



**CITY OF BELLE ISLE, FLORIDA  
CITY COUNCIL AGENDA ITEM COVER SHEET**

**Meeting Date:** October 6, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** "After the Fact" Permits

**Background:** One of the issues that continually surfaces is residents building without permits (docks, fences, walls, etc.). Permits are essential because they provide a permanent record of the work performed and inspections conducted on the project. It is important to meet code standards to ensure safety for current and future owners. Codes are not only written for safety reasons, but also for environmental and energy saving considerations. For the property owner, a home or business is an investment. If a construction project does not comply with the codes, the value of the investment could be reduced. Also, property insurers may not cover work or damages caused by work done without permits and inspections. Lastly, the City could make the owner take down the unpermitted work and therefore the project is more expensive.

Section 6-5 of the BIMC states: **The penalty for failure to obtain a permit required by any code or ordinance adopted by this chapter shall be set at double the permit fee.** Most permit fees are \$30 so residents will take the chance and build without a permit and if they get caught, then they only pay \$60 for an "after-the-fact" permit. This part of the code needs to be changed to discourage property owners from building without permits in the hope they do not get caught. I would like to suggest that the penalty for building without a permit be changed to state: **In all cases where work for which a permit is required is started, proceeded with, or completed before the permit is obtained, except where specific permission is granted to proceed by the City Manager or the City Manager's designee, the permit fee due the city shall be in the amount of \$5,000 or ten (10) percent of the valuation of the non-permitted structure whichever is greater plus all costs incurred by the City in assessing the value of the non-permitted structure. Payment of the after-the-fact permit fee shall not be a defense in a prosecution for doing the work for which a permit was required without having first obtained the necessary permit.**

The reason for the \$5,000 fine is that under Chapter 14, it allows for a penalty to be imposed as follows: **A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.** Since there is no longer a Code Enforcement Board, the Council is allowed, by the charter, to impose fines.

**Staff Recommendation:** Direct the staff to prepare the ordinance. If the Council feels the maximum fine is too excess, then the Council should agree on what the maximum one should be.

**Suggested Motion:** I move that we accept the staff recommendation to increase the after the fact permit penalty and direct that the appropriate ordinance be drafted for a first reading.

**Alternatives:** Do not change

**Fiscal Impact:** TBD

**Attachments:** None at this time.

To Liberty

Jack  
F. Liberty  
407 426-

RESOLUTION 03-07

not over 200pm  
each ramp  
Saw Trouble  
Last week  
+ This week

A RESOLUTION OF THE CITY OF BELLE ISLE,  
FLORIDA, IMPLEMENTING CERTAIN RULES  
AND POLICIES REGARDING USE OF THE  
PERKINS BOAT RAMP AS A WATERCRAFT  
LAUNCHING FACILITY.

Lake @ 6.5  
Level  
84'  
Dave Wood's

City of Belle Isle has complete jurisdiction and control of the Perkins Boat Ramp; and  
**WHEREAS**, it is incumbent upon the City to preserve and protect the residential nature, economic and esthetic value of its neighborhoods through the promulgation and enforcement of rules and regulations which provide for the health, safety, and welfare of the residents; and

**WHEREAS**, the City desires to continue to allow the full use of the facility by the Belle Isle citizens for the purpose of launching watercraft in a safe and responsible manner; and

**NOW, THEREFORE BE IT RESOLVED** that the following recommendations shall be adopted and the rules and regulations listed below shall be implemented and enforced by the City of Belle Isle:

1. The City may close the boat ramp to all motorized craft at such time as the lake water elevation becomes 83.5 mean sea level and shall close the boat ramp to all motorized watercraft at such time as the lake water elevation becomes 83.0 mean sea level.
2. A gauge measuring the current lake elevation shall be installed at a location which is readily visible and not a hazard to navigation and a white stripe will be applied to the ramp at the 83.5 elevation.
3. Watercraft greater than 20' in length shall be prohibited from launching at the Perkins Boat Ramp.
4. Vehicles with watercraft trailers exceeding 23' in length shall be prohibited from parking at the Perkins Boat Ramp.
5. Parking at the Perkins Ramp is limited to five defined parking spaces and is restricted to Belle Isle Residents with a Belle Isle issued ramp parking decal/sticker on the vehicle attached to the watercraft trailer. The cost of

Larry Bailey  
3/25/04  
P.01