

Chapter 92 PROPORTIONATE-SHARE DEVELOPMENT FEE

Sec. 92-1. Intent.

These regulations are intended to assist in the implementation of the City of Madeira Beach Comprehensive Plan.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-2. Purpose.

The purpose of this chapter is to regulate the development, redevelopment, and use of land to assure that land development, redevelopment, and use bears a proportionate share of the cost necessary to provide improved municipal culture and recreation, mobility, and public safety facilities and services within the municipal boundaries of the city consistent with the level-of-service standards adopted in the City of Madeira Beach Comprehensive Plan.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-3. Compliance with Florida Impact Fee Act.

This chapter is intended to comply fully with the Florida Impact Fee Act and will be implemented and interpreted to so comply.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-4. Reserved.

Sec. 92-5. Liberal construction.

The provisions of this chapter will be liberally construed to effectively promote the health, safety, morals, convenience, order, prosperity, and the general welfare of the city's citizens and visitors.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-6. Rules of construction.

To administer and enforce the provisions of this chapter, the following rules of construction will apply to the text of this chapter unless otherwise stated in this chapter.

- (1) The text of this chapter will control any difference of implication or meaning between the text and any caption, illustration, illustrative table, or summary table of this chapter.
- (2) The word "must" is mandatory; the word "may" is permissive.
- (3) Words used in the present tense include the future tense; words used in the singular include the plural, and the plural include the singular, unless the context clearly indicates the contrary.

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- (4) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or another similar entity.
 - (5) Unless the context clearly indicates the contrary, where a regulation involves two or more phrases or words connected by the conjunction "and," "or" or "either . . . or," the conjunction will be interpreted as follows:
 - a. "And" indicates that all the connected phrases or words apply.
 - b. "Or" indicates that the phrases or words may apply singly or in any combination.
 - c. "Either... or" indicates that the connected phrases or words apply singly but not in combination.
 - (6) The word "includes" does not limit a phrase or word to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (7) "Administrator" means the city manager or designee.

(Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-7—92-9. Reserved.

Sec. 92-10. Definitions.

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

Administrator means the city manager or designee.

Applicant means a person applying for the issuance of a building permit.

Building area means the enclosed area of buildings measured in square feet within the city according to the Pinellas County Property Appraiser as provided in the field TOTLVGAREA in the Pinellas County Property Appraiser's Geographic Information System.

Building permit means a permit issued by the city authorizing construction or permanent placement of a structure on a lot or parcel.

Capital equipment means equipment and other improvements that increase the service capacity of a municipal facility.

Capital facility means structures and other improvements that increase the service capacity of a municipal facility.

Developer means any person undertaking development.

Development and *redevelopment* means any construction or expansion of a structure; or any use, or change in use of a structure; or any change of use of land; any of which creates additional demand on an improved municipal facility or service.

Development permit means any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development.

Encumber means to legally obligate by agreement or otherwise commit to use by appropriation or other official act of the city.

Feepayer means that person who pays a proportionate-share development fee or their successor in interest. In the absence of any express assignment or transfer of the entitlement or right to refund of previously paid proportionate-share development fees, the entitlement or right will not run with the land.

Improved municipal culture and recreation facilities and services means the land, capital equipment, capital facilities, and other improvements necessary to deliver the city's culture and recreation services.

Improved municipal mobility facilities and services means the land, capital equipment, capital facilities, and other improvements necessary to deliver the city's mobility services.

Improved municipal public safety facilities and services means the land, capital equipment, capital facilities, and other improvements necessary to deliver the city's public safety services.

Project means a particular development on an identified lot or parcel of land.

Project improvements means equipment, facilities, and site improvements that are planned and designed to provide service for a project and that are necessary for the convenience and use of the occupants or other users of the project and are not system improvements. The character of the improvement will control a determination of whether an improvement is a project improvement or a system improvement. If a facility or improvement provides or will provide more than incidental facility or service capacity to persons other than users or occupants of a particular project, the facility or improvement is a system improvement and will not be considered a project improvement. No facility or improvement included in the City of Madeira Beach Comprehensive Plan Capital Improvements Element Capital Improvement Program ("CIP") Schedule of Capital Improvements will be considered a project improvement.

Proportionate share means that portion of the cost of improvements that is reasonably related to the service demands and needs of a project.

