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CODE OF ORDINANCES

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CHARTER

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ARTICLE I: BOUNDARIES AND POWERS

SECTION 1.01 CONTINUATION OF CITY.

The City of Mexico Beach, in Bay County, State of Florida, shall continue as a municipality under the laws of the State of Florida. A referendum amending the Charter of the City of Mexico Beach, Bay County, Florida, providing for and prescribing its government, jurisdiction, powers, duties, franchises and privileges; authorizing the imposition and limitations of penalties for the violation of its ordinances, providing for a transition from current Charter to the proposed Charter.

(Ord. passed - -)

SECTION 1.02 CREATION OF CITY.

Let it hereby be known that the City of Mexico Beach, Bay County, Florida, was created by an act of the State of Florida legislature on June 22, 1967, House Bill #3012 and amended on 1-7-85; and hereafter in this Charter all references to "City" said "City" shall mean and be taken and held to mean, and refer to, the City of Mexico Beach, Florida.

(Ord. passed - -)

SECTION 1.03 BOUNDARIES.

The territorial boundaries of the City of Mexico Beach shall be those presently existing and described as follows:

Begin at the Northwest corner of Fractional Section 23, Township 6 South, Range 12 West, and extend a line Easterly along the line between Sections 14 and 23 for one-half mile, more or less, to the Northeast corner of the West Half of said Fractional Section 23; then Southerly along the East line of said West half for one-half mile, more or less, to the Northwest corner of the Southeast Quarter of the aforesaid Fractional Section 23; thence Easterly along the North line of said Southeast Quarter for one-half mile, more or less, to the Northeast corner of said Southeast Quarter; then Southerly along the line between Sections 23 and 24 for one-quarter mile, more or less, to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 24; thence Easterly along the South line of said Northwest Quarter of the Southwest Quarter for one-quarter mile, more or less, to the Southeast corner of said Northwest Quarter of the Southwest Quarter; then Northerly along the East line of said Northwest Quarter of the Southwest Quarter for one-quarter mile, more or less, to the North line of the South one-half of the aforesaid Section 24; then Easterly along said North line of the South half for one-half mile, more or less, to the Northeast corner of the Northwest Quarter of the Southeast Quarter, then Southerly along the East line of said Northwest Quarter of the Southeast Quarter for one-quarter mile, more or less, to the Southwest corner of the Northeast Quarter of the Southeast Quarter; then Easterly along the South line of said Northeast Quarter of the Southeast Quarter for one-quarter mile, more or less, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of the aforesaid Section 24; thence Southerly along the East line of said Section 24 for one-quarter mile more or less, to the Northeast corner of Fractional Section 25; thence westerly along the line between Section 24 and Fractional Section 25 for one-quarter mile, more or less, to the Northeast Corner of the West Half of the East Half of said Fractional Section 25; then Southerly along the East line of the aforesaid West Half of the East Half for one-half mile, more or less, to the Northwest Corner of the Northeast Quarter of the Southeast Quarter; thence Easterly along the North line of the Northeast Quarter of the Southeast Quarter for one-quarter mile, more or less, to the Northeast Corner of the Southeast Quarter of Fractional Section 25; then Southerly along the East line of said Fractional Section 25 to a point on the mean high water line of the Gulf of Mexico; then South 45° West across the waters of the Gulf of Mexico for 1500 feet; thence turn right and extend a line Northwesterly that is parallel to and 1500 feet Southwesterly of the mean high water line of the Gulf of Mexico to a point that is South 11° West and 1500 feet from the Southwest Corner of Mexico Beach, Unit No. 7; thence North 11° East for 1500 feet to the mean high water line of the Gulf of Mexico at said Southwest corner of Mexico Beach, Unit No. 7; then North 16° 40' East along the Western boundary line of said Mexico Beach, Unit No. 7 for 941 feet, more or less, to the North line of Fractional Section 22, Township 6 South, Range 12 West; thence Easterly along said line of Fractional Section 22 for one-half mile, more or less, to the point of beginning.

The above description embraces a part of Fractional Sections 22, 23, and 25; all of Fractional Section 26; a part of Section 24 and a 1500-foot wide portion of the Gulf of Mexico lying adjacent to the above described lands, all in Township 6 South, Range 12 West, Mexico Beach, Bay County, State of Florida. (Ord. passed - -)

SECTION 1.04 POWERS.

(A) The City shall have all powers granted municipalities under the constitution and general laws of the State of Florida and shall have implied and incidental powers to exercise the powers so granted.

(B) The powers of the City, under this Charter, shall be construed liberally in favor of the City.

(C) The City shall have perpetual succession and use a common seat.

(Ord. passed - -)

Statutory reference:

Intergovernmental Programs, see F.S. Ch. 163

Municipal Home Rule Powers Act, see F.S. Ch. 166

SECTION 1.05 DEBTS AND OBLIGATIONS IMPAIRED.

No obligation or contracts of said City, including any bonds heretofore issued, shall be impaired or voided by this act; but all such debts and obligations shall continue unimpaired and pass to and be binding upon the municipality.

(Ord. passed - -)

SECTION 1.06 MAXIMUM BUILDING HEIGHTS.

As of the effective date of this Section, aside from the approved exemptions set forth below, no building or other structure

shall be constructed, erected, situated or located, in the City of Mexico Beach as its boundaries are currently located as of the effective date of this Section, which exceeds the height set forth in the zoning districts as contained in the City's Land Development Code as of the effective date of this Section. Those restrictions are as follows: 32ft (thirty-two feet) for Zoning Districts Residential Low Density; Residential General; High Density Residential; Townhome District; Tourist Commercial; Public Institutional; and Recreation; and 48ft (forty- eight feet) in General Commercial; and Tourist Mixed Use. However, this Charter provision shall not restrict any property owner's vested rights under constitutional, statutory or common law.

