or by the submission of an affidavit by the subject property owner supported by an attached copy of the construction contract. If there is no written construction contract, then the contractor or the owner must submit a specific description of all construction activity contemplated, all consideration to be paid therefor and the value thereof; which description shall be certified in writing under oath by both the contractor and the owner. If the permit applicant fails to make such submission, waives making such submission, requests issuance of the permit without making such submission, or otherwise fails to submit sufficient evidence of cost valuation, then the building official shall determine the total valuation of construction activity for permit fee cost valuation purposes based on his experience, his knowledge of then current market conditions, and the information contained in the submitted permit application. ~~If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed, quantity estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, relative site work, and overhead and profit; excluding only land value and demolition. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), as published by International Code Congress. Final building permit valuation shall be set by the building official.~~

(2) Adjustment to permit fee prior to CO or equivalent. Upon application for final inspections and a Certificate of Occupancy (CO) or equivalent, both the owner and the contractor to whom the permit is issued shall certify in writing under oath to the Building Official all sums and consideration paid and payable for the construction activity. ~~No final inspections shall be made, and no CO or equivalent shall be issued for~~

any construction related activity unless it is determined by the Building Official that construction activity actually performed conforms to, is not more or greater than, and does not substantially (ten (10) percent or more) exceed valuation of that activity contemplated in the permit application(s); if such determination is not made, then no final inspection and no CO or shall be given until all approvals and permits therefor have been secured and all permit fees applicable thereto have been paid.

Section 2: Each and every other section and subsection of Chapter 14. Buildings and Building Regulations. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.


Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

FIRST READING this **25th** day of April, 2022.


SECOND AND FINAL READING this **23rd** day of May, 2022.

TOWN OF PALM BEACH SHORES


Alan Fiers, Mayor

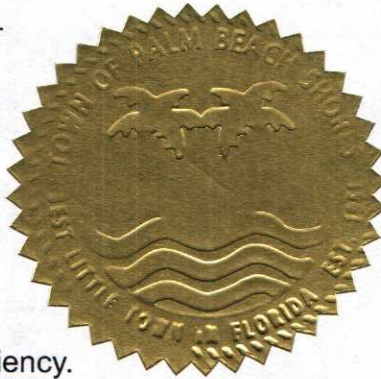
First Reading April 25, 2022

ATTEST:

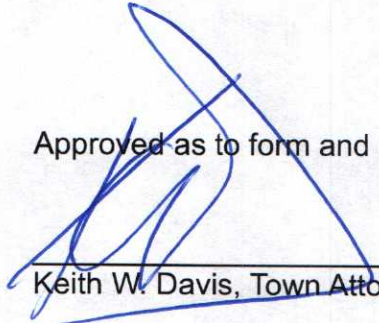


Jude Goudreau, Town Clerk

(Seal)



Approved as to form and legal sufficiency.



Keith W. Davis, Town Attorney