

ARTICLE III. - LAW ENFORCEMENT^[3]

Footnotes:

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Cross reference— Law enforcement, ch. 42.

Sec. 86-66. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building permit means an official document or certification which is issued by the Building Division of the City's Development Services Department and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

Capital improvement includes planning, land acquisition, site improvements, off-site improvements associated with new or expanded facilities, buildings and equipment, including communications equipment, with an average useful life of at least three years, but excludes maintenance and operations.

Certificate of occupancy means an official document or certification which is issued by the Building Division of the City's Development Services Department which certifies a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

City manager means the city manager and/or any municipal officials that the city manager may designate to administer the various sections of this article.

Dwelling unit means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping and living area of a single family only, and occupied by no more than one family and containing a single kitchen.

Feepayer means a person applying for the issuance of a building permit or permit for mobile home installation for a type of land development activity specified in section 86-73.

Independent fee calculation study means the engineering and/or economic documentation prepared by a feepayer to allow the determination of the impact fee other than by the use of the table in section 86-73.

Laura Street restoration overlay district means the district established by the city commission with the boundaries defined in section 102-847, Plant City Code.

Law enforcement means the enforcement of municipal, county and state laws and ordinances; the protection of life and property from crime; and public education to encourage crime prevention.

Low-income person means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA).

(Code 1977, § 36.25; Ord. No. 4-2006, § 3, 2-27-2006; Ord. No. 4-2011, §§ 1, 2, 1-24-2011)

Cross reference— Definitions generally, § 1-2.

Sec. 86-67. - Short title and applicability.

- (a) This article shall be known and may be cited as the "City of Plant City Law Enforcement Impact Fee Ordinance."
- (b) This article shall apply to all lands within the incorporated area of the city as it may exist from time to time.

(Code 1977, § 36.22)

Sec. 86-68. - Legislative findings.

The city commission finds, determines and declares that:

- (1) The city must expand its law enforcement system in order to maintain current law enforcement standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety and welfare.
- (2) The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- (3) Each of the types of land development described in section 86-73 will create demand for the acquisition or expansion of the law enforcement system improvements.
- (4) The fees established by section 86-73 are derived from, are based upon, and do not exceed the costs of providing additional law enforcement system improvements necessitated by the new land developments for which the fees are levied.
- (5) The report entitled "City of Plant City, Impact Fee Update Study," prepared by Tindale Oliver and Associates, Inc., dated September 12, 2006, is based on the most recent and localized data and sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional law enforcement system improvements in the city.

(Code 1977, § 36.21; Ord. No. 9-2001, § 1, 4-23-2001; Ord. No. 13-2007, § 1, 4-9-2007)

Sec. 86-69. - Intent and purpose.

- (a) This article is intended to assist in the implementation of the city's comprehensive plan.
- (b) The purpose of this article is to regulate the use and development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide law enforcement in the city.

(Code 1977, § 36.23)

Sec. 86-70. - Rules of construction.

- (a) The sections of this article shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:

- (1) In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
- (3) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (4) The land-use types listed in section 86-73 shall have the same meaning as under the zoning regulations in chapter 102.

(Code 1977, § 36.24)

Sec. 86-71. - Penalty.

A violation of this article shall be punishable as provided in section 1-14; however, in addition to or in lieu of any criminal prosecution, the city may sue in civil court to enforce this article.

(Code 1977, § 36.35)

Sec. 86-72. - Imposition of fee.

- (a) Any person who seeks to develop land within the City for a building or mobile home installation for one of the land use types specified in Section 86-73, is required to pay a law enforcement impact fee in the manner and amount set forth in this Article.
- (b) No certificate of occupancy for a new building or new mobile home installation nor building permit for any addition, remodeling or change of use to an existing structure or building requiring payment of an impact fee pursuant to Section 86-73 shall be issued unless and until the law enforcement impact fee required has been paid.

(Code 1977, § 36.26; Ord. No. 9-2001, § 2, 4-23-2001; Ord. No. 4-2011, § 3, 1-24-2011)

Sec. 86-73. - Computation of amount.

