

RESOLUTION NO. 2024-04

**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH,
BREVARD COUNTY, FLORIDA, AMENDING AND
UPDATING THE TOWN FEE SCHEDULE; PROVIDING
FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CONFLICTS;
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Town's budget and financial policies require that to the extent possible and reasonable, Town services should be supported by fees and charges in order to provide maximum flexibility in the use of general Town taxes to provide for a broader benefit; and

WHEREAS, the Town of Melbourne Beach has enacted various codes and ordinances which provide for the creation and maintenance of a multitude of Town programs and/or services, the nature of which require funding, at least in part, by user fees; and

WHEREAS, the Town processes various land development, building, and inspection permits, licenses, site plans, maps, and administrative changes, the nature of which require funding, at least in part, by user fees; and

WHEREAS, the provisions of controlling Florida law provide authorization for a municipality to levy reasonable fees and charges commensurate with the cost of the activities, functions, and programs which are funded by the Town; and

WHEREAS, the Town last updated its current Fee Schedule on May 18, 2022, via Resolution 2022-05; and

WHEREAS, it is fiscally prudent and appropriate for the Town, from time to time, to update reasonable fees and charges for administering the various programs and services provided by the Town; and

WHEREAS, the Town has determined that all of the fees set forth hereafter are equitable and necessary for administering the various programs and services provided by the Town; and

WHEREAS, the Town Commission has determined that it is necessary to review and amend the fees and charges associated with the Town's Fee Schedule; and

WHEREAS, the fees and charges related to Local Business Tax Receipts, Public Records Requests, Peddler's/Solicitor's Licenses, Founders Day, Building Department, Fire Prevention Inspections, Re-inspections, and Penalty Fees, Police Citations, Board of Adjustments for Special Exceptions, Variances and Zoning Changes, LDC Amendments, Zoning Change of Use, Comprehensive Plan Amendments, Site Plan Review for Planning and Zoning, Smoking Fines, Special Events, and Facility Rentals are incorporated within "Exhibit A" of this Resolution; and

WHEREAS, Extraordinary Expenses shall be charged in accordance with the appendage to this Resolution titled **“Exhibit B”**.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Melbourne Beach, Florida, that:

Section 1. Legislative Findings and Intent. The Town of Melbourne Beach has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

Section 2. Amendment to the Town of Melbourne Beach Fee Schedule.

- A. The Town of Melbourne Beach Fee Schedule is hereby amended as shown in **Exhibit “A,”** attached hereto.
- B. Underlined words within **Exhibit “A”** constitute the new text within the Town of Melbourne Beach Fee Schedule, asterisks (***) indicate an omission from the original text of the Town of Melbourne Beach Fee Schedule which is intended to remain unchanged, and ~~strikethrough~~ constitutes deletions from the original Town of Melbourne Beach Fee Schedule.


Section 3. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

Section 4. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 5. Effective Date. This Resolution shall become effective on August 21, 2024.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at its regular meeting this 21st day of August, 2024.

ATTEST:



Amber Brown
Town Clerk

(TOWN SEAL)



TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal Corporation

By: 

