

ST. JOHNS COUNTY ORDINANCE 87-59

PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE

AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AND UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN ST. JOHNS COUNTY FOR PROVIDING PUBLIC CAPITAL FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A PUBLIC CAPITAL FACILITIES IMPACT FEE; PROVIDING FOR REVIEW OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM PUBLIC CAPITAL FACILITIES IMPACT FEES INTO PUBLIC CAPITAL FACILITIES IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM PUBLIC CAPITAL FACILITIES IMPACT FEES; PROVIDING THAT PUBLIC CAPITAL FACILITIES IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING EXISTING FIRE IMPACT FEE ORDINANCE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section One: Legislative Findings

The Board of County Commissioners of St. Johns County finds, determines and declares that:

A. St. Johns County must expand its public capital facilities in order to maintain current 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;

B. The Florida Legislature through the enactment of Florida Statutes § 163.3202(3) has sought to encourage St. Johns County to enact impact fees;

C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. Each of the types of land development described in Section Seven hereof, will create a need for the construction, equipping, or expansion of public capital facilities.

E. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing additional public capital facilities necessitated by the new land developments for which the fees are levied.

F. The report entitled "St. Johns County, Florida, Impact Fee Methodology", dated August 1987, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional public capital facilities in St. Johns County.

Section Two: Short Title, Authority and Applicability.

A. This ordinance shall be known and may be cited as the "St. Johns County Public Capital Facilities Impact Fee Ordinance."

B. The Board of County Commissioners of St. Johns County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapter 125, Section 163.3201, Section 163.3202, and Section 380.06(16) of the Florida Statutes.

C. This ordinance shall apply in the unincorporated area of St. Johns County and in the incorporated areas of St. Johns County to the extent permitted by Article VIII, §1(f) of the Constitution of the State of Florida.

Section Three: Intents and Purposes

A. This ordinance is intended to assist in the implementation of the St. Johns County Comprehensive Plan.

B. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a

proportionate share of the cost of capital expenditures necessary to provide public capital facilities in St. Johns County.

Section Four: Rules of Construction

A. The provisions of this ordinance 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 ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

- (1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- (5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply

singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(7) 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.

(8) "County Administrator" means the County Administrator or the county or municipal officials he/she may designate to carry out the administration of this ordinance. Any municipal official so designated shall be approved by the appropriate municipality before exercising duties hereunder.

Section Five: Definitions

A. A "feepayer" is a person applying for the issuance of a building permit or permit for mobile home installation.

B. "Public Capital Facilities" are police and law enforcement buildings, motor vehicles, jails, communications equipment and any other capital equipment related to police and law enforcement; fire protection and emergency medical buildings and capital equipment; other public buildings and capital equipment for public purposes, including but not limited to judicial facilities, county administration and operations facilities, and offices for constitutional officers and their staffs; acquisition of sites for public buildings; and building design and facility need studies.

C. "Capital Equipment" is equipment with an expected use life of three years or more.

D. "Development Order" means a regulatory approval by St. Johns County or a municipality therein.

E. "Electrical Energizing" is the initial connection of electrical power to any permanent power panel serving a building or mobile home for which a building permit or permit for mobile

home installation has been obtained.

Section Six: Imposition of Public Capital Facilities Impact Fee

A. Any person who, after December 31, 1987, seeks to develop land within St. Johns County, Florida, by applying for a building permit or permit for mobile home installation, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in this ordinance. The impact fees established by this ordinance shall not be effective within the boundaries of any municipality that issues building permits until such municipality has executed an interlocal agreement with the county to collect such fees. The impact fees established by this ordinance shall not be effective within a municipality which has by municipal ordinance repealed the effect of this ordinance within its boundaries.

B. No new building permit or new permit for mobile home installation for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be issued unless and until the public capital facilities impact fee hereby required has been determined.

C. No extension of a building permit or permit for mobile home installation issued prior to January 1, 1988, for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be granted unless and until the public capital facilities impact fee hereby required has been determined.