Proportionate-share development fee means a payment of money imposed upon new development and redevelopment construction as a condition of a building permit to pay for a proportionate share of the cost of improvements to serve new development and redevelopment.

Site-related improvements are capital improvements and right-of-way dedications for direct access improvements to and within the subject development. Direct access improvements include, but are not limited to:

- (1) Access leading to the development;
- (2) Driveways and mobility facilities within the development;
- (3) Acceleration and deceleration lanes, and left and right turn lanes leading to mobility facilities within the development; and
- (4) Traffic control measures for mobility facilities within the development.

System improvement costs means costs incurred to provide additional improved municipal facilities and services capacity needed to serve new development and redevelopment for planning, design, construction, land acquisition (including land purchases, court awards and costs, attorneys' fees, expert witness fees), land improvement, engineering, including the cost of constructing or reconstructing system improvements, facility, or service expansions, engineering and surveying fees, and expenses incurred for qualified staff or consultants for preparing or updating the capital improvement element, and administrative costs, provided such administrative costs do not exceed the actual costs of administering the proportionate-share development fee program. Projected interest charges and other finance costs may be included if the proportionate-share development fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the city to finance the improvements in the capital improvements element but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements means improved municipal facilities and services designed to provide service to the citizens and visitors, in contrast to "project improvements."

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 . § 1, 6-30-21)

Secs. 92-11—92-14. Reserved.

Sec. 92-15. Imposition of proportionate-share development fees.

Any person who, after the effective date of the ordinance from which this chapter is derived, seeks to develop land within the city by applying for a building permits is required to pay proportionate-share development fees in the manner and amount provided in this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-16. Issuance of building permit.

No building permit for any activity requiring payment of a proportionate-share development fee pursuant to sections 92-20, 92-21, and 92-22 of this chapter will be issued unless and until the required proportionate-share development has been paid.

(Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-17—92-19. Reserved.

Sec. 92-20. Computing the amount of proportionate-share development fees.

- (a) At the option of the applicant, the amount of the proportionate-share development fees may be determined by the following fee calculations:

CULTURE AND RECREATION FEE=VALUE * BUILDING AREA (B.A.) FT² RATIO:

$$(\$39.68 * 0.299650) = \$11.89 \text{ PER FT}^2$$

MOBILITY FEE=VALUE * BUILDING AREA (B.A.) - FT² RATIO:

$$(\$12.46 * 0.120362) = \$1.50 \text{ PER FT}^2 \text{ B.A.}$$

PUBLIC SAFETY FEE=VALUE / BUILDING AREA (B.A.) FT² :

$$(\$5,292,709/8,871,213 \text{ FT}^2) = \$0.60 \text{ PER FT}^2$$

- (b) The proportionate-share development fees provided in subsection (a) of this section include administrative expenses and will be implemented in accordance with this proportionate-share development fee implementation schedule, discounting fees for several fiscal years, until the full current calculated fee rate is reached.

PROPORTIONATE-SHARE DEVELOPMENT FEE IMPLEMENTATION SCHEDULE

MUNICIPAL FACILITIES CATEGORY OR CLASS	FULL CURRENT CALCULATED FEE RATE	DISCOUNT PERCENTAGE (%) IMPLEMENTATION BY FISCAL YEAR							
		70%	60%	50%	40%	30%	20%	10%	

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		04/1/22	10/1/22	10/1/23	10/1/24	10/1/25	10/1/26	10/1/27	10/1/28
Culture & Recreation	\$11.89/sq. ft. Building Area (B.A.)	\$3.57/sq. ft. B.A.	\$4.76/sq. ft. B.A.	\$5.94/sq. ft. B.A.	\$7.13/sq. ft. B.A.	\$8.23/sq. ft. B.A.	\$9.52/sq. ft. B.A.	\$10.70/sq. ft. B.A.	\$11.89/sq. ft. B.A.
Mobility	\$1.50/sq. ft. B.A.	\$0.45/sq. ft. B.A.	\$0.60/sq. ft. B.A.	\$0.75/sq. ft. B.A.	\$0.90/sq. ft. B.A.	\$1.05/sq. ft. B.A.	\$1.20/sq. ft. B.A.	\$1.35/sq. ft. B.A.	\$1.50/sq. ft. B.A.
Public Safety	\$0.60/sq. ft. B.A.	\$0.18/sq. ft. B.A.	\$0.24/sq. ft. B.A.	\$0.30/sq. ft. B.A.	\$0.36/sq. ft. B.A.	\$0.42/sq. ft. B.A.	\$0.48/sq. ft. B.A.	\$0.54/sq. ft. B.A.	\$0.60/sq. ft. B.A.
TOTAL	\$13.99/sq. ft. B.A.	\$4.20/sq. ft. B.A.	\$5.60/sq. ft. B.A.	\$6.99/sq. ft. B.A.	\$8.39/sq. ft. B.A.	\$9.70/sq. ft. B.A.	\$11.20/sq. ft. B.A.	\$12.59/sq. ft. B.A.	\$13.99/sq. ft. B.A.