- (a) At the option of the feepayer, the amount of the law enforcement impact fee may be determined by the following fee schedule:

LAW ENFORCEMENT IMPACT FEE SCHEDULES

Land Use	Unit	Impact Fee
<i>Residential</i>		
Single-family detached		
0 to 1,500 square feet (sf)	Dwelling unit (du)	\$ 477.57
1,501 to 2,499 sf	du	537.98
2,500 sf or greater	du	584.01

Multifamily	du	454.31
Mobile homes	du	431.16
<i>Transient, assisted, group</i>		
Hotel/motel	Room	199.67
Nursing home/ACLF	Bed	277.80
<i>Recreational</i>		
Golf course	Hole	312.52
Golf driving range	Tee	219.92
Movie theater with matinee	Screen	1,730.43
Racquet club/health spa	1,000 sf	894.15
<i>Institutions</i>		
Hospital	1,000 sf	477.46
Day care center	1,000 sf	257.54
Elementary school	Student	17.36
Middle school	Student	20.26
High school	Student	23.15
Junior/community college	Student	17.36
University/college	Student	37.62
Church	1,000 sf	164.94
<i>Office</i>		

Office under 10,000 gross square feet (GSF)	1,000 sf	697.38
Office 10,000 to 30,000 GSF	1,000 sf	506.40
Office 30,001 to 100,000 GSF	1,000 sf	387.76
Office over 100,000 GSF	1,000 sf	272.01
<i>Retail, gross square feet</i>		
Retail under 10,000 GSF	1,000 sf	1,267.44
Retail 10,000 to 100,000 GSF	1,000 sf	787.09
Retail 100,001 to 1,000,000 GSF	1,000 sf	506.40
Retail over 1,000,000 GSF	1,000 sf	538.23
Pharmacy/drug store w/drive-thru	1,000 sf	567.17
Building materials and lumber store	1,000 sf	448.52
Discount superstore	1,000 sf	567.17
Specialty retail	1,000 sf	489.04
Hardware/paint store	1,000 sf	464.61
Quality restaurant	1,000 sf	1,973.50
High-turnover restaurant	1,000 sf	2,045.85
Fast-food restaurant w/drive-thru	1,000 sf	2,607.22
Auto repair	1,000 sf	853.64
New and used auto sales	1,000 sf	494.82
Service station	1,000 sf	572.95

Car wash	1,000 sf	546.91
Supermarket	1,000 sf	593.21
Convenience market w/gas pumps	1,000 sf	1,736.22
Furniture store	1,000 sf	92.60
Bank/savings drive-in	1,000 sf	685.81
Bank/savings walk-in	1,000 sf	743.68
Veterinary clinic	1,000 sf	494.82
<i>Industrial</i>		
General light industrial	1,000 sf	205.45
Manufacturing	1,000 sf	144.69
Warehouse	1,000 sf	112.85
Mini-warehouse	1,000 sf	20.26

- (1) If a building permit is requested for mixed uses, the fee shall be determined through using the applicable schedule by apportioning the space committed to uses specified on the applicable schedule.
 - (2) For applications for an extension of a building permit or extension of a permit for mobile home installation, the amount of the fee is the difference between that fee then applicable and any amount already paid pursuant to this article.
 - (3) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.
- (b) If a feepayer elects not to have the impact fee determined according to subsection (a), the feepayer shall prepare and submit to the city manager an independent fee calculation study for the land development activity for which a building permit or permit for mobile home installation is sought. The independent fee calculation study shall follow the methodologies and formats for the study utilized in the report entitled "City of Plant City, Impact Fee Update Study," prepared by Tindale Oliver and Associates, Inc., dated September 12, 2006. The documentation submitted shall show the basis upon which the independent fee calculation was made.

- (c) Independent fee calculation studies shall be prepared and presented by professionals qualified in their respective fields. The city manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as the city manager shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay law enforcement impact fees based upon the schedules shown in subsection (a) of this section. If an acceptable independent fee calculation study is presented, the city manager may adjust the fee to that appropriate to the particular development. Determinations made by the city manager pursuant to this subsection may be appealed to the city commission by filing a written request with the city manager within ten days of the city manager's determination.
- (d) *Annual mid-cycle law enforcement impact fee rate indexing* . Beginning May 1, 2007, the city shall commence a five year law enforcement impact fee update cycle. In each of the four mid-cycle years (between the formal five-year updates) beginning on or about May 1, 2008, the city shall implement adjustments to land and building costs based on just property values published by the Hillsborough County Property Appraiser's Office and building cost index published by the Engineering-News Record. Mid-cycle indexed rate change adjustments shall be adopted by an ordinance of the city commission at the conclusion of a public hearing on the proposed amendments.

(Code 1977, § 36.27; Ord. No. 9-2001, § 3, 4-23-2001; Ord. No. 13-2007, § 2, 4-9-2007)

Sec. 86-74. - Payment.