D. In the event a building permit or permit for mobile home installation is issued pursuant to an application filed after the effective date of this ordinance but prior to January 1, 1988, and if the permit owner has not applied for and received a certificate of occupancy for such building or mobile home prior to: (i) January 1, 1989, then the impact fee established in Section Seven (A) (1) of this ordinance must be paid prior to the issuance of the certificate of occupancy; (ii) July 1, 1989, then the impact fee established in Section Seven (A) (2) of this ordinance must be paid prior to the issuance of the certificate of occupancy; (iii) January 1, 1990, then the impact fee

established in Section Seven (A) (3) of this ordinance must be paid prior to the issuance of the certificate of occupancy.

In the event a building permit or permit for mobile home installation is issued pursuant to an application filed after December 31, 1987, but prior to July 1, 1988, and in the further event that the permit owner has not paid the impact fee for such building or mobile home prior to: (i) July 1, 1989, then the impact fee established in Section Seven (A) (2) of this ordinance must be paid prior to the approval of Electrical Energizing; (ii) January 1, 1990, then the impact fee established in Section Seven (A) (3) of this ordinance must be paid prior to the approval of Electrical Energizing.

In the event a building permit or permit for mobile home installation is issued pursuant to an application filed after June 30, 1988, but prior to January 1, 1989, and in the further event that the permit owner has not paid the impact fee for such building or mobile home prior to January 1, 1990, then the impact fee established in Section Seven (A) (3) of this ordinance must be paid prior to the approval of Electrical Energizing.

Section Seven: Computation of the Amount of Public Capital Facilities Impact Fee

A. At the option of the feepayer, the amount of the public capital facilities impact fee may be determined by the following fee schedules. The fees contained in section Seven A (3) reflect a discount of 15% from net cost to encourage use of this schedule in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies. The fees in Seven A (2) contain a 15% discount from net cost to encourage use of this schedule in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies and an additional discount of 12%, designed to achieve a total discount of 25%, to phase in the fees established by this ordinance. The fees in Seven A (1) contain a 15% discount from net cost to encourage use of this schedule in order to avoid the expenditure of administrative time on the

processing of independent fee calculation studies and an additional discount of 41% designed to achieve a total discount of 50%, to phase in the fees established by this ordinance.

(1) From January 1, 1988, through June 30, 1988, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to January 1, 1988; a permit for mobile home installation; or an extension of a permit for mobile home installation issued prior to January 1, 1988.

FEE SCHEDULE I

LAND USE TYPE (UNIT)	PUBLIC				TOTAL
	BUILDING	POLICE	FIRE	EMS	
RESIDENTIAL UNITS PER STRUCTURE:					
ONE UNIT	38	11	43	45	\$137
2, 3 OR 4 UNITS EACH UNIT	30	9	35	36	\$110
5 OR MORE UNITS EACH UNIT	42	13	48	49	\$152
MOBILE HOME EACH UNIT	36	11	42	43	\$132
HOTEL/MOTEL ROOM PER ROOM	24	7	27	28	\$86
OTHER RESIDENTIAL EACH UNIT	38	11	43	45	\$137
INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT:					
INDUSTRIAL BUILDINGS *	18	5	20	21	\$64
WAREHOUSE BUILDINGS *	14	4	16	16	\$50
STORAGE BUILDINGS *	8	2	9	10	\$29
OFFICE AND FINANCIAL PER 1,000 SQ FT:					
FINANCIAL OFFICES *	80	24	91	94	\$289
GENERAL OFFICES *	37	11	42	44	\$134
RETAIL PER 1,000 SQ FT *	72	22	82	85	\$261

* Indicates square feet of gross building area

(2) From July 1, 1988, through December 31, 1988, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to July 1, 1988; a permit for mobile home installation; or an extension of a permit for mobile home installation issued prior to July 1, 1988.