Existing buildings which currently exceed the allowable height restrictions contained in their current Zoning District may be repaired to that existing height. No alterations shall be made to any building, which would cause that building to exceed the current allowable height as of the effective date of this Section.

Exemptions: Chimneys, house of worship spires, elevator shafts, flagpoles, heating and air conditioning systems, solar collectors with appropriate screening and cell phone towers.

(Adopted by the electorate on 4-16-2024)

ARTICLE II: CITY COUNCIL, MAYOR

SECTION 2.01 GENERAL POWERS AND DUTIES.

The City shall be governed by a Council- Administrator form of government. All powers of the City shall be vested in the City Council, hereinafter referred to as the Council, except as otherwise provided by law or by this Charter; and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

(Ord. passed - -; amendment adopted by electorate on 4-16-2024)

SECTION 2.02 COMPOSITION, QUALIFICATIONS AND TERMS OF OFFICE.

The Council shall consist of five (5) members, elected at large by the qualified voters of the City. They shall be qualified electors, citizens of the United States and shall have resided within the corporate limits of the City at least one (1) year prior to the date of their qualifying for office.

(A) Qualifying for Council Seat. Any qualified elector of the city who meets the foregoing qualifications may qualify for election to a Council seat by designating the group number for which he desires to run and by paying such filing fee as the City Council may prescribe to the City Clerk not less than thirty (30) days nor more than forty-five (45) days prior to the date of such election. Any such qualified elector who files a sworn statement with the City Clerk of inability to pay said filing fee and providing to the City Clerk a petition signed by fifty (50) qualified City electors within the above prescribed period may qualify for election to a Council seat without payment of said filing fee.

(B) Judge of Qualifications. The City Council shall have sole discretion in determining whether or not candidates have met the qualifications for election to the Council.

(C) Terms of Office. The terms of Council members shall be for two (2) years, which term of office shall begin on the first Monday in December following their election and until their successors are fully elected and qualified. The offices of the members of the City Council, including Mayor-Councilman, are hereby designated as groups 1, 2, 3, 4 and 5, all of said groups to be filled by candidates running-at-large. The mayor-councilman is designated as Group 1. The candidate receiving the highest number of votes cast in the respective group shall be declared elected.

(Ord. passed - -)

SECTION 2.03 SCHEDULE.

(A) Initial composition of Council. The initial membership of the City Council shall consist of the five (5) members of the City Council of Mexico Beach who are in office holding said seats on the effective date of this revised and amended Charter.

(B) The term of office of each present Council member and his respective seat under this Charter shall expire:

GROUP 1: Upon the election of a successor in the April, 2005 election (Odd Year)

GROUP 2: Upon the election of a successor in the April, 2005 election (Odd Year)

GROUP 3: Upon the election of a successor in the April, 2005 election (Odd Year)

GROUP 4: Upon the election of a successor in the April, 2006 election (Even Year)

GROUP 5: Upon the election of a successor in the April, 2006 election (Even Year)

(C) Effective date of Charter. This Charter shall take effect upon its filing with the Department of State after adoption by a majority of the electors voting in a referendum thereon.

(Ord. passed - - ; Ord. 468, passed 4-13-2004)

SECTION 2.04 PROHIBITIONS.

Holding other office. Except where authorized by law, no Council member shall hold any other City office or City paid employment during the term of which he is elected to the Council.

(Ord. passed - -)

SECTION 2.05 ORGANIZATION AND SELECTION OF CERTAIN OFFICERS.

After each regular or special election for Council members, the Council shall meet and elect from among their number a Mayor pro-tem who shall perform the duties of such office for one (1) year or until his successor is duly elected and qualified.

(Ord. passed - -)

SECTION 2.06 VACANCIES; FORFEITURE OF OFFICE.

(A) Vacancies. A vacancy in the Council shall occur upon the death, resignation or removal from office as authorized by law. When such vacancy occurs, the remaining Council members shall select, within thirty (30) days following the vacancy, by the affirmative vote of not less than three (3) of the remaining members, a person to fill the vacancy until the next regular election. At this election the seat shall be filled as provided herein for elections for the balance, if any, of the unexpired term. An appointee shall be a qualified elector of the City, a citizen of the United States, and have resided within the corporate limits of the City for at least one (1) year prior to the date of this appointment.

Whenever three (3) or more vacancies shall occur at the same time, the mayor shall, within thirty (30) days, call a special election to fill the vacancies. Such election shall be conducted in accordance with the procedures for elections. In no event shall the Council consist of more than two (2) members serving on an appointive basis.

(B) Forfeiture of office. A Council member shall forfeit his office if he lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law or fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

(Ord. passed - -)

SECTION 2.07 MAYOR.

The mayor, elected as aforesaid, shall be a voting member of the Council and presiding officer. The mayor shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official to represent the City in all agreements with other governmental entities or certifications to other governmental entities. The powers and duties of the mayor shall be such as conferred upon him by State Laws, this Charter and by the City Council. (Ord. passed - - ; amendment adopted by the electorate on 4-16-2024)

SECTION 2.08 MAYOR PRO-TEM.

The mayor pro-tem, appointed as aforesaid, shall perform the duties of the mayor in the event the office of mayor becomes vacant or the mayor is unable to perform any of his duties by reason of absence from the City or in the event of his incapacity. A new mayor pro-tem shall be appointed from among the remaining members of the Council in the event the office of mayor becomes vacant, until a new mayor is elected at the next regular election.

