

ORDINANCE 2012-1289

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA; PROVIDING LEGISLATIVE FINDINGS; IMPOSING A MORATORIUM ON COLLECTION OF IMPACT FEES, OTHER THAN IMPACT FEES FOR WATER AND SEWER SERVICES FOR TWELVE MONTHS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Polk County previously imposed a moratorium on the collection of all impact fees other than water and sewer impact fees in October, 2010; and,

WHEREAS, the City of Polk City followed suit by imposing a moratorium on the collection of all city impact fees other than water and sewer impact fees at the same time for the period of one year; and,

WHEREAS, the City Council informally notified staff of its intention to extend this moratorium an additional year at the October meeting; and,

WHEREAS, the City Council has authorized the preparation of this ordinance to extend this moratorium effective from October of 2011 to October of 2012.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

SECTION 1. EXTENSION OF MORATORIUM. Based upon the above findings, the City hereby declares and ordains that, for a period of twelve months starting October 1, 2011, and ending September 30, 2012, the City Council of Polk City, Florida, imposes a moratorium on the collection of all City impact fees authorized by Ordinance 1142 and Chapter 39 of the Code of Ordinances, other than those impact fees imposed for water and sewer services.

SECTION 2. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, the deletion of which would not adversely affect (in the general sense)

the receipt of any material benefits or, substantially increase the burden of any party hereunder, be declared by a judicial or administrative tribunal of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect as provided by general law; provided, however, that the moratorium declared hereunder shall begin October 1, 2011.

PASSED ON FIRST READING this _____ day of _____, 2012.

PASSED ON SECOND READING this _____ day of _____, 2012.

CITY OF POLK CITY

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Clerk

Form and content approved by City Attorney:

Thomas A. Cloud, Esquire