FEE SCHEDULE II

LAND USE TYPE (UNIT)	PUBLIC				TOTAL
	BUILDING	POLICE	FIRE	EMS	
RESIDENTIAL UNITS PER STRUCTURE:					
ONE UNIT	57	17	65	67	\$206
2, 3 OR 4 UNITS EACH UNIT	46	14	53	54	\$167
5 OR MORE UNITS EACH UNIT	62	19	72	74	\$227
MOBILE HOME EACH UNIT	54	16	62	64	\$196
HOTEL/MOTEL ROOM PER ROOM	36	11	41	42	\$130
OTHER RESIDENTIAL EACH UNIT	57	17	65	67	\$206
INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT:					
INDUSTRIAL BUILDINGS *	26	8	30	31	\$95
WAREHOUSE BUILDINGS *	21	6	23	24	\$74
STORAGE BUILDINGS *	12	4	14	14	\$44
OFFICE AND FINANCIAL PER 1,000 SQ FT:					
FINANCIAL OFFICES *	120	36	137	141	\$434
GENERAL OFFICES *	56	17	64	66	\$203
RETAIL PER 1,000 SQ FT *	108	33	123	127	\$391

* Indicates square feet of gross building area

(3) Beginning January 1, 1989, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to January 1, 1989; a permit for mobile home installation; or an extension of a permit for mobile home installation issued prior to January 1, 1989.

FEE SCHEDULE III

LAND USE TYPE (UNIT)	PUBLIC				TOTAL
	BUILDING	POLICE	FIRE	EMS	
RESIDENTIAL UNITS PER STRUCTURE:					
ONE UNIT	64	19	74	76	\$233
2, 3 OR 4 UNITS EACH UNIT	52	16	60	62	\$190
5 OR MORE UNITS EACH UNIT	71	21	81	84	\$257
MOBILE HOME EACH UNIT	61	18	71	73	\$223
HOTEL/MOTEL ROOM PER ROOM	40	12	46	48	\$198
OTHER RESIDENTIAL EACH UNIT	64	19	74	76	\$233
INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT:					
INDUSTRIAL BUILDINGS *	30	9	34	35	\$108
WAREHOUSE BUILDINGS *	23	7	26	27	\$83
STORAGE BUILDINGS *	14	4	16	16	\$50
OFFICE AND FINANCIAL PER 1,000 SQ FT:					
FINANCIAL OFFICES *	136	41	155	160	\$492
GENERAL OFFICES *	63	19	72	74	\$228
RETAIL PER 1,000 SQ FT *	122	37	139	144	\$442

* Indicates square feet of gross building area

(4) If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedules by apportioning the space committed to uses specified on the schedules.

(5) If the type of development activity that a building permit is applied for is not specified on the above fee schedules, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules. The County Administrator shall be guided in the selection of a comparable type by the St. Johns County Comprehensive Plan, supporting documents of the St. Johns County Comprehensive Plan, and the St. Johns County Zoning Ordinance. If the County Administrator determines that there is no comparable type of land use on the above fee schedules then the County Administrator shall determine the fee by considering demographic or other documentation which is available from the St. Johns County planning Department, Northeast Florida Regional Planning Council, the Florida Department of Community Affairs, or the Bureau of Economic and Business Research of the

University of Florida.

(6) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit or permit for mobile home installation, 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. The County Administrator shall be guided in this determination by the sources and agencies listed above.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the feepayer shall prepare and submit to the County Administrator 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 prescribed methodologies and formats for the study established by the Guidelines and Procedures Manual adopted by motion of the Board of County Commissioners of St. Johns County. The documentation submitted shall show the basis upon which the independent fee calculation was made. The County Administrator shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she 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 public capital facilities impact fees based upon the schedules shown in paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the County Administrator may adjust the fee to that appropriate to the particular development.

Section Eight: Payment of Fee

A. The person applying for the issuance of a building permit for accessory structures, additions to and remodeling of existing structures, or a permit for mobile home installation shall pay the fee, less any applicable credits as provided for in Section Thirteen, to the County Administrator or his designee

prior to the issuance of a building permit or permit for mobile home installation.

B. The person applying for the issuance of a building permit other than for accessory structures, additions and remodeling of existing structures, or a permit for mobile home installation shall pay the fee, less any applicable credits as provided for in Section Thirteen, to the County Administrator or his designee prerequisite for approval of Electrical Energizing. The approval shall not be given until the fee is paid.

C. All funds collected shall be properly identified by and promptly transferred for deposit in the appropriate Public Capital Facilities Impact Fee Trust Fund to be held in separate accounts as determined in Section Ten of this ordinance and used solely for the purposes specified in this ordinance.