(Ord. passed - -)

SECTION 2.09 MEETINGS AND PROCEDURES.

(A) Meetings. The Council shall meet regularly the second Tuesday of each month and at such times as it may prescribe by resolution. Special meetings may be held on the call of the mayor or three (3) or more members of the Council.

(B) Procedure. The Council shall determine its own rules and order of business and shall provide for keeping a minute book of its proceedings. The minute book shall be a public record.

(C) No action of the Council shall be valid or binding unless adopted or approved by the affirmative vote of majority of the members of the Council constituting a quorum when the action is introduced. A two thirds (2/3) vote of the membership of the Council is required to enact an emergency ordinance. Voting on all ordinances, except on procedural motions, shall be by roll call and the ayes and nays recorded in the minute book.

(Ord. passed - -)

SECTION 2.10 ACTION REQUIRING AN ORDINANCE.

In addition to acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which (1) adopt or amend an administrative code; (2) establish a rule or regulation, a violation of which carries a penalty; (3) grant, renew, or extend a franchise; (4) set service or use charges for municipal services or grant administrative authority for such charges; (5) levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget; (6) authorize the borrowing of money; (7) convey or lease or authorize the conveyance or lease of any lands of the City; (8) amend or repeal any ordinance previously adopted.

(Ord. passed - -)

SECTION 2.11 ADOPTION OF ORDINANCES AND RESOLUTIONS.

(A) Form. Every proposed ordinance or resolution shall be introduced in writing in the form required for final adoption and shall embrace but one subject, which shall be clearly stated in the title. Any ordinance which amends an existing ordinance shall set out in full the ordinance, sections or subsections to be amended. The enacting clause shall be "Be it Ordained by the City Council of Mexico Beach."

(B) Procedure. An ordinance may be introduced at any regular or special meeting of the Council in writing. Upon introduction of any ordinance a copy shall be distributed to each member and to the City Clerk and such other places as the Council may designate. Procedure for adoption shall be as prescribed in Florida Statutes.

(C) Effective Date. Except for emergency ordinances, all ordinances or resolutions passed by the Council by a majority vote shall become effective ten (10) days after passage or as otherwise provided therein or as set by law.

(Ord. passed - -)

Statutory reference:

Procedures for the adoption of ordinances and resolutions, see F.S. § 166.041

SECTION 2.12 EMERGENCY ORDINANCES.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances; but such ordinances may not levy taxes; grant, renew or extend a franchise; or set service or user charges for any municipal services.

(A) Form. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and, specific terms.

(B) Procedure. An emergency ordinance maybe adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all Council members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

(C) Effective date. Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(D) Repeal. Every emergency ordinance, except emergency appropriations, shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(Ord. passed - -)

SECTION 2.13 CODES OF TECHNICAL REGULATIONS.

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances in Florida State Law.

(Ord. passed - -)

SECTION 2.14 SIGNATURES AND AUTHENTICATION.

It shall be the duty of the mayor and the City Clerk, or other person appointed by the Council, to sign the original copy of each ordinance or resolution upon its final passage. Said parties shall record in full, in a properly indexed book kept for this purpose and authenticated by his or her signature, this Charter and all ordinances and resolutions adopted by the Council. The original copy of all ordinances and resolutions shall be filed in the City's Official Ordinance Book.

(Ord. passed - -)

SECTION 2.15 CODIFICATION.

The Council is authorized to provide for the preparation of a general codification of all City ordinances and resolutions of a general and permanent nature having the force and effect of law. The general codification shall be adopted by form, together with the Charter and any amendments thereto, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the City of Mexico Beach Code according to Florida Statutes or Florida Law. Copies of the code shall be furnished to City officers, placed in public offices for free public reference and made available for purchase by the public at cost, as fixed by the Council.

(Ord. passed - -)

SECTION 2.16 REVIEW.

All ordinances, resolutions and codes of technical regulations shall be reviewed on the fifth (5th) anniversary of their effective date.

(Ord. passed - -)

SECTION 2.17 CITY ADMINISTRATOR.

The office of City Administrator is hereby established. The City Administrator shall be appointed by the City Council and shall serve at the pleasure of the Council. The City Administrator shall be selected by the City Council on the basis education, expertise, and/or management ability as it pertains to municipal government.

(Adopted by the electorate on 4-16-2024)

SECTION 2.18 CITY CLERK.

There shall be a City Clerk who shall be appointed by the City Council. The City Clerk shall perform such duties as are assigned by the City Council.

(Adopted by the electorate on 4-26-2024)

ARTICLE III: GENERAL ADMINISTRATION

SECTION 3.01 GENERAL PROVISIONS.

(A) *Creation of Departments.* The Council may establish city departments, offices or agencies in addition to those created by this Charter as it deems necessary and may establish any position(s) necessary for operation of City services and may prescribe the duties and functions of all positions, departments, offices and agencies.

(B) *Supervision.* Except as otherwise provided in this Charter or by general law, the Council will be responsible for designating the position or individual responsible for the supervision and direction of each department, agency or office of the City.

(Ord. passed - -)

ARTICLE IV: FINANCIAL PROCEDURES

SECTION 4.01 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of October and end the last day of September the following year.

(Ord. passed - -)

SECTION 4.02 SUBMISSION OF BUDGET.

On or before the first day of August of each year, or as otherwise required by law, the City Clerk or other officer designated by the Council shall submit to the Council a budget for the ensuing fiscal year.

(Ord. passed - -)

SECTION 4.03 BUDGET.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor or other designated officer deems desirable or the Council may require.

The total of proposed expenditures shall not exceed the total of estimated income.