Alison Demington, Mayor

INSPECTION FEES

| | | |
|---|-----------------------------------|---|
| 1st Re-inspection | \$50.00 \$75.00 | |
| 2nd Re-inspection | \$75.00 \$100.00 | |
| Each subsequent re-inspection | \$150.00 | |
| PENALTY WORK WITHOUT A PERMIT NORMAL FEE PLUS UP TO 400% Determined by Building Official | | |
| Permit Fee <u>First Extension</u> | \$175.00 first | 2 nd -180 day renewal-new permit required |
| Permit Fee <u>Second Extension</u> | New permit | New permit required after first extension |
| <u>Planning & Construction Meeting with Building Official</u> | \$125.00 | |
| <u>Environmental Hazard Fee</u> | \$500.00 | |
| <u>Failure to Display Permit Card</u> | \$50.00 \$75.00 | |
| <u>Failure to Call for Inspection</u> | \$50.00 \$75.00 | |
| <u>Unscheduled Inspection Request</u> | \$50.00 | One (1) hour minimum subject to availability |
| <u>Fire Plan Review Fee</u> | \$85.00 | |
| <u>Demolition Full or Partial</u> | \$150.00 | Dumpster and special requirements apply |
| <u>Construction Trailers</u> | \$50.00 | |
| <u>Change of Contractor</u> | \$50.00 \$75.00 | |
| <u>Temporary Certificate of Occupancy</u> | \$50.00 | |
| <u>Temporary Certificate of Completion</u> | \$50.00 | |
| <u>Early Power Release/Temporary Pole</u> | \$50.00 \$75.00 | |
| <u>Plan Review Fee by Building Official</u> | \$85.00 \$50.00 | For Planning and Zoning Second (2 nd) review fee |
| <u>Town Planner Review for Building Related</u> | \$200.00 | Per hour |
| <u>Plan Review Correction Submittal</u> | Four (4) times plan review fee | Third (3 rd) rejection of plans for same comment |
| <u>Residential Revision Fee After Permit Issued</u> | One and two Family dwellings | \$25.00 plus \$5.00 per each plan page or 2% of the revision value, whichever is greater |
| <u>Commercial Revision Fee</u> | Commercial and Multi-family | \$25.00 plus \$7.50 per plan page or 3% of the revision value, whichever is greater |
| <p>ALL BUILDING FEES ARE NON-REFUNDABLE. PER THE FLORIDA BUILDING CODE STATUTE 553.721 AND 468.631 ALL PERMITS WILL CONTAIN AN ADDITIONAL 1% SURCHARGE FOR THE DCA AND A 1.50% SURCHARGE FOR THE DBPR.</p> <p>WHEN IN THE OPINION OF THE BUILDING OFFICIAL, THE CONSTRUCTION VALUE COST IS UNREALISTIC, THE LATEST EDITION OF THE INTERNATIONAL CODE COUNCIL'S BUILDING VALUATION TABLE WILL BE USED TO CALCULATE THE APPROXIMATE CONSTRUCTION VALUE.</p> | | |
| Special Exceptions | \$1,000 | Zoning Districts: Commercial 6-B, 7-C, 8-B, Downtown Business, General Commercial, Residential Business. Includes first two hearings by Board of Adjustment. Additional hearings or continuances initiated by BOA at no charge. |
| Hearings Initiated by Applicants | | |
| Town Staff Hours | \$80.00 | Per hour, per continuance |
| Town Attorney | Actual Cost | Per hour, per continuance |
| Town Planner | Actual Cost | Per hour, per continuance |
| Outside Professional Services | Actual Cost | Per Contract Agreement |
| Advertising | Actual Cost | Per Invoice |

FIRE PREVENTION INSPECTIONS, RE-INSPECTIONS, & PENALTY FEES

Fees for Annual Fire Safety Inspections

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| <u>Home Safety Inspection</u> | No Cost | <u>Residential properties</u> |
| <u>Annual Fire Inspection</u> | \$50.00 | <u>Low Risk Occupancy – Commercial Bldg.</u> |
| <u>Annual Fire Inspection</u> | \$75.00 | <u>Medium Risk Occupancy – Commercial Bldg.</u> |
| <u>Annual Fire Inspection</u> | \$100.00 | <u>High Risk Occupancy – Commercial Bldg.</u> |

Re-Inspection Fee for Non-Compliance from Annual Fire Inspection – Commercial Bldgs.

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| <u>First Re-Inspection</u> | Free | |
| <u>Second Re-Inspection</u> | \$30.00 | |
| <u>Third Re-Inspection</u> | \$30.00 plus \$100.00 penalty | |
| <u>Fourth Re-Inspection</u> | \$30.00 plus \$200.00 penalty | |
| <u>Fifth Re-Inspection</u> | \$30.00 plus \$300.00 penalty | <u>Fifth and all subsequent re-inspections</u> |

Penalty Fees for Incidental Activities Requiring Response by Fire Department

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| <u>Unintentional Fire Alarm Activation Caused by Contractor/Service Personnel</u> | \$100.00 each | <u>Repeat alarm activation started by onsite contractors. Bill property owner</u> |
| <u>Nuisance Elevator Entrapment - Victim Removal</u> | \$100.00 | <u>Third or subsequent response within a 30-day period</u> |
| <u>Nuisance Fire Alarm</u> | \$100.00 each | <u>Third or Fourth Response in 365-day period</u> |
| <u>Nuisance Fire Alarm – Chronic</u> | \$200.00 each | <u>Fifth or subsequent response in 365-day period</u> |
| <u>Failure to Appear for Alarm Activation – Responsible Party</u> | \$50.00 per half hour after a 30-minute notification window | <u>Fire Department remains on scene until party arrives</u> |
| <u>Hazmat Clean Up</u> | Actual Cost | <u>Remediation</u> |

VARIANCES BOARD OF ADJUSTMENTS

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| Commercial Variance | \$1,000 | <u>Zoning Districts: Commercial 6-B, 7-C, 8-B, Downtown Business, General Commercial, Residential Business. Includes first two hearings by Board of Adjustment.</u> |
| <u>Reconvene Board for Commercial Variance</u> | \$250.00 | |
| <u>Special Exceptions – Commercial</u> | \$1,000.00 | <u>Zoning Districts: Commercial 6-B, 7-C, 8-B, Downtown Business, General Commercial, Residential Business.</u> |