Section Nine: Public Capital Facilities Impact Fee Trust Funds Established

A. There are hereby established four (4) separate Public Capital Facilities Impact Fee Trust Funds: (1) the Public Buildings Impact Fee Trust Fund, (2) the Law Enforcement Impact Fee Trust Fund, (3) the Fire Protection Impact Fee Trust Fund and (4) the Emergency Medical Services Impact Fee Trust Fund.

B. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Ten of this ordinance.

Section Ten: Use of Funds

A. Funds collected from public capital facility impact fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to public facilities under the jurisdiction of St. Johns County, a municipality within St. Johns County, or the State of Florida, and shall not be used for maintenance or operations.

B. Funds from the Public Buildings Impact Fee Trust Fund may only be used for public buildings purposes, funds from the Law Enforcement Impact Fee Trust Fund may only be used for law enforcement purposes, and funds from the Fire Protection and Emergency Medical Services Impact Fee Trust Funds may only be

used for fire protection and emergency medical services purposes respectively. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which public capital facilities 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 paragraph A above.

D. At least once each fiscal period the County Administrator, after consultation with the municipalities, the Sheriff and any other affected constitutional officers, shall present to the Board of County Commissioners a proposed capital improvement program for public capital facilities, assigning funds, including any accrued interest, from the several Public Capital Facilities Impact Fee Trust Funds to specific public capital facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Public Capital Facilities Impact Fee Trust Funds until the next fiscal period except as provided by the refund provisions of this ordinance.

E. Funds may be used to make refunds required under any Development Order heretobefore or hereafter issued or entered into by St. Johns County or participating municipalities as such refunds pertain to the subject matter of this ordinance.

F. Funds may be used to provide refunds as described in Section Twelve.

G. The collecting governmental entity shall be entitled to retain not more than three per cent (3%) of the funds collected as compensation for the expense of collecting the fee and administering this ordinance.

Section Eleven: Refund of Fees Paid

A. If a building permit or permit for mobile home installation expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the

impact fee paid as a condition for its issuance except that the County shall retain six percent (6%) of the fee to offset a portion of the costs of collection and refund. The fee payer must submit an application for such a refund to the Clerk of Courts of St. Johns County 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 (6) years from the date the public capital facilities 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 (6%) per annum, provided that the landowner submits an application for a refund to the Clerk of Courts of St. Johns County within 180 days of the expiration of the six year period.

Section Twelve: Exemptions and Credits

A. The following shall be exempted from payment of the impact fee:

1. Alterations or expansion of an existing building where no additional units are created and where the use is not changed.
2. The construction of accessory buildings or structures.
3. The replacement of a building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home on a lot or other such site when a public capital facilities impact fee for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such site on or prior to December 31, 1987, or where a mobile home certificate of occupancy for such site was issued prior to January 1, 1989.

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:

1. Public capital facilities land and/or public capital facilities capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must request or provide for a public capital facilities impact fee credit. If the County Administrator accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of land shall be valued at (i) 115% of the most recent assessed value by the St. Johns County Property Appraiser, or (ii) by such other appropriate method as the Board of County Commissioners may have accepted prior to the effective date of this ordinance for particular public capital facilities improvements, or (iii) by fair market value established by private appraisers acceptable to the County. Credit for the dedication of public capital facilities land shall be provided when the property has been conveyed at no charge to, and accepted by, the County in a manner satisfactory to the Board of County Commissioners.
 - b. Applicants for credit for construction of public capital facilities improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the County Administrator. The County Administrator shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if

the County Administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The County Administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the public capital facilities impact fee component(s) to which the credit will apply, 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 County Administrator 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 subparagraph (d), Credit against impact fees otherwise due will not be provided until:
 - (i) the construction is completed and accepted by the County, a municipality within the county which has not opted out from the effect of this ordinance, or the State, whichever is applicable;
 - (ii) a suitable maintenance and warranty bond is received and approved by the Clerk of Courts of St. Johns County, when applicable.
- d. Credit may be provided before completion of specified public capital facilities improvements if adequate assurances are given by the applicant that the standards set out in Sub-