(Ord. passed - -)

SECTION 4.04 COUNCIL ACTION ON BUDGET.

(A) The Council shall, by ordinance, adopt the budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the budget by this date, the Council, by resolution, may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of thirty (30) days and renewed by resolution each thirty (30) days with all items in it prorated accordingly until such time as the Council adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

(B) *Supplemental Appropriations.* If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(C) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the Clerk that the revenues available will be insufficient to meet the amount appropriated, this shall be reported to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her with recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.

(D) *Limitations; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation

may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(E) The Council, in accordance with general law, shall establish procedures, rules and regulations for formulation, hearings, public notice, amendments, revisions, adoption and administration of the budget.

(Ord. passed - -)

SECTION 4.05 PUBLIC RECORDS.

Copies of the budget and the capital program, as adopted, shall be public records and shall be made available to the public in the City Clerk's office.

(Ord. passed - -)

SECTION 4.06 LAPSE OF APPROPRIATIONS.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

(Ord. passed - -)

SECTION 4.07 INDEPENDENT AUDIT.

The Council shall provide for an independent annual audit of all city accounts in accordance with the rules of the Auditor General of Florida, which shall include an annual examination of the financial position, the results of operations, and changes in fund balances of all the city funds for the year then ended in accordance with generally accepted auditing standards and may provide for such more frequent examinations as it deems necessary. Such examinations shall be made by a certified public accountant, or firm or such accountants having no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers.

A management letter shall be rendered by the examining auditor setting forth deficiencies, if any, disclosed by his examination and his suggestions for improvements in internal controls. This letter shall be read at the next regularly scheduled council meeting after its receipt. A copy of this letter shall be filed with each copy of the audit report.

If the auditor for the State of Florida should perform such an examination and furnish such a letter, the council may accept them as satisfying the requirements of this section.

(Ord. passed - -)

SECTION 4.08 ESTABLISHMENT OF BOARDS AND COMMITTEES.

The City Council has the authority to establish such Boards and Committees and appoint members thereto as may be necessary to meet the provisions of this Charter.

(Ord. passed - -)

ARTICLE V: NOMINATIONS AND ELECTIONS

Statutory reference:

Electors and elections, the Florida Election Code, see F.S. Title IX, Chapters 97 through 107

SECTION 5.01 ELECTORS.

Any person who is a resident of this city, who has qualified as an elector of the State, and who registers in the procedural manner prescribed by general law and ordinance of the city shall be an elector of the city.

(Ord. passed - -)

Statutory reference:

Similar provisions, see F.S. § 166.032

SECTION 5.02 NONPARTISAN ELECTIONS.

All nominations and elections for the office of City Council shall be conducted on a nonpartisan basis without regard for political party affiliation. No designation of political party affiliation of any nominee shall appear on any campaign literature, nomination petition or ballot.

(Ord. passed - -)

SECTION 5.03 NOMINATIONS.

Candidates for the office of City Council shall qualify for such office in the manner prescribed in this Charter.

(Ord. passed - -)

SECTION 5.04 PROCEDURES.

The Council shall prescribe rules and regulations for the conduct of elections including the form of the ballot and the method of listing candidates for City Council elections.

(Ord. passed - -)

SECTION 5.05 ELECTIONS.

(A) A regular city election shall be held on the third Tuesday in April following the Third Monday of each election year starting in April of 2005. (See Schedule, § 31.15) Each candidate receiving the highest number of votes cast for each group in said election shall be declared elected to office as a member of the City Council for the City of Mexico Beach.

(B) Multiple candidates. When more than two (2) persons qualify as candidates for the office of City Council, for any of the designated groups to be filled, the persons so qualified shall be voted upon at the regular city election to be held as stated herein. To win the candidate must receive the majority of all votes cast, 50% plus one vote. In the event, that no candidate receives the majority of votes, 50% plus one vote, then the two candidates receiving the most votes shall compete in a runoff election to be held two (2) weeks from the first election with the candidate receiving the most votes in the runoff election declared the winner. If any other provision contained in this Charter is in conflict with Section 5.05 (B), then Section 5.05 (B) shall take precedence and control.

(C) Single candidate. In the event only one person qualifies as a candidate, either for ballot listing or a write-in candidate for a designated group on the City Council to be filled at an election, that group shall not be listed on the regular city election ballot and such candidate shall be declared elected.

(Ord. passed - - ; Ord. 468, passed 4-13-2004; amendment adopted by the electorate on 4-16-2024)

SECTION 5.06 BALLOTS FOR ORDINANCES AND CHARTER AMENDMENTS.

An ordinance or a charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot shall appear the following question: "Shall the above described (ordinance/amendment) be adopted?" Immediately below such question shall appear in the following order the word "FOR" and also the word "AGAINST" with a blank square after each for the placing of the symbol "X" to indicate the voter's choice or with levers opposite "FOR" and "AGAINST" if voting machines are used.

(Ord. passed - -)

ARTICLE VI: INITIATIVE, REFERENDUM AND RECALL

SECTION 6.01 GENERAL AUTHORITY.

(A) Initiative. The qualified voters of the city shall have power, provided that such power shall not extend to the budget or capital program or any ordinance relating to the appropriation of money, levy of taxes, or salaries of city officers or employees, to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance, the voters may adopt or reject it at a city election.

(B) Referendum. The qualified voters of the city shall have the power to require reconsideration by the Council of any adopted ordinance; and if the Council fails to repeal an ordinance so reconsidered, the voters may approve or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to the appropriation of money, levy of taxes, or salaries of city officers or employees.

(Ord. passed - -)

SECTION 6.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

(Ord. passed - -)

SECTION 6.03 PETITIONS.

