RESOLUTION NO. 09-KK

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, ESTABLISHING A SCHEDULE OF FEES FOR PLAN REVIEW, PERMITS AND INSPECTIONS; ESTABLISHING A SCHEDULE FOR FINES FOR VIOLATIONS; PROVIDING FOR ENFORCEMENT OF SAID FEES THROUGHOUT THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 34 of the City of Fellsmere Code of Ordinances authorizes the City Council to provide for the appointment of a fire chief and such other officers as it may deem necessary; and

WHEREAS, pursuant to Chapter 633 Florida Statutes, personnel designated by a local government having no organized fire department such as the City of Fellsmere are authorized to enforce Chapter 633 Florida Statutes and all rules prescribed by the State Fire Marshal; and

WHEREAS, on October 1, 2009 the City Council of the City of Fellsmere adopted Ordinance No. 09-17, creating a Fire Marshal’s Office to be responsible for the enforcement of the City’s Fire Prevention and Protection Codes as well as the laws and rules of the State Fire Marshal; and

WHEREAS, pursuant to the above referenced authority, the City of Fellsmere provides to the public certain plan review and fire safety inspection services through its Fire Marshal; and

WHEREAS, the City Council has determined that, in order to provide the above referenced plan review and fire safety inspection services, it is necessary to establish fair and reasonable fees for said services, and fines for violations, pursuant to the provisions of Sections 34-29 and 34-53 of the Code of Ordinances of the City of Fellsmere, as created by Ordinance No. 09-17.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fellsmere, Florida, as follows:

SECTION 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby ratified, adopted and incorporated herein as legislative findings of the City Council.

SECTION 2. SCHEDULE OF FEES ADOPTION. The City Council hereby adopts the Schedule of Fees for Plan Review, Permits and Inspections; Violation and Fine Schedule attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 3. ENFORCEMENT. The Schedule of Fees for Plan Review, Permits and Inspections; Violation and Fine Schedule shall be enforced by the City of Fellsmere, Indian River
County, Florida, commencing on the effective date of this Resolution and until and unless revised, modified, or revoked by the City Council.

SECTION 4. **SEVERABILITY.** If any section, part of a sentence, paragraph, phrase or word of this resolution is for any reason held to be unconstitutional, inoperative or void, such holding shall not effect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this resolution without such unconstitutional, invalid or inoperative part.

SECTION 5. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member

[Signature]

The motion was seconded by Council Member

[Signature] and, upon being put to a vote, the vote was as follows:

Mayor, Susan P. Adams

[Signature]

Council Member Fernando Herrera

[Signature]

Council Member Joel Tyson

[Signature]

Council Member Sara J. Savage

[Signature]

Council Member Daniel Naranjo

[Signature] Absent

The Mayor thereupon declared this Resolution duly passed and adopted this 1st day of October, 2009.

**CITY OF FELLSMERE, FLORIDA**

Susan P. Adams, Mayor

ATTEST:

[Signature]
Deborah C. Krages, City Clerk
EXHIBIT “A”

CITY OF FELLSMERE
SCHEDULE OF FEES FOR
PLAN REVIEW, PERMITS AND INSPECTIONS;
VIOLATION AND FINE SCHEDULE

A. Commercial, Institutional and Multi-Family Residential Developments

1. The plan review fee for all new construction, renovations, alterations or changes of occupancy shall be computed by multiplying the estimated cost of construction/building valuation by .0025.
2. If no construction cost is involved in a change of occupancy, the plan review fee will be calculated at the rate of $.02 per square foot of space.
3. The minimum fee for each plan review is $100.00 per building. (Reference for 1-3: Plan Review and Inspection Fees, Chapter 69-A-52, Florida Administrative Code)
4. Fire Suppression and fire alarm systems (including pre-engineered extinguishing systems and combined sprinkler and standpipe systems):
   - Plan Review, up to $1,000.00 (minimum) $50.00
   - For each additional $1,000.00 valuation or fraction thereof $4.00
5. Flammable and combustible gas storage tanks and tank removal $56.00
6. Reinspection Fee, each visit for non compliance $50.00

B. Site Plan Review Fees

Fire safety plan review and inspection is required by
The Florida Fire Prevention Code and Florida Statutes

Note: Fire safety service fees include plan review, permit and initial inspection

**Site Development**

<table>
<thead>
<tr>
<th>Pre-Application Conference</th>
<th>No Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan Review</td>
<td>No Charge</td>
</tr>
<tr>
<td>(less than 5 units to a maximum of 5,000 sq. ft)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Site Plan Review (5 to 50 units or 5,000 to 50,000 sq. ft.)</td>
<td>$250.00</td>
</tr>
<tr>
<td>Site Plan Review (more than 50 units or 50,000 sq. ft.)</td>
<td>$400.00</td>
</tr>
<tr>
<td>Planned Unit Development (PUD) less than 50 units</td>
<td>$400.00</td>
</tr>
<tr>
<td>PUD more than 50 units</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Administrative approvals</td>
<td>$50.00</td>
</tr>
<tr>
<td>Development of regional impact (DRI)</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

C. Refunds

Plan review and inspection fees are non-refundable.
D. Payment of Fees

1. Site Plans

Fees shall be charged to the agent, land planner, project architect or engineer of the owner/developer of the proposed project for review of Site Plans, including applications for developments of regional impact, planned unit developments, land use changes, preliminary and final plats and construction detail plans. Fees shall be payable upon application.

2. Construction Documents

a. Fees shall be charged to the general contractor of the proposed project for review of construction documents and the initial inspection and shall be payable upon receipt of itemized invoice. Includes new construction, renovations to existing structures and additions.

b. Initial review and inspection fees for automatic sprinkler plans, calculations and specifications shall be paid by the automatic sprinkler contractor upon application.

c. Initial review and inspection fees of the fire alarm systems, detection, voice alarm, communication and control station documents shall be payable by the fire alarm contractor or electrical contractor upon application.

d. Fees for review and initial inspection for chemical fixed fire protection systems shall be payable by the system contractor upon application.

3. Flammable and Combustible Liquid Storage Tanks

a. Review fees of flammable and combustible liquid storage tanks, dispensers, related piping, and containment shall be paid by the pollutant storage system specialty coordinator or the general contractor upon application.

b. Tank removals. The pollutant storage system specialty contractor shall be responsible for payment of fees upon application of the Fire Marshal’s Permit.

4. Inspection and Reinspection Fees

Fee(s) shall be charged to and paid by the responsible general contractor, property owner, or association upon receipt of an itemized invoice.

E. Violation and Fine Schedule

<table>
<thead>
<tr>
<th>Violation</th>
<th>1st Offense</th>
<th>Repeat Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to obtain permit</td>
<td>Two (2) times the applicable</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>permit fee</td>
<td></td>
</tr>
<tr>
<td>Performing fire safety System or related work Without proper license</td>
<td>$100.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>Non-compliance with Florida Fire Prevention Code</td>
<td>$150.00</td>
<td>$300.00</td>
</tr>
</tbody>
</table>
Failure to cease and desist $500.00 $500.00
Failure to vacate $500.00 $500.00

F. Additional Fees

Site Plans, Construction Document and/or Permits

All fees shall be paid in full prior to review of any plans. No field inspections will be scheduled until all required fees including re-inspection fees, where applicable, are paid in full. No permits may be initiated unless the applicable fee has been received.