paragraph (c) will be met and if the feepayer posts security as provided below 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 Clerk of Courts of St. Johns County in an amount determined by the County Administrator. If the public capital facilities construction project will not be constructed within one (1) year of the acceptance of the offer by the County Administrator, the amount of the security shall be increased by ten per cent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the Clerk of the Board of County Commissioners prior to acceptance of the security by the Clerk. If the public capital facilities construction project is not to be completed within 5 years of the date of the feepayer's offer, the Board of County Commissioners must approve the public capital facilities construction project and its scheduled completion date prior to the acceptance of the offer by the County Administrator.

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 Board of County Commissioners.
4. Credits shall not be transferable from one component of the public capital facilities impact fee to another component of this fee.

5. In the event that a municipality within St. Johns County shall pass an ordinance or law that prevents the application of this ordinance within that municipality, there shall be no credit given for improvements or construction ordered by that municipality against fees due hereunder because of improvements constructed outside of the boundaries of the municipality.
6. In the event fee schedules are subsequently changed to reflect increases or decreases in construction costs or other relevant factors, then a fee-payer may request a recalculation of credits to fairly reflect such changed circumstances.

The enumeration of the above credits shall not be deemed to prohibit credits required by Chapter 380 (16), as amended.

Section Thirteen: Review

The fees contained in Section Seven (A) (3) shall be reviewed by the Board of County Commissioners at least once each fiscal biennium.

Section Fourteen: Penalty Provision

A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution St. Johns County shall have the power to sue in civil court to enforce the provisions of this ordinance.

Section Fifteen: Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section Sixteen: Repeal of Existing Fire Impact Fee Ordinance

Effective January 1, 1988, St. Johns County Ordinance No.

83-45 (the previously existing county fire impact fee ordinance)
is repealed and terminated.

Section Seventeen: Effective Date

This ordinance shall become effective upon receipt by the
Clerk of Courts of St. Johns County of notice that it has been
filed with the Department of State.

PASSED AND DULY ADOPTED THIS 20 DAY OF October, 1987.

ATTEST: Carl "Bud" Markel, Clerk

By: Cheryl Kent
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: Phyllis L. Lydon
its Chairmay

Adopted special meeting 10/20/87

Effective: November 2, 1987

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Kristi Robertson who on oath says that he is
 _____ Accounting Clerk _____ of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 at the attached copy of advertisement, being a _____
 _____ Special Meeting _____
 _____ in the matter of _____
 _____ Public Capital Facilities _____
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
 _____ September 4, 1987 _____

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Kristi Robertson
 this 4th day of September
 A.D. 19 87
[Signature]
 (SEAL) _____ Notary Public

Notary Public, State of Florida
 My Commission Expires Aug. 4, 1989
 Bonded thru Jroy Fain - Insurance, Inc.

*Continued to
 September 29, 1987
 at 11:00 a.m. / October
 20, 1987 at 9:30 a.m.*

CO NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS SPECIAL MEETING ON SEPTEMBER 23, 1987 AT 3:00 O'CLOCK P.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:
 PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AND UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN ST. JOHNS COUNTY FOR PROVIDING PUBLIC CAPITAL FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE PAYMENT OF A PUBLIC CAPITAL FACILITIES IMPACT FEE AS A PREREQUISITE FOR ISSUANCE OF A BUILDING PERMIT OR PERMIT FOR MOBILE HOME INSTALLATION; PROVIDING FOR REVIEW OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND THE FEE SCHEDULE;
 PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM PUBLIC CAPITAL FACILITIES IMPACT FEES INTO PUBLIC CAPITAL FACILITIES IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM PUBLIC CAPITAL FACILITIES IMPACT FEES; PROVIDING THAT PUBLIC CAPITAL FACILITIES IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING EXISTING FIRE IMPACT FEE ORDINANCE; PROVIDING AN EFFECTIVE DATE.
 The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.
 If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
 BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 Carl "Bud" Markel, His Clerk
 By Cheryl Kent Deputy Clerk
 L182 Sept. 4, 1987