(A) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the total number of qualified voters registered to vote at the last regular city election.

(B) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one

instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(C) Affidavit or Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he knows them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(D) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

(Ord. passed - -)

SECTION 6.04 PROCEDURE AFTER FILING.

(A) Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in the above section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition and additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (B) and (C) of the above section; and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review, under subsection (B) of this section within the time required, the Clerk shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(B) Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(C) New Petition. A final determination of insufficiency shall not prejudice the filing of a new petition for the same purpose.

(D) Costs. The cost of checking the names on a petition against the list of registered voters shall be born by the petitioners' committee.

(Ord. passed - -)

SECTION 6.05 ACTIONS ON PETITIONS.

(A) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner as stated in this charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a pro-initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(B) Submission to Voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred eighty (180) days from the date or the final Council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except the Council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(C) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the date scheduled for a vote of the city by filing with the City Clerk a request for withdrawal signed by at least two-thirds (2/3) of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and proceedings thereon shall be terminated.

(Ord. passed - -)

SECTION 6.06 RESULTS OF ELECTION.

(A) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

(B) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Ord. passed - -)

SECTION 6.07 RECALL.

The qualified voters of the City shall have the power to remove from office any elected official of the City in accordance with the general laws of the state.

(Ord. passed - -)

Statutory reference:

Municipal recall, see F.S. § 100.361

ARTICLE VII: GENERAL PROVISIONS

SECTION 7.01 SEPARABILITY.

If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter or its provisions to other persons or circumstances shall not be affected thereby.

(Ord. passed - -)

SECTION 7.02 CONFLICTING ORDINANCES.

All ordinances insofar as they conflict with or are inconsistent with the provisions of this Charter shall be declared invalid and are hereby repealed.

(Ord. passed - -)

SECTION 7.03 CONTINUATION IN FORCE OF NONCONFLICTING ORDINANCES; REPEAL OF UNCODIFIED ORDINANCES.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed, as provided herein.

(Ord. passed - -)

SECTION 7.04 STANDARDS OF ETHICS.

The general laws of the state governing the standards of conduct of public officers and employees apply to all elected officials, public officers and employees of the city. In addition, the Council may, by ordinance, establish a code of ethics supplemental to general law for such officials, officers, and employees.

(Ord. passed - -)

Statutory reference:

Code of Ethics for Public Officers and Employees, see F.S. §§ 112.311 et seq.

SECTION 7.05 PER DIEM AND TRAVELING EXPENSE OF CITY OFFICERS, EMPLOYEES AND AUTHORIZED PERSONS.

All officers or employees of the City of Mexico Beach shall be bound by the provisions of general law governing per diem and travel expenses.

(Ord. passed - -)

Statutory reference:

Per diem and traveling expenses, see F.S. § 112.061

SECTION 7.06 PURCHASES; COMPETITIVE BIDS.

The Council may establish, by ordinance, a method of competitive bidding for purchases made by the City of Mexico Beach.

(Ord. passed - -)

SECTION 7.07 STATE LAW REFERENCES; INCLUSION IN CHARTER.

Where not inconsistent or in conflict with specific provisions of this Charter, the general law of this state, and the state law references in this Charter, shall be deemed to be a part of this Charter; and this City, its officers and employees shall be governed thereby.

(Ord. passed - -)

SECTION 7.08 CHARTER AMENDMENTS AND REVISIONS; FILING OF SAME WITH ORIGINAL.

This Charter or any portion thereof may be amended or revised in accordance with the general laws of the State. Any amendments or revisions shall be filed together with the original of this Charter in the office of the City Clerk as provided herein.

(Ord. passed - -)

Statutory reference:

Charter amendments, see F.S. § 166.031

SECTION 7.09 CHANGES IN GOVERNING LAW; CHARTER AMENDMENTS.

Intent. It is the intent of this section to allow this Charter to be updated and amended should there occur changes in the law governing this Charter and the operation of this City. Then the City Council may, by ordinance, adopt, and codify such changes and include such changes in this Charter without referendum or vote of the electorate of this City.

(Ord. passed - -)

Statutory reference:

Charter amendments, see F.S. § 166.031

ARTICLE VIII: TRANSITIONAL PROVISIONS

SECTION 8.01 PENDING MATTERS.

All rights, claims, liabilities, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this revised and amended Charter, and in each case, shall be maintained, carried on, or dealt with by the city department, office or agency appropriate hereunder.

(Ord. passed - -)

SECTION 8.02 OFFICERS AND EMPLOYEES.

(A) Rights and Privileges Preserved. Nothing in this revised and amended Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(B) Continuance of Office or Employment. At the time this revised and amended Charter takes effect if a city employee holds any office or position which can be abolished or ordered vacated hereunder, he shall continue in such office or position until the taking effect of some action authorized under a provision hereof directing that he vacate the office or position or that the office or position be abolished.

(Ord. passed - -)

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL CODE CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: GENERAL CODE CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections

- 10.09 Reference to offices
- 10.10 Errors and omissions
- 10.11 Official time
- 10.12 Reasonable time
- 10.13 Ordinances repealed
- 10.14 Ordinances unaffected
- 10.15 Effective date of ordinances
- 10.16 Repeal or modification of ordinance
- 10.17 Ordinances which amend or supplement code
- 10.18 Section histories; statutory references
- 10.19 Enforcement

10.99 General penalty

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Mexico Beach shall be designated as the “Mexico Beach City Code”, and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense; however, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPALITY. The City of Mexico Beach, Florida.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

COUNTY. Bay County, Florida.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION or DEPARTMENT. An officer, office, employee, commission or department of this municipality unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. Includes a mark when the person cannot write.