Hearings Initiated by Applicants

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| <u>Town Staff Hours</u> | \$80.00 \$85.00 | <u>Per hour, per continuance</u> |
| <u>Town Attorney</u> | Actual Cost | <u>Per hour, per continuance</u> |
| <u>Town Planner</u> | Actual Cost | <u>Per hour, per continuance</u> |
| <u>Outside Professional Services</u> | Actual Cost | <u>Per Contract Agreement</u> |
| <u>Building Official</u> | \$125.00 | |
| <u>Advertising</u> | Actual Cost | <u>Per Invoice</u> |
| Residential Variance | \$500.00 | <u>Zoning Districts: 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, Single Family Residence, Multi-Family Resident, Multi-Family Oceanfront Residence. Includes first two hearings by Board of Adjustment. Additional hearings or Continuances initiated by BOA at no charge.</u> |

ZONING

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| Application Amendment Fee | \$1,000.00 plus \$5,000.00 advance deposit for staff and administrative expenses. NOTE: Applicant is responsible for actual costs which may exceed the deposit. If/when deposit is exhausted, it will be replenished (\$5000 increments) by the applicant before proceeding further | Per application. Fees are non-refundable. |
| Zoning Verification Letter | \$50.00 | Per Letter |
| Zoning Interpretation | Actual Cost | Per Hour |
| Change Fee for Zoning | \$1,000.00 | Per Change Request |
| Advertising Zone Change | Actual Cost | Per Invoice |
| Ordinance Development | Actual Cost | Per Ordinance |
| Ordinance Advertising | Actual Cost | Per Advertisement |
| Hearings Initiated by Applicants | | |
| Town Staff Hours | \$80.00 \$85.00 | Per hour, per continuance |
| Town Attorney | Actual Cost | Per hour, per continuance |
| Town Planner | Actual Cost | Per hour, per continuance |
| Outside Professional Services | Actual Cost | Per Contract Agreement |
| Advertising | Actual Cost | Per Invoice |
| LDC TEXT AMENDMENT | | |
| Text Amendment Application Pursuant to Sec. 1A-5, Code of Melbourne Beach | \$1,000.00 plus \$5,000.00 advance deposit for staff and administrative expenses. NOTE: Applicant is responsible for actual costs which may exceed the deposit. If/when deposit is exhausted, it will be replenished (\$5000 increments) by the applicant before proceeding further | Per application. Fees are non-refundable |
| Total Staff Hours | \$80.00 \$85.00 | Per hour |
| Town Attorney | Actual Cost | Per hour |
| Town Planner | Actual Cost | Per hour |
| Advertising Ordinance | Actual Cost | Planning & Zoning Board Public Hearing; Town Commission First and Second Readings |
| LOCAL BUSINESS TAX | | |
| Existing Business Tax Receipt | Per Town Code | Town Code of Ordinances Chapter 65 |
| New Business Zoning Review | Actual Cost | Per Review |
| New Business Application Fee | \$50.00 | Per Town Code and Florida Statute |
| <u>New Business Zoning Interpretation</u> | <u>\$125.00</u> | <u>Minimum Fee. Additional funds may be required if exceeds \$125.00</u> |

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| Application Review After Interpretation | \$75.00 | |
| Business Zoning Review – No Interpretation | \$125.00 | Per Review |
| New Business Fire Review | \$85.00 | Per Town Code and Florida Statute |
| Annual Fire Inspections | \$85.00 | |
| 1 st Fire Re-Inspection | \$30.00 | |
| 2 nd Fire Re-Inspection | \$60.00 | |
| All Subsequent Re-Inspections | \$60.00 | |

PUBLIC RECORDS REQUEST

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|--------------------------------|-----------------|----------------------------|
| Single-Sided Copies | .15 cents | Not to exceed 8.5" x 14" |
| Double-Sided Copies | .20 cents | Not to exceed 8.5" x 14" |
| All Other Copies | Actual Cost | Per Florida Statute 119.07 |
| Certified Copies | \$1.00 | Per Page Certification |
| Inspection of Public Records | Per Fl. Statute | Per Florida Statute 119.07 |
| Computer Lien or Permit Search | Free | Address Search |
| Manual Lien or Permit Search | \$15.00 \$75.00 | Per Request Address |
| USB | Actual Cost | |

PEDDLER'S/SOLICITOR'S LICENSE

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| Application Fee | \$7.50 | License valid for 90 days from issuance |
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POLICE CITATIONS

