

## ORDINANCE NO. 23-024

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING CHAPTER 103, ARTICLE II "BUILDING CODE", DIVISION 2 OF THE CODE OF ORDINANCES ENTITLED "PERMIT FEES"**, SECTION 103-52 PROVIDING WHEN PERMIT FEES ARE DUE, PROVIDING FOR THE DETERMINATION OF VALUATIONS, ESTABLISHING THE ARCHITECTURAL PRE-REVIEW INCENTIVE AND PROVIDING FOR REFUND APPLICABILITY; AMENDING SECTION 103-53 PROVIDING PERMIT FEES AND PLAN REVIEW FEES; AMENDING SECTION 103-54, TO CORRECT CODIFICATION ERRORS; AMENDING SECTION 103-55 TO PROVIDE AN ADDITIONAL INCENTIVE FEE; AMENDING SECTION 103-56 TO PROVIDE AN ADDITIONAL PENALTY FEE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Florida State Statute § 553.80(7) provides in part, that a schedule of reasonable fees shall be provided to be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code; and

**WHEREAS**, said schedule of fees also provides for fees used to carry out other departmental responsibilities outside of the purview of the Florida Building Code; and

**WHEREAS**, said schedule of fees shall be amended from time to time to provide adequate funding for all services provided.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida:

**SECTION 1.** Chapter 103, Article II, Division 2 of the Code of Ordinances, is hereby amended as follows:

### **Sec. 103-52. – Fees; payment required.**

- (a) On all buildings, structures, sites, alterations or other activities requiring development permit compliance review (DPCR) or a building permit, as set forth in this Code and/or the state building code, a fee shall be paid as required. Plan review fees, miscellaneous fees, incentive fees, and penalty fees are in addition to the permit fee. DPCR routing fees shall be paid at the time of DPCR submittal, prior to review taking place. The plan review fee and permit routing fees shall be paid at the time of building permit submittal, prior to review taking place. The permit fee and all other applicable fees shall be paid at the time of the issuance of the permit, in accordance with the schedules set forth in this article.
- (b) All incentive, optional service fees, penalty fees and miscellaneous fees shall be paid prior to such service being rendered and/or prior to final approval by the department.
- (c) For the purposes of this article, the term "valuation" means the total value of work or total contract price including all materials and labor, for which the permit is being issued, including, but not limited to, electrical, gas, mechanical and plumbing equipment, permanent systems and appurtenances, including, but not limited to, equipment for which services and systems are designed for; regardless of whether the labor or materials are donated or obtained at discounted rates, overhead and profit. The building official shall make the final determination if there is a dispute regarding the valuation. The building official shall determine valuation by using the total contract price estimated permit value submitted at the time of application, as supported by detailed estimates at the request of the building official; or the most recent building valuation data as compiled by the International Code Council (ICC), whichever is greater.

- (d) All fees provided below shall be paid per DPCR and/or permit application and per parcel of land. In the event there are multiple buildings or structures on one parcel of land, the fees provided shall be paid per building and/or structure.
- (e) As an incentive, architectural pre-review during the DPCR process may be offered and provided at the discretion of the building official. The fees established for architectural pre-review are in addition to all other applicable fees and must be paid at the time the architectural review application is submitted. Revisions and resubmittals of plans reviewed during architectural pre-review will be assessed the same revision fees as building permit revised plan review fees established by resolution. If all required DPCR review agencies have completed and approved the DPCR application, the applicant will not be eligible for an architectural pre-review.
- (f) For purposes of this chapter, the term *residential* shall mean a structure that is regulated by the Florida Building Code, Residential Edition.
- (g) Refund of fees:
  - (1) Permit fees are non-refundable once the permit has been issued.
  - (2) Plan review fees are non-refundable once services have been rendered.
  - (3) Miscellaneous fees, incentive fees, optional fees and penalty fees are non-refundable.

**Sec. 103-53. – Permit and plan review fee schedule.**

~~Permit and plan review~~ Fees for the following shall be as established by resolution.

- (a) Permit Fees.
  - (1) Additions, new buildings, manufactured buildings, mobile homes.
    - (a) Commercial.
    - (b) Residential.
  - (2) After the fact permit (work already started or completed).
  - (3) All other construction except flat rate permits as noted below.
  - (4) Demolitions.
    - (a) Residential structures.
    - (b) Miscellaneous residential demolition- including but not limited to interior demolition, fences, outbuildings, pools, other attached structures.
    - (c) Commercial structures.
    - (d) Miscellaneous commercial demolition- including but not limited to interior demolition, fences, outbuildings under 500 square feet, pools, signs, other attached structures.
  - (5) Development permit.
  - (6) Moving of structures.
  - (7) Residential flat fee permits:
    - (a) Electric (not including photovoltaic).
    - (b) Fence.
    - (c) Mechanical (a/c change out only).
    - (d) Plumbing (water heater replacement or re-pipe only).
  - (8) Temporary construction trailer.
  - (9) Temporary power pole or temporary underground service agreement.
  - (10) Temporary tent.
  - (11) Temporary miscellaneous permit with an inspection.
- (b) Plan Review Fees.
  - (1) First plan review.
    - (a) New residential construction or addition.