STATE. The State of Florida.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND** or **OR**. Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) *Acts by assistants*. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term*. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of this municipality exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, the spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, **REASONABLE TIME OR NOTICE** shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

(A) All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

(B) Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anyway be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) (1) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section.

(2) In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and all amending ordinances, if any, are listed following the text of the code section. Example:

(Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example:

(F.S. § 943.14(4)) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see F.S. §§ 119.01 et seq.

§ 10.19 ENFORCEMENT.

This adopted code shall be enforced by those city officials who are directed by the City Administrator to administer Code Enforcement and have the training to do so. This code may also be enforced by all sworn city law enforcement officials.

(F.S. Ch. 162) (Ord. 446, passed 9-9-2003)

§ 10.99 GENERAL PENALTY.

(A) Unless another penalty is expressly provided, every person convicted of a violation of any provisions of the code, ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500, imprisonment not exceeding 60 days, or any combination thereof.

(B) Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

(C) The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of

any code section whether or not such penalty is re-enacted in the amendatory ordinance.

(D) In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

(Ord. 446, passed 9-9-2003)

Statutory reference:

Penalties for violations of municipal ordinances, see F.S. § 162.22

TITLE III: ADMINISTRATION

Chapter

- 30. POLICIES AND PROCEDURES
- 31. CITY OFFICIALS
- 32. [RESERVED]
- 33. FEES
- 34. TAXATION
- 35. PERSONNEL POLICIES
- 36. CAPITAL IMPROVEMENTS

CHAPTER 30: POLICIES AND PROCEDURES

Section

Purchasing Procedures

- 30.01 Expenditure of city funds by competitive bids
- 30.02 Purchasing
- 30.03 Purchase orders
- 30.04 Quotes required

Guidelines for Development; Concurrency Management System

- 30.15 Purpose
- 30.16 Certificate of traffic concurrency required
- 30.17 Adopted levels of service
- 30.18 Initial determination of concurrency
- 30.19 Burden of proof
- 30.20 De minimis exceptions
- 30.21 Allocation of capacity
- 30.22 Concurrency review submittal requirements
- 30.23 Minimum requirements for certificate of traffic concurrency
- 30.24 Expiration of certificate of traffic concurrency
- 30.25 Exceptions of traffic concurrency requirements
- 30.26 Strategies to rectify lack of traffic concurrency
- 30.27 Monitoring
- 30.28 Assurances
- 30.29 Appeals
- 30.30 Conflict

Proportionate Fair-Share Program

- 30.45 Purpose
- 30.46 Applicability
- 30.47 Exclusions
- 30.48 Minimum requirements for proportionate fair-share mitigation
- 30.49 Intergovernmental coordination
- 30.50 Application process
- 30.51 Methodology for determining proportionate fair-share mitigation
- 30.52 Certificate of concurrency for proportionate fair-share mitigation
- 30.53 Appropriation of fair-share revenues
- 30.54 Impact fee credit for proportionate fair-share mitigation

PURCHASING PROCEDURES

§ 30.01 EXPENDITURE OF CITY FUNDS BY COMPETITIVE BIDS.

Expenditures of \$15,000 or more shall be by competitive bids, request for proposals, or request for qualifications (collectively "competitive bids"). Competitive bids will be solicited by advertisement in a local or area newspaper of general circulation. This procedure may be supplemented by direct mailings, posted notices and/or other advertising means when practical. The best and lowest bid normally will be selected; however, the Council may reject any or all bids or select other than the low bid where there is full justification. An exception from competitive bids may be approved by Council majority vote for goods and/or services needed to address an emergency; from single source outlets, another unit of government, or one time auctions; all supplies, materials, equipment, or services purchased at a price established in a state contract of the State of Florida Department of General Services Division of Purchasing; when piggybacking a public contract procured under Florida law within the past 365 days; or where the best interest of the citizens of the city require it after unsuccessfully attempting competitive bidding.

(1998 Code, § 35.01) (Ord. 177, passed 4-8-1986; Ord. 612, passed 12-10-2013; Ord. 714, passed 2-12-2019; Ord. 777, passed 12-14-2021)

§ 30.02 PURCHASING.

The City Administrator has authority to make purchases in the amount of \$10,000 or less, so long as they are consistent with the city's approved annual budget. Purchases above this threshold must be taken to the City Council for approval.

(Ord. 777, passed 12-14-2021)

§ 30.03 PURCHASE ORDERS.

All purchases, contracts and/or agreements for work or service will be executed by a properly authenticated purchase order. The Council may authorize expenditures at specified establishments for recurring expense items and small expendables with values of \$20 or less without executing a purchase order. The use of approved credit card purchases also are exempt from requiring a purchase order.

(Ord. 177, passed 4-8-1986)

§ 30.04 QUOTES REQUIRED.

Expenditures which are more than \$3,000 but less than \$8,000 shall only be made after the receipt of three verbal quotes by the purchaser. Expenditures which are more than \$8,000 but less than \$15,000 shall only be made after the receipt of three written quotes by the purchaser.

(Ord. 612, passed 12-10-2013; Ord. 777, passed 12-14-2021)

GUIDELINES FOR DEVELOPMENT; CONCURRENCY MANAGEMENT SYSTEM

§ 30.15 PURPOSE.

(A) The purpose of this subchapter is to describe the requirements and procedures necessary to implement the concurrency provisions of the City Comprehensive Plan and Land Development Regulations.