- (c) In conjunction with the municipal budget process and review of the capital improvements element and capital improvements plan, the city will regularly review the proportionate-share development fees and implementation schedule and update as necessary to ensure the proportionate-share development fees are based on the most recent localized data.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-21. Independent fee calculation.

If an applicant opts not to have the proportionate-share development fees determined according to section 92-20, then the applicant must prepare and submit to the administrator an independent fee calculation study for the land development activity requiring a building permit. The documentation submitted with the independent fee calculation study must show the basis upon which the independent fee calculation was made. The administrator will consider the documentation submitted by the applicant but is not required to accept such documentation the administrator reasonably deems to be inaccurate or not reliable and can require the applicant to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not submitted, the applicant must pay proportionate-share development fees based upon the schedule in section 92-20. If an acceptable independent fee calculation study and documentation is submitted, the administrator may adjust the fee to that appropriate to the particular development. Determinations made by the administrator pursuant to this section may be appealed as provided in section 92-60 et seq. of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-22. Certification.

On the request of an applicant, the administrator will certify the proportionate-share development fees schedule or fees resulting from an independent fee calculation, whichever is applicable, and that certification will establish the applicable proportionate-share development fees for a period of 180 days from the date of the certification.

(Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-23, 92-24. Reserved.

Sec. 92-25. Payment of fees.

The applicant must pay the proportionate-share development fees required by this chapter to the administrator prior to the issuance of a building permit.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-26. Deposit into trust fund.

All funds collected will be properly identified by proportionate-share development fee improved municipal culture and recreation, mobility, and public safety facilities and services accounts and promptly transferred for deposit in the appropriate trust fund to be held in separate accounts as determined in sections 92-35 through 92-38 of this chapter and used solely for the purposes specified in this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Secs. 92-27—92-29. Reserved.**Sec. 92-30. Proportionate-share development fee service area.**

There is hereby established one proportionate-share development fee service area that is the entire incorporated municipal boundary of the City of Madeira Beach.

(Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-31—92-34. Reserved.**Sec. 92-35. Proportionate-share development fee trust funds established.**

There is hereby established one improved municipal culture and recreation proportionate-share development fee trust fund account, one improved municipal mobility proportionate-share development fee trust fund account, and one improved public safety proportionate-share development fee trust fund account for the proportionate-share development fee service area provided in section 92-30 of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-36. Interest bearing account.

Proportionate-share development fees placed in trust fund accounts must be maintained in interest-bearing accounts.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-37. Prompt deposit.

All proportionate-share development fees collected must be promptly deposited in the respective trust fund accounts and maintained there, including the interest thereon, until withdrawal pursuant to this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-38. Funds withdrawn.

Funds withdrawn from the respective trust fund accounts must be used in accordance with the provisions of sections 92-40 through 92-46 of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-39. Reserved.**Sec. 92-40. Use of trust funds for capital improvements.**

Funds collected from proportionate-share development fees must be used solely for the purposes of acquiring or making capital improvements to the respective improved municipal culture and recreation, mobility, and public safety facilities and services under the jurisdiction of the city, Pinellas County, or the State of Florida.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-41. Use of trust funds in particular area.

Funds must be used exclusively for acquisitions, capital improvements, or capacity expansions within the proportionate-share development fee service area from which the funds were collected.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-42. Use of trust funds for debt service.

In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities and equipment for which proportionate-share development fees may be expended, proportionate-share development fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities and equipment provided are of the type described in sections 92-40 and 92-41 of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-43. Use of trust funds for reimbursement.