(b) All other permit types.

(2) Flood review fee for structures over 50 percent substantial improvement, substantial damage, new construction, or additions within the SFHA.

(3) Revised plan review.

(a) 1<sup>st</sup> revision.

(b) 2<sup>nd</sup> revision.

(c) 3<sup>rd</sup> or subsequent revision.

**Sec. 103-54. – Miscellaneous fee schedule.**

Fees for the following shall be as established by resolution:

(1) Appeal or variance request of floodplain management ordinances.

(2) Building code surcharges per F.S. §§ 468.631 and 553.721.

(a) Surcharge per F.S. §§ 468.631.

(b) Surcharge per F.S. §§ 553.721.

(3) Business tax inspection.

(4) Certificate of occupancy (CO) or certificate of completion (CC).

(5) Change of contractor.

(6) Change of subcontractor.

(7) Completion of DBPR probation forms.

(8) Conversion of paper plans to other format.

(9) Credit card convenience fee.

~~(9)~~(10) Electronic building permit processing fee.

~~(10)~~(11) Expired permit inspection to confirm that no work was performed and to close the permit.

~~(11)~~(12) Flood zone verification letter.

~~(12)~~(13) Liens and permits; summary of search and findings.

(14) Moving of structure application processing.

~~(13)~~(15) Permit extension (justifiable cause must be demonstrated for each request).

~~(14)~~(16) Permit renewal (first) (justifiable cause must be demonstrated for each request).

~~(15)~~(17) Permit renewal (second) (justifiable cause must be demonstrated for each request).

~~(16)~~(18) Permit renewal (third and each subsequent) (justifiable cause must be demonstrated for each request).

~~(17)~~(19) Permit to comply condemnations.

~~(18)~~(20) Pre-application meeting (this fee is in addition to the fee charged by planning and zoning).

~~(19)~~(21) Pre-construction meeting.

~~(20)~~(22) Re-issuance of certificate of occupancy (CO) or certificate of completion (CC).

~~(21)~~(23) Re-issuance of permit card.

~~(22)~~(24) Re-stamping of plans.

~~(23)~~(25) Routing fees.

(a) DPCR routing fee, new construction.

(b) DPCR routing fee, all other applications.

(c) Permit routing fee.

~~(24)~~(26) Subcontractor agreements.

~~(25)~~(27) Special inspector/threshold inspector required.

**Sec. 103-55. – Incentive and optional service fee/reduction schedule.**

Fees for following shall be as established by resolution:

(1) After-hours inspections; other than during regular working hours.

(2) Architectural pre-review during DPCR.

~~(2)~~(3) Early start request for construction.

~~(3)~~(4) Expedited plan review.

(5) Private provider inspection services.

(6) Private provider plan review services.

~~(4)~~(7) Stocking permit.

~~(5)~~(8) Temporary use-agreement-certificate of occupancy agreement.

~~(6)~~(9) Temporary use-agreement certificate of occupancy agreement change or extension.

**Sec. 103-56. – Penalty fee schedule.**

Fees for the following shall be as established by resolution:

(1) Hazardous condition on construction site.

(2) No construction bathroom on site 72 hours after a notice to correct violation (NTC).

(3) No silt fence or improper silt fence on the construction site 72 hours after NTC.

~~(3)~~(4) No trash container on site 72 hours after NTC.

~~(4)~~(5) Re-inspection:

a. First re-inspection.

b. Second and subsequent re-inspection to correct the same deficiency in the first inspection and first re-inspection.

~~(5)~~(6) Revised plan review; third or more plan revision to correct the same code violation noted in previous plan review rejections.

~~(6)~~(7) Stop-work order (SWO).

~~(7)~~(8) Uncontained trash and debris on construction site.

~~(8)~~(9) Unlawful continuance after SWO.

**Secs. 103-57 – 103.85. – Reserved.**

**SECTION 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM  
AND CORRECTNESS:

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Tanya M. Earley  
City Attorney

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 23-024 was duly advertised by title only in the St. Lucie News Tribune on \_\_\_\_; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on Monday, April 3, 2023; and was duly introduced, read by title only, and passed on second and final reading on Monday, April 17, 2023, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida.

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Linda Hudson  
MAYOR COMMISSIONER

ATTEST

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Linda W. Cox  
CITY CLERK

(CITY SEAL)