(B) This subchapter is intended to ensure the availability of public transportation facilities and services and the adequacy of those facilities at adopted levels of service concurrent with the impact of development. These concurrency requirements shall apply only to transportation facilities, including roads and public transit. All other provisions dealing with concurrency management are contained in land development regulations relating to: sanitary sewer, solid waste, drainage and potable water; and parks and recreation.

(Ord. 532, passed 1-9-2007)

§ 30.16 CERTIFICATE OF TRAFFIC CONCURRENCY REQUIRED.

(A) A certificate of traffic concurrency shall be required in conjunction with the issuance of any development order.

(B) No development order or permit shall be issued in a manner that will result in a reduction below the adopted levels of service found in the City Comprehensive Plan unless adequate mitigation is provided.

(Ord. 532, passed 1-9-2007)

§ 30.17 ADOPTED LEVELS OF SERVICE.

The adopted level of service (LOS) standards for transportation facilities are those contained in the Transportation Element of the City Comprehensive Plan.

(Ord. 532, passed 1-9-2007)

§ 30.18 INITIAL DETERMINATION OF CONCURRENCY.

At the request of the applicant or at the discretion of: the employee of the cities in charge of the Planning Department or his or her designee; an employee of the county designated by the county and providing services under an interlocal agreement between the city and the county; or an employee of a third-party under contract with the city to provide services relating to this subchapter ("Planning Official"), an initial determination of concurrency may be performed prior to the issuance of any development order and a conditional certificate of traffic concurrency for traffic issued. This conditional certificate of traffic concurrency shall not be binding on the city. Only those certificates of concurrency issued in conjunction with development orders shall be binding.

(Ord. 532, passed 1-9-2007)

§ 30.19 BURDEN OF PROOF.

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant, the Planning Official or his or her designee will assist in the preparation of the necessary documentation and information.

(Ord. 532, passed 1-9-2007)

§ 30.20 DE MINIMIS EXCEPTIONS.

(A) If a proposed development relates to land use of such a low intensity as to have a de minimis effect pursuant to F.S. § 163.3180(6), if any, upon the level of service standards set forth in the City Comprehensive Plan, the development shall be exempt from concurrency review.

(B) The following development activities shall be deemed de minimis and are exempt from concurrency review:

- (1) Room additions to single-family residences;
- (2) Construction of accessory structures;
- (3) Construction of signs;
- (4) Co-locations of communications towers; and

(5) Replacement of structures destroyed by fire, hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.

(Ord. 532, passed 1-9-2007)

§ 30.21 ALLOCATION OF CAPACITY.

(A) Traffic capacity shall be allocated upon issuance of a development order.

(B) The allocation of traffic capacity shall be subject to the following sunset provisions.

(1) Capacity approved and assigned to a development order will remain allocated until the development order expires, or until the development receives a certificate of occupancy, whichever occurs first. In the instance the development order expires, capacity shall be lost at the expiration of the development order, and a new certificate of traffic concurrency must be attained once the development order has expired.

(2) Capacity for a planned unit development or a development of regional impact shall remain allocated until such time as established by an enforceable development agreement.

(Ord. 532, passed 1-9-2007)

§ 30.22 CONCURRENCY REVIEW SUBMITTAL REQUIREMENTS.

(A) The city shall use the procedures listed below to determine compliance of an application for a development order with this concurrency management system for traffic. At the time of application for a development order, a concurrency

evaluation shall be made to determine the availability of the facilities or services required to be concurrent prior to the issuance of the development order. An application for a development order shall provide the city or any entity with which the city is under contract to provide concurrency management system reviews with all information required to conduct the concurrency evaluation. Upon receipt of the development order application, the Planning Official shall perform the concurrency evaluation or review for each of the public facilities and services for which level of service standards have been determined. The review period for issuance of a certificate of traffic concurrency shall not begin until such time as the Planning Official has deemed the application complete.

(B) The following information is required for submittal to determine if adequate traffic capacity exists concurrent with the proposed development.

(1) *Transportation facilities.* The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the Comprehensive Plan for the impacted roads, pursuant to Rule 9J-5.0055(a), F.A.C., as amended.

(a) The evaluation shall address the need for new facilities and expansions of alternative transportation modes to provide a safe and efficient transportation network and enhance mobility.

(b) A transportation study shall be required if the proposed development meets any of the following criteria (the transportation study shall follow the requirements of division (B)(2) below).

1. The project or proposed development is determined to have impacts to any facility that is currently at or within 10% of the adopted level of service maximum volume.

2. The project or proposed development is projected to generate 100 or more peak-hour trips.

3. The project or proposed development meets any of the thresholds listed as 100 peak-hour trips in Table 1 of the Site Impact Handbook as produced by the Department of Transportation.

(2) *Transportation study.* A transportation study prepared by a Florida-licensed Traffic Engineer shall be required if the proposed development is determined to meet any of the criteria specified in Section 7 (6). The following requirements related to required transportation studies.

(a) *Review.* The Planning Official shall apply a concurrency evaluation to the subject property based on professionally acceptable trip generation characteristics as found in the most current edition of Trip Generation, published by the Institute of Transportation Engineers.

(b) *Application meeting.* An application meeting between the Planning Official and the applicant is required. The purpose of this meeting will be to review the methodology and procedure, and to determine the study area and study period.

(c) *Define study area.* The study area is defined as the primary impact area affected by traffic associated with the site. A study area will be established based on the average trip length associated with the land use, as set forth in the trip generation characteristics for that land use as approved by the Planning Official. The primary impact area will be approved by the Planning Official at the application meeting.