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| Parking Tickets | \$50.00 \$75.00 | Per Citation |
| Equipment Check | \$4.00 \$20.00 | Per Citation |
| Off Duty Detail | \$40/hour | Minimum of (4) Hours |

SPECIAL EVENTS

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| Application Fee | \$75.00 | Per Event |
| Special Event Permit | \$150.00 | 1-299 Participants |
| Special Event Permit | \$250.00 | 300-499 Participants |
| Special Event Permit | \$350.00 | 500-750 Participants |
| Special Event with Police Security Service | \$50.00 \$75.00 | Per Hour, Per Officer. Minimum (4) Hour Charge |
| Special Event with Public Works | \$30.00 \$50.00 | Per Hour, Per Person |
| Special Event with Fire Personnel | \$25.00 \$50.00 | Per Hour, Per Person |
| Alcohol Permit | \$200.00 Deposit | Per Permit |

FACILITY RENTALS

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| Community Center (Residents) | \$65.00 plus tax | Per Hour. Melbourne Beach Residents (Monday-Friday) |
| Community Center (Residents) | \$390 plus tax | 6-Hour Minimum. Melbourne Beach Residents (Sat., Sun. & Holidays) |
| Community Center (Residents) | \$65.00 plus tax | Each Additional Hour Over 6-Hour Minimum for Residents |
| Community Center (Non-Residents) | \$100.00 plus tax | Per Hour. Non-Residents (Monday-Friday) |
| Community Center (Non-Residents) | \$600.00 plus tax | 6-Hour Minimum. Non-Residents (Sat., Sun. & Holidays) |
| Community Center (Non-Residents) | \$100.00 plus tax | Each Additional Hour Over 6-Hour Minimum for Non-Residents |
| Community Center Damage Deposit | \$350.00 <u>\$2,500.00</u> | Refundable, 7-10 Days After Event |
| Ryckman Park Pavilion (Residents) | \$30.00 plus tax | Per Hour. Resident |
| Ryckman Park Pavilion (Non-Residents) | \$45.00 plus tax | Per Hour, Non-Resident |
| Ryckman Park Pavilion Deposit | \$250.00 | Refundable, 7-10 Days After Event |
| Restroom Key | \$100.00 | Refundable, 7-10 Days After Event |
| Old Town Hall | \$25.00 plus tax | Per Hour |
| Old Town Hall Damage deposit | \$100.00 \$250.00 | Refundable, 7-10 Days After Event |

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| Old Town Hall Key Deposit | \$100.00 | Refundable, 7-10 Days After Event |
| FOUNDERS DAY | | |
| Arts & Crafts Vendor, Food Vender, Alcohol Vendor | As Determined | Annually Per Space |
| <u>SMOKING FINES PER ORDINANCE 2024-04,</u> <u>CODE SECTION 73-61</u> | | |
| First Civil Fine | \$100.00 | |
| Second and Subsequent Civil Fines | \$200.00 | |

Exhibit "B"
Extraordinary Expenses

Extraordinary Expense: Must be paid in full prior to commencement

In addition to the fee schedule adopted by the Town, the applicant shall be responsible for the payment of any extraordinary expense incurred by the Town in analyzing or reviewing all or any part of the application and other activities related to the land development as initiated by said application. Extraordinary expenses may include, but shall not be limited to: specialized consultants, experts, planning consultants, engineering services, legal consultants (excluding for the purposes of litigation), or any other services necessary to evaluate the proposal of the applicant and to advise the Town regarding same. Such expense shall be charged to the applicant at the actual cost of fees and expenses incurred by the Town for these services. The Town may decide to obtain such services at the beginning of, or any time during, the development process. The Town shall notify the applicant of the Town's intention to retain such services in advance of incurring the expense on the behalf of the applicant. However, the Town's failure to provide said notice shall not relieve the applicant of its obligation to pay such expenses. The Town shall, within its sole discretion, determine when and whether to retain such services.

Upon determination of the Town to retain such services, the applicant will be required to place a deposit with the Town to cover the anticipated cost of the required services. All expenses associated with such services including any administrative cost of the Town attributable to the service(s) shall be paid from the deposit. The deposit must be received by the Town prior to the Town proceeding with any action. Should the deposit be depleted prior to the completion of the development process, the applicant will be required to replenish the deposit prior to additional action on the part of the Town. Any unused portion of the deposit shall be refunded to the applicant within thirty (30) days from the date of the Certificate of Occupancy. Upon the request of the applicant, the Town Commission may review such extraordinary expenses as to the necessity and amount.