In the event a developer enters into a development agreement with the city to construct, contribute, or fund capital improvements to the respective improved municipal culture and recreation, mobility, and public safety facilities and services, such that the amount of the credit created by such construction, contribution, or funding is in excess of the proportionate-share development fee otherwise due, the developer will be reimbursed for such excess construction, contribution, or funding from proportionate-share development fees paid by other development located in the service area benefited by such improvements.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-44. Annual report on use of trust funds.

At least once each fiscal year the administrator will present the board of commissioners a report detailing the amount of proportionate-share development fees collected, encumbered, and used, and a proposed capital improvement program for the respective improved municipal culture and recreation, mobility, and public safety

facilities and services, assigning funds, including any accrued interest, from the proportionate-share development fee trust fund to specific improved municipal mobility facilities and services projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal year will be retained in the respective trust fund until the next fiscal year except as provided by the refund provisions of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-45. Refunds.

Funds may be used to provide refunds as described in sections 92-50 through 92-53 of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-46. First in/first out.

Funds will be considered expended on a first in, first out basis.

(Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-47—92-49. Reserved.

Sec. 92-50. Refund of fees paid upon expiration of building permit.

If a building permit expires prior to construction commencing, the feepayer is entitled to a refund, without interest, of the proportionate-share development fee paid as a condition of issuing the building permit, except the city will retain five percent of the fee to offset a portion of the costs of administration. The feepayer must submit an application for such a refund to the administrator within 30 calendar days of the expiration of the building permit.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-51. Refund of fees paid if not expended.

In the event that proportionate-share development fees have not been expended or encumbered by the end of the calendar quarter immediately following seven years from the date the proportionate-share development fee was paid, the administrator will provide written notice of eligibility for a refund to feepayers.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-52. Application for refund of fees paid.

Funds not encumbered or expended by the end of the calendar quarter immediately following seven years from the date the proportionate-share development fees were paid will, upon receipt of a complete application for refund, be refunded to feepayer, provided the feepayer submits the application for the refund to the administrator within one year of the expiration of seven-year period or the publication of the notice of eligibility for a refund, whichever is later. Refunds will be made to the feepayer within 60 calendar days after the administrator determines there is sufficient proof of the claim for a refund.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Secs. 92-53, 92-54. Reserved.**Sec. 92-55. Exemptions.**

The following are exempted from paying proportionate-share development fees:

- (1) Alterations of an existing structure where the building area is not expanded or the use is not changed.
- (2) The replacement of a structure with a new structure of the same size building area and use.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-56. Waiver.

If an applicant fails to claim an exemption prior to applying for a building permit, the claim of exemption is automatically waived.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-57. Credits.

- (a) No credit will be given for site-related improvements or right-of-way dedications.
- (b) An applicant may offer land or capital improvements, or some combination of land and capital improvements in lieu of partial or total payment of the required proportionate-share development fee. The applicant must request a proportionate-share development fee credit. If the administrator accepts such an offer, the credit will be determined and provided as follows:
 - (1) Credit for a dedication of land will be valued at:
 - a. One hundred fifteen percent of the most recent assessed value by the Pinellas County Property Appraiser, or
 - b. By a fair-market value established by private appraisers acceptable to the city. Credit for the dedication of land will be provided to the applicant when the land has been conveyed at no cost to the city in a manner acceptable to the administrator.
 - (2) Applicants for credit for capital improvements must submit engineering drawings, specifications, and construction cost documentation acceptable to the administrator.
 - a. The administrator will determine credit for capital improvements based on applicant's construction cost documentation, or
 - b. If the administrator determines that the cost documentation submitted by the applicant is either inaccurate or unreliable, the administrator will determine the credit on alternative engineering criteria and construction cost estimates.
 - c. The administrator will provide the applicant with a certificate declaring:
 1. The dollar (USD) amount of the credit.
 2. The reason for the credit, and
 3. The legal description or other adequate description of the development project to which the credit may be applied.