- (a) Law enforcement impact fees shall be paid prior to the issuance of any certificate of occupancy; provided that for any addition, remodeling or change of use to an existing structure or building requiring payment of a law enforcement impact fee, the law enforcement impact fee shall be paid prior to issuance of the building permit.
- (b) All funds collected shall be properly identified by and promptly transferred for deposit in the appropriate law enforcement impact fee trust fund to be held as determined in Section 86-76 and used solely for the purposes specified in this Article.

(Code 1977, § 36.28; Ord. No. 4-2011, § 4, 1-24-2011)

Sec. 86-75. - District established.

There is established one law enforcement impact fee district, which will be coterminous with the corporate boundary of the city as it may exist from time to time.

(Code 1977, § 36.29)

Sec. 86-76. - Trust fund.

- (a) There is established one law enforcement impact fee trust fund, for the law enforcement impact fee district established by section 86-75.
- (b) Funds withdrawn from this account must be used in accordance with section 86-77.

(Code 1977, § 36.30)

Sec. 86-77. - Use of funds.

- (a) Funds collected from law enforcement impact fees shall be used for the purpose of land acquisition and capital improvements to and expansion of the law enforcement system under the jurisdiction of the city.
- (b) No funds shall be used for periodic or routine maintenance.
- (c) Funds shall be used exclusively for acquisitions, expansions or capital improvements for law enforcement under the jurisdiction of the city. Funds shall be expended in the order in which they are collected.
- (d) If bonds or similar debt instruments are issued for advanced provision of capital facilities for which law enforcement impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) of this section and are located within the impact fee district created by section 86-75 or as provided in subsection (c) of this section.
- (e) At least once each fiscal period the city manager shall present to the city commission a proposed capital improvement program for law enforcement, assigning funds, including any accrued interest, from the law enforcement impact fee trust fund to specific improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the law enforcement impact fee trust fund until the next fiscal period except as provided by section 86-78 pertaining to refunds.
- (f) Funds may be used to provide refunds as described in section 86-78.

(Code 1977, § 36.31)

Sec. 86-78. - Refund of fees paid.

- (a) If a building permit expires without commencement of construction, the feepayer shall be entitled to a refund, without interest, of the law enforcement impact fee paid as a condition for its issuance, except that the city shall retain five percent of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund to the city manager within 30 days of the expiration of the permit.
- (b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the law enforcement impact fee was paid shall, upon application of the then-current landowner, be returned to such landowner with interest at the rate of six percent per annum, provided that the landowner submits an application for a refund to the city manager within 180 days of the expiration of the six-year period.

(Code 1977, § 36.32)

Sec. 86-79. - Exemptions and credits.

- (a) The following shall be exempted from payment of the law enforcement impact fee:
 - (1) Alterations of an existing residential building where no additional dwelling units are created, alterations of a hotel or motel where no additional rooms are created, or alterations of any other existing building where no additional area is created and where the use is not changed.
 - (2) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - (3) The installation of a replacement mobile home on a lot or other such site when a law enforcement impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of the ordinance from which this article derives (January 1, 1991).

- (4) Governmental and public facilities.
- (5) Owner-occupied buildings or structures within the Laura Street Restoration Overlay District where the property owner is a low-income person.

Any claim of exemption must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.

(b) Credits shall be given as follows:

- (1) Law enforcement land and/or law enforcement capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must specifically request or provide for a law enforcement impact fee credit. If the city manager accepts such an offer, whether the acceptance is before or after the effective date of the ordinance from which this article derives, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of land shall be valued at: (i) 115 percent of the most recent assessed value by the county property appraiser; or (ii) by such other appropriate method as the city commission may have accepted prior to the effective date of the ordinance from which this article derives for particular law enforcement improvements; or (iii) by fair market value established by private appraisers acceptable to the city. Credit for the dedication of law enforcement land shall be provided when the property has been conveyed at no charge to and accepted by the city in a manner satisfactory to the city commission.
 - b. Applicants for credit for construction of law enforcement improvements shall submit acceptable engineering drawings and specifications and construction cost estimates to the city manager. The city manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the city manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The city manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the city manager before credit will be given. The failure of the applicant to sign, date and return such document within 60 days shall nullify the credit.
 - c. Except as provided in subsection (b)(1)d of this section, credit against impact fees otherwise due will not be provided until:
 - 1. The construction is completed and accepted by the city; and
 - 2. A suitable maintenance and warranty bond is received and approved by the city manager, when applicable.
 - d. Credit may be provided before completion of specified law enforcement improvements if adequate assurances are given by the applicant that the standards set out in subsection (b)(1)c of this section will be met and if the feepayer posts security as provided in this subsection for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the City Manager in an amount determined by the City Manager. If the construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded for each year of the life of the security. The security shall be reviewed and approved by the City Attorney prior to acceptance of the security. If the construction project is not to be completed within five years of the date of the feepayer's offer, the City Commission must approve the construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.
- (2) Any claim for credit must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.

- (3) Credits shall not be transferable from one project or development to another without the approval of the City Commission.
- (4) Determinations made by the City Manager pursuant to this subsection may be appealed to the City Commission by filing a written request with the City Commission within ten days of the City Manager's determination.

(Code 1977, § 36.33; Ord. No. 4-2006, § 4, 2-27-2006)

Sec. 86-80. - Review.

The law enforcement impact fees specified in subsection 86-73(a) shall be reviewed by the City Commission at least once each fiscal biennium.

(Code 1977, § 36.34)

Sec. 86-81. - Payment of Law Enforcement Impact Fees on behalf of certain businesses.

- (a) *Definitions.* For purposes of this Section, the following words, phrases and terms shall have the meanings set forth below:

"*Business*" means any activity engaged in by any person, firm, partnership, corporation, or other business organization or entity, with the object of private or public gain, benefit, or advantage, either direct or indirect.

"*City*" means City of Plant City, Florida.

"*City Commission*" means the City Commission of the City.

"*City Manager*" means the City Manager of the City, or his/her designee.

"*Industrial Business*" means a Business which manufactures, processes, compounds, fabricates, assembles, or produces for sale items of Tangible Personal Property at an industrial or manufacturing facility in a fixed location.

"*Qualified Business*" means an Industrial Business which intends to construct a new building, or expand or renovate an existing building, in Plant City. The certified construction value for the new building, expansion, or renovation must be at least Eight Million Dollars (\$8,000,000.00) and may not include the value of land, existing buildings and structures, or any equipment and machinery; nor may engineering, architectural, planning, legal, or financing fees be included in the construction value. A Retail Operation shall not be a Qualified Business.

"*Retail Operation*" means a Business regularly engaged in, and whose Business consists to a substantial extent of, selling quantities of goods and services directly to individual end-user consumers.

"*Tangible Personal Property*" shall have the meaning set forth in F.S. § 192.001(11)(d).

- (b) *Findings of Fact.*

- (1) It is a recognized function of local government to promote economic development within its jurisdiction by providing financial incentives that will encourage new businesses to relocate within its jurisdiction and existing businesses to expand, thereby creating employment opportunities that will benefit the entire community.
- (2) The current economic climate has adversely impacted the quality of life for the citizens of Plant City and the sustainability of local businesses.

- (3) The City Commission determines that the payment of Law Enforcement Impact Fees by the City on behalf of a Qualified Business as provided in this Section will promote and strengthen the local economy which will enhance the health, safety and welfare of the citizens of Plant City, which action is in the best interest of the City and serves both a City and a public purpose.
- (c) *Payment by City.* Upon request by a Qualified Business, the City shall pay on behalf of the Qualified Business the Law Enforcement Impact Fees attributed to the new construction. Said payment shall be made immediately prior to the issuance of a certificate of occupancy, provided that all other requirements of the issuance of the certificate of occupancy have been met. In the event that new construction is for an addition, remodeling or change in use to an existing structure or building and Law Enforcement Impact Fees are paid at the time of the issuance of a building permit as provided in Section 86-74, the City shall reimburse the Qualified Business for payment of the Law Enforcement Impact Fees attributed to the new construction upon completion of construction and approval of final inspection. In order to qualify for a Law Enforcement Impact Fee payment by the City, the Qualified Business must submit to the City Manager a written request for said payment prior to applying for a building permit.
- (d) *Ineligible Business.* Any Business in violation of any federal, state, or local law or regulation, including but not limited to environmental matters, will not be eligible for payment of Law Enforcement Impact Fees by the City.
- (e) *Maximum Amount of Annual Payments.* Notwithstanding any other provision of this Section, the aggregate of Law Enforcement Impact Fee payments made by the City in any fiscal year shall not exceed Two Hundred Thousand Dollars (\$200,000.00) or such other amount approved by a supermajority vote of the City Commission.
- (f) *City Manager's authorization.* The City Manager shall be authorized to pay said Law Enforcement Impact Fees into the Law Enforcement Impact Fee Trust Fund on behalf of said Qualified Business upon the City Manager's determination that the requirements of this Section have been met.
- (g) *Section 86-78 inapplicable.* Section 86-78 shall not be applicable to payments made by the City pursuant to this Section.
- (h) *Sunset.* This Section will sunset and be effectively repealed on September 30, 2015.

(Ord. No. 29-2013, § 1, 11-25-2013)

Secs. 86-82—86-105. - Reserved.