

ORDINANCE NO. 11-07

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; PROVIDING FOR AN EXTENSION OF 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 PERIODIC REPORTS TO THE CITY COMMISSION ON THE STATUS OF THE ECONOMY AND LOCAL BUILDING INDUSTRY DURING THE SUSPENSION PERIOD; REQUIRING REVIEW OF THE IMPACT FEE STUDIES; PROVIDING FOR NOTICE OF IMPACT FEE RATES UPON EXPIRATION OF THE SUSPENSION PERIOD; 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, the downturn in the national, state and local economy has resulted in increased foreclosures, business closings and a decline in new construction projects within the City; and

WHEREAS, 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; and

WHEREAS, between January 1, 2010 and December 31, 2010, the City has issued only ten (10) building permits for new construction or a change of use of an existing building; and

WHEREAS, a continued decline in construction projects within the City impacts all local industries that are dependent upon growth, such as construction, manufacturing and real estate; and

WHEREAS, as of February, 2011 the unemployment rate in Putnam County was reported at 12.9% compared with 11.9% for the State of Florida and 8.9% nationally; and

WHEREAS, 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; and

WHEREAS; there are no indicators of the expected duration of the ongoing local economic downturn; and

WHEREAS, 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 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.

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

Section 1: Section 1.03 of 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, 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 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.

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

C. All Residential 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, 2012 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 Fire Rescue Impact 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, 2012 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 Road Impact 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, 2012 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 Law Enforcement Impact 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, 2012 shall not be required to pay the Law Enforcement Impact Fees imposed by this Section pursuant to Section 8.02.

Section 6: The following new Section 8.02 is hereby added to the Ordinance:

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, 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, 2011, 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. By December 31, 2011, the City Manager shall provide a report to the Commission relating to 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 impacts on the City's budget and capital improvement plans.

E. By July 1, 2012, the City Manager shall provide an additional report to the Commission, updating the data provided in the January report, providing recommendations for whether the suspension period should be extended and delineating the process for re-implementing the Parks and Recreation, Fire Rescue, Roads and Law Enforcement Impact Fees at the end of the suspension period, including possible review of the impact fee studies pursuant to Section 8.07 of the Ordinance and providing for the 90 day notice period required by section 8.10 herein.

F. Collection of the Parks and Recreation, Fire Rescue, Roads and Law Enforcement Impact Fees shall resume on January 1, 2013, 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, 2012, collection of the fees shall resume upon expiration of the 90 day notice period.

All subsequent Sections of Article VIII of the Ordinance are hereby renumbered accordingly to accommodate this new Section 8.02.

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 14th day of April, 2011.

PALATKA CITY COMMISSION

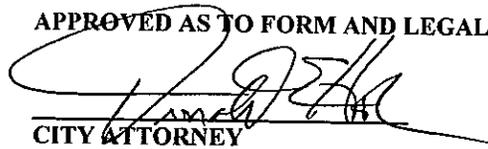
By: 
Its MAYOR

ATTEST:


CITY CLERK

(SEAL)

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY