

**ORDINANCE NO. 2021 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING CHAPTER 156 OF THE CITY OF SUNNY ISLES BEACH CODE OF ORDINANCES ENTITLED “FEES, □ MISCELLANEOUS”; □ REPEALING AND REPLACING ATTACHMENT “A” □ ENTITLED “CITY OF SUNNY ISLES BEACH BUILDING DEPARTMENT FEE SCHEDULE” WITH THE REVISED FEE SCHEDULE ATTACHED AS ATTACHMENT “A”; □ ELIMINATING THE CHIEF BUILDING OFFICIAL’S AUTHORITY TO ADMINISTRATIVELY WAIVE THE APPLICABLE BUILDING DEPARTMENT PERMIT FEES FOR CONSTRUCTION OR IMPROVEMENTS TO CITY OWNED PROPERTY OR PROJECTS LOCATED IN THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, by Section 156-1 of the Code of Ordinances of the City of Sunny Isles Beach (“City”), the City Commission adopted a fee schedule for the Building Department; and

**WHEREAS**, the City retained JRD & Associates (“JRD”) to perform a building permit fee assessment; and

**WHEREAS**, in conducting the assessment and proposing a new fee structure, JRD and the City’s Building Department staff established three overall objectives:

1. Cost Recovery – ensure that the fees charged are fair for customers while the City is able to recover the fully burdened costs of the services provided. These costs include all operational and indirect support costs incurred by other departments supporting permit-related services;
2. Simplicity and Transparency – is concise and easy to understand for both the customer and the City;
3. Building Reserve – create a reserve for unforeseen factors affecting construction activity; and

**WHEREAS**, following an in-depth review of the existing fee schedule and the recommendations made by JRD, City Administration is recommending an amendment to Chapter 156 of the City’s Code of Ordinances to repeal and replace the existing fee schedule with Attachment “A”; and

**WHEREAS**, Section 156-1 of the City’s Code of Ordinances refers to the Building Fee Schedule as an “Exhibit”, however, it is referred to in the Code of Ordinances as an “Attachment”, therefore, it is recommended that the reference to “Exhibit” in Section 156-1 also be corrected; and

**WHEREAS**, Section 156-1 of the City’s Code of Ordinances also provides that the City’s Chief Building Official is authorized to administratively waive the applicable building department permit fees or charges in cases in which the City is constructing or otherwise improving City owned property or projects located in the City; and

**WHEREAS**, Section 533.80 (7)(a)(3)(b), Florida Statutes, provides that inspections of public buildings for a reduced fee or no fee may not be funded with fees adopted for enforcing the Building Code; and

**WHEREAS**, in order to be consistent with the above referenced statute, the City wishes to eliminate the Chief Building Official's authority to administratively waive the applicable building department permit fees for construction or improvements to City owned property or projects located within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:**<sup>1</sup>

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendment to Chapter 156 of the City Code. Chapter 156 of the City Code is hereby amended to read as follows:

§ 156-1. - Adoption of revised fee schedule.

The revised Building Fee Schedule, attached hereto as ~~Exhibit~~ Attachment A, is hereby adopted for the City of Sunny Isles Beach. ~~Notwithstanding anything contained in Chapter 156, in cases in which the City is constructing or otherwise improving City owned property or projects located in the City, the Chief Building Official is authorized to administratively waive the applicable building department permit fees that are imposed by the City except any permit fees or charges assessed by the Building Departments for the State of Florida, Miami Dade County, or federal government.~~

Section 3. Repeal and Replace Attachment "A" to Chapter 156 of the City Code. Attachment "A" of Chapter 156 of the City's Code of Ordinances is hereby repealed and replaced by the revised building fee schedule attached hereto as Attachment "A".

Section 4. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 5. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 6. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Sunny Isles Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

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<sup>1</sup> Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Section 7.     Effective Date. This Ordinance will become effective ten (10) days after adoption at second reading.

**PASSED AND ADOPTED** on first reading this \_\_\_\_day of May 2021.

**PASSED AND ADOPTED** on second reading this \_\_\_\_day of June 2021.

\_\_\_\_\_  
George H. Scholl, Mayor

**ATTEST:**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Mauricio Betancur, CMC, City Clerk

\_\_\_\_\_  
Edward A. Dion, City Attorney

**First Reading**

**Second Reading**

Motion: \_\_\_\_\_

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Second: \_\_\_\_\_

**Vote on First Reading:**

Mayor Scholl  
Vice Mayor Svechin  
Commissioner Goldman  
Commissioner Lama  
Commissioner Viscarra

\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)

**Vote on Second Reading:**

Mayor Scholl  
Vice Mayor Svechin  
Commissioner Goldman  
Commissioner Lama  
Commissioner Viscarra

\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)