

ORDINANCE NO. 10- 035

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 07-018, THE POLK COUNTY AMENDED, RESTATED AND CONSOLIDATED COMPREHENSIVE IMPACT FEE ORDINANCE, AS AMENDED; PROVIDING FOR A MORATORIUM ON THE COLLECTION OF EMERGENCY MEDICAL SYSTEM (EMS) IMPACT FEES, TRANSPORTATION IMPACT FEES, CORRECTIONAL FACILITIES IMPACT FEES, LIBRARY IMPACT FEES, PARKS AND RECREATIONAL FACILITIES IMPACT FEES, FIRE RESCUE IMPACT FEES AND LAW ENFORCEMENT IMPACT FEES FOR A PERIOD OF SIX MONTHS; PROVIDING FOR THE SUNSET OF SUCH MORATORIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a deep economic recession has gripped the United States and Polk County for over two years; and

WHEREAS, in response to the economic downturn, Polk County adopted reduced Transportation Impact Fees and cut all other fees, except for Educational System Impact Fees effective April 1, 2009; and

WHEREAS, Polk County imposed EMS Impact Fees, Correctional Facilities Impact Fees, Library Impact Fees, Parks and Recreational Facilities Impact Fees, Fire Rescue Impact Fees and Law Enforcement Impact Fees recommended by Duncan and Associates at 50% of the recommended rates, effective November 1, 2009 for a period of one year, unless otherwise amended by the Polk County Board of County Commissioners; and

WHEREAS, the continued recession has resulted in unprecedented rates of unemployment in Polk County; and

WHEREAS, the Polk County Board of County Commissioners (BoCC) has determined that putting its citizens back to work is a high priority for every level of government; and

WHEREAS, prior actions by the BoCC in reducing impact fees across the board by up to 50% have not produced the necessary economic stimulus; and

WHEREAS, building permits for single-family homes have fallen from a high of over 8,000 to a low of under 1,000 between 2005 and 2010 and the collection of impact fees has fallen by over 80% during that same time frame; and

WHEREAS, the BoCC finds that the quickest and most effective economic stimulus that the county can provide is to offer incentives to new construction projects by removing the county imposed development costs represented by all impact fees other than Educational System Impact Fees.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF
COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:**

SECTION 1: Section 1.06 is added to Polk County Ordinance 07-018, as amended, the Polk County Amended, Restated and Consolidated Comprehensive Impact Fee Ordinance, to read as follows:

SECTION 1.06. MORATORIUM ON THE COLLECTION OF EMERGENCY MEDICAL SYSTEM (EMS) IMPACT FEES, TRANSPORTATION IMPACT FEES, CORRECTIONAL FACILITIES IMPACT FEES, LIBRARY IMPACT FEES, PARKS AND RECREATIONAL FACILITIES IMPACT FEES, FIRE RESCUE IMPACT FEES AND LAW ENFORCEMENT IMPACT FEES.

A. For the purpose of providing economic stimulus to Polk County and to reduce high levels of unemployment in Polk County, the BoCC hereby declares and imposes a six month moratorium, beginning on August 1, 2010 (the "Beginning Date") on the collection of Polk County EMS Impact Fees, Transportation Impact Fees, Correctional Facilities Impact Fees, Library Impact Fees, Parks and Recreational Facilities Impact Fees, Fire Rescue Impact Fees and Law Enforcement Impact Fees for both residential and non-residential construction in the unincorporated areas of Polk County and within the municipalities in which Polk County Impact Fees are collected. Such moratorium shall apply to all such Capital Facilities Impact Construction for which a Building Permit is applied for on or after August 1, 2010 and to all Capital Facilities Impact Construction for which any Owner or Applicant has submitted a complete application for a building permit or a Certificate of Occupancy prior to August 1, 2010 but has not, as of the Beginning Date of the moratorium, received a building permit or a Certificate of Occupancy. The moratorium will continue until January 31, 2011 unless otherwise modified or repealed by the Board of County Commissioners. Otherwise qualified Capital Facilities Impact Construction shall be relieved from paying impact fees for EMS, Transportation, Correctional Facilities, Libraries, Parks and Recreational Facilities, Fire Rescue and Law Enforcement if a building permit is issued for such

construction no later than six (6) months from the Beginning Date of the moratorium and a Certificate of Occupancy is issued no later than twelve (12) months from the Beginning Date of the moratorium. For Non-Residential Construction projects exceeding 25,000SF in size, the County Manager is authorized to grant a one-year extension of the deadline for obtaining a Certificate of Occupancy if the project otherwise meets the requirements imposed above.

B. Except as otherwise provided in this ordinance, any permitted construction project which would qualify for a moratorium on impact fees pursuant to subsection A above, but for which a building permit has not been issued within six (6) months from the Beginning Date of the moratorium and a Certificate of Occupancy has not been issued within twelve (12) months from the Beginning Date of the moratorium, will be required to pay EMS Impact Fees, Transportation Impact Fees, Correctional Facilities Impact Fees, Library Impact Fees, Parks and Recreational Facilities Impact Fees, Fire Rescue Impact Fees and Law Enforcement Impact Fees. Pursuant to Section 2.01 (D) of this Ordinance, such fees shall be calculated according to the rate in effect at the time of payment.

C. The moratorium applied hereby does not apply to the imposition or collection of Educational System Impact Fees and such impact fees shall continue to be imposed and collected by Polk County on all Residential Construction in both the unincorporated area of Polk County and within its municipalities.

D. Section 1.06 of Ordinance 07-018, as imposed by this Ordinance, will sunset and be effectively repealed on February 1, 2011 unless a majority vote of the BoCC determines that the economic conditions of the county warrant a continuation of the moratorium. In the event that Section 1.06, and the moratorium imposed thereby, is allowed to sunset and be repealed, prior to re-imposing EMS Impact Fees, Transportation Impact Fees, Correctional Facilities Impact Fees, Library Impact Fees, Parks and Recreational Facilities Impact Fees, Fire Rescue Impact Fees and Law Enforcement Impact Fees in effect prior to the Beginning Date of this moratorium, or imposing rates lower or higher than those rates, Polk County shall give the ninety (90) day published notice as required by Section 12.04 of Ordinance 07-018, as amended

and such impact fee rates shall not be effective until ninety (90) days after such notice has been published.

SECTION 2: 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 3: EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law. The moratorium on the collection of EMS, Transportation, Correctional, Fire, Law Enforcement, Library and Parks Impact Fees established by this Ordinance shall be effective on August 1, 2010 and shall relieve Capital Facilities Impact Construction from paying such fees if the conditions set out in Section 1.06, as adopted hereby, are met.

DULY ADOPTED in regular session, this 21st day of July, 2010.

STATE OF FLORIDA)

COUNTY OF POLK)

I Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida hereby certify that the foregoing is a true and correct copy of Ordinance No. 10-035 adopted by the Board on July 21, 2010.

WITNESS my hand and official seal of said Board this 22nd day of July 2010.

Richard M. Weiss
Clerk to the Board

By Kathryn Courtney
Kathryn Courtney
Deputy Clerk