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- d. The applicant must sign and date a duplicate copy of the certificate indicating their agreement to the terms of the certificate and return the signed and dated duplicate certificate to the administrator before credit will be given.
 - e. Failure of the applicant to sign, date, and return the duplicate certificate within 60 calendar days of receipt of the duplicate certificate from the administrator will nullify the credit.
 - (3) Except as provided in subparagraph (d) of this section, credit against proportionate-share development fees otherwise due will not be provided until:
 - a. The construction is completed and accepted by the city, County, or State, as applicable; and
 - b. A maintenance and warranty bond suitable to the city, when applicable, is received and approved by the administrator.
 - (4) Credit may be provided before completion of specified capital improvements if:
 - a. The applicant provides assurances adequate and acceptable to the administrator that the above provisions of this section will be met;
 - b. The applicant posts security for the costs of construction in the form of a performance bond, irrevocable letter of credit, or escrow agreement;
 - c. The security is posted with and approved by the administrator in an amount determined by the administrator; and
 - d. If the capital facility project will not be completed within one year of the acceptance of the offered security by the administrator, the amount of the security must be increased by ten percent compounded, for each year of the life of the security.
 - (5) The capital improvement for which credit is requested is consistent with the City of Madeira Beach Comprehensive Plan; and
 - (6) The request complies with the security provisions of subsection (3) of this section.
 - (c) If an applicant fails to claim a credit prior to applying for a building permit, the request for credit is automatically waived.
 - (d) Credits are assignable and transferable at any time after establishment from one development or parcel to any other development or parcel within the city that receives benefits from the improvement or contribution that generated the credits.
- (Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-58, 92-59. Reserved.

Sec. 92-60. Appeals.

Any applicant or feepayer aggrieved by a decision of the administrator may apply to appeal that decision to the special magistrate in accordance with the provisions of article VIII of this Code, sections 2-501 et seq. Prior to the special magistrate hearing any such appeal, the applicant or feepayer must submit a request for reconsideration, on a form provided by the city, to the administrator who will act on the request for reconsideration within 15 working days.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-61. Administrator's decision is final.

The administrator's decision on the request for reconsideration is final unless an application for appeal, specifying the grounds for the appeal, is submitted in accordance with section 2-503 of this Code.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-62. Transmittal of appeal.

The administrator will schedule a complete appeal application for a hearing before the special magistrate, and transmit to the special magistrate copies of the appeal application, the administrative decision appealed, and all digital files and papers constituting the record upon which the administrator relied making the decision.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-63. Due process.

An applicant or feepayer appealing the administrator's decision has the right to appear at the appeal hearing, present evidence, and be represented by legal counsel.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-64. Payment under protest.

An applicant or feepayer may pay a proportionate-share development fee under protest to obtain a building permit and by making such fee payment under protest will not be estopped from:

- (1) Exercising the right to appeal provided for in this chapter, or
- (2) Receiving a refund of any amount deemed incorrectly collected.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-65. Review of fee schedule.

The fee schedule provided in section 92-20 of this chapter will be reviewed annually by the board of commissioners.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-66. Automatic update.

Unless otherwise directed by the board of commissioners, the fee schedule provided in section 92-20 will be adjusted by the administrator in May of each fiscal year based on the methodology provided in section 92-67 of this chapter. Any adjustments to the fees made pursuant to this section will be effective the following first day of October.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-67. Basis for adjustment.

The bases for computing any adjustment in the fee schedule are the Reports entitled *City of Madeira Beach Proportionate-Share Development Fees and Regulations: Culture and Recreation and Public Safety* and *City of Madeira Beach Proportionate-Share Development Fees and Regulations: Mobility*, as adjusted from time to time to reflect a change in the level-of-service standards for improved municipal culture and recreation, mobility, and public safety facilities and services.

(Ord. No. 2020-24 , § 1, 5-12-21; Ord. No. 2021-10 , § 1, 6-30-21)

Sec. 92-68. Full benefit of intensity prepaid.

If the city increases its proportionate-share development fees, the holder of any credits, whether such credits are granted under Florida Statutes § 163.3180, 380.06 or otherwise, that were in existence before the fee increase, is entitled to the full benefit of the intensity prepaid by the credit balance as of the date the credit balance was first established.

(Ord. No. 2020-24 , § 1, 5-12-21)

Sec. 92-69. Reserved.**Sec. 92-70. Penalty.**

A violation of this chapter will be prosecuted in the same manner misdemeanors are prosecuted and, upon conviction, the violator punishable according to law; however, in addition to or in lieu of a criminal prosecution, the city will have the power to sue in civil court to enforce the provisions of this chapter.

(Ord. No. 2020-24 , § 1, 5-12-21)

Secs. 92-71—92-79. Reserved.