(d) *Existing conditions.* The following existing conditions shall be provided by the applicant:

1. Existing peak hour traffic volumes and level of service standards for all collectors and arterials within the study area; and

2. Existing turning movement at the impacted intersection(s) level of service.

(e) *Sources of data.* The required data shall be the most recent available. Traffic volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors approved by the city unless the project or proposed development is located within a tourist corridor, as defined at the application meeting. If so, then volumes shall be adjusted to a 13-week peak season.

1. The required level(s) of service for roadways shall be determined in accordance with the adopted level(s) of service given in the Transportation Element of the Comprehensive Plan. Specifically, the methodologies are provided in the most recent edition of the FDOT publication titled *Florida's Level of Service Standards and Guidelines Manual for Planning*. The city shall adopt the LOS standards established by the DOT facilities on the Florida Interstate Highway System as defined in F.S. § 334.03, and the Strategic Intermodal System as defined in F.S. §§ 339.61 through 339.64.

2. The required intersection capacity(ies) shall be based on the most recent edition of the *Highway Capacity Manual Special Report 209*, as published by the Transportation Research Board.

(f) *Projection of future roadway traffic.* Traffic volume(s) shall be projected for each development phase including the year of project completion. Volumes can be determined using one of the following procedures:

1. Multiplying existing volumes by the annual growth factors provided by or on behalf of the city. Traffic generated by any major project approved since the traffic counts were conducted shall be used as background traffic data;

2. Multiplying existing volumes by an annual growth factor developed by the applicant and approved by the city. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic;

3. Using projections from an area modeling effort, when applicable; or

4. Methodology regarding projections of intersection(s) turn movements and level of service shall be established during the application meeting.

(g) *Projection of traffic generation.* The following procedures shall be provided.

1. To determine project traffic generation, the current edition of Trip Generation as published by the Institute of Traffic Engineers (ITE) shall be used, or trip rates may be obtained from studies of comparable sites or standards adopted by the city.

2. Identify all land uses, density and intensity of development and trip rates.

3. Any proposed reduction for internal capture of trips between land uses of a mixed-use project or for passerby trips shall be provided by the applicant at the application/ methodology meeting and shall be approved by the city.

4. Accident data, when required by the city or its designee.

(h) *Projection of traffic distribution/ assignment.* Project traffic distribution shall be based on reasonable and acceptable industry assumptions and methodologies as applied to the individual site(s) conditions to be approved by the city during the application/methodology meeting.

(i) Transportation system management strategies. A discussion of any proposed transportation system management strategies shall be included in the study.

(Ord. 532, passed 1-9-2007)

§ 30.23 MINIMUM REQUIREMENTS FOR CERTIFICATE OF TRAFFIC CONCURRENCY.

(A) In order to obtain a certificate of traffic concurrency, the following conditions must be satisfied for each of the public facilities and services, and such conditions given in the certificate of traffic concurrency.

(B) For each system, a certificate of traffic concurrency may be issued if the necessary facilities and services are in place at the time a development order or permit is issued, or the following is demonstrated. Transportation facilities:

(1) The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the City Comprehensive Plan for the impacted roads pursuant to Rule 9J-5.005(a), F.A.C., as amended; and

(2) The concurrency requirement may be satisfied by complying with the following standards:

(a) At the time a certificate of traffic concurrency is issued, the necessary facilities and services are in place or under construction;

(b) A certificate of traffic concurrency may be issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a building permit or its functional equivalent as provided in the adopted capital improvement program. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted FDOT five-year work program. The capital improvements element must include the requirements set out in Rule 9J-5.005(3)(c)(2), F.A.C., as amended.

1. The capital improvements element and five-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted FDOT five-year work program.

2. A five-year schedule of capital improvements which must include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate those portions of existing deficiencies which are priority to be eliminated during the five-year period under the City Comprehensive Plan's schedule of capital improvements.

3. A financially feasible funding system based on currently available revenue sources which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the five-year schedule of capital improvements.

4. A five-year schedule of capital improvements which must demonstrate the actual construction of the road or mass transit facilities and the provision of services must be scheduled to comment in or before the third year of the five-year schedule of capital improvements.

(c) The requirements of Rule 9J-5.005(3)(c), F.A.C., as amended, are met.

(Ord. 532, passed 1-9-2007)

§ 30.24 EXPIRATION OF CERTIFICATE OF TRAFFIC CONCURRENCY.

A certificate of traffic concurrency shall automatically expire simultaneously with the expiration of the development order to which it applies. In the event that the development order does not have a specified expiration date, the certificate of traffic

concurrency shall expire six months after the date of issuance of the development order. In the event that a time extension is granted prior to the expiration of the development order, then the accompanying certificate of traffic concurrency shall be automatically renewed for the duration of the extension given to the accompanying development order. Should the extension exceed one year from the date of issuance of the initial development order, a new concurrency review shall be performed.

(Ord. 532, passed 1-9-2007)

§ 30.25 EXCEPTIONS OF TRAFFIC CONCURRENCY REQUIREMENTS.

(A) For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact, and may not be subject to the concurrency requirements of Rule 9J-5.0055(3)(c)(1) through (4), F.A.C., only if all of the conditions specified in F.S. § 163.3180(6) are met.

(B) Additionally, traffic concurrency requirements shall not apply to the following:

(1) Pursuant to F.S. § 163.3180(4)(c), the concurrency requirement, except as it relates to transportation facilities, may be waived by the city for urban infill and redevelopment areas designated pursuant to F.S. § 163.3187. The city may grant an exception to concurrency of transportation facilities if the requirements of F.S. § 163.3180(5)(b) are met; or

(2) The city will not require a development to meet transportation concurrency if the requirements of F.S. § 163.3180(11) have been met.

(Ord. 532, passed 1-9-2007)

§ 30.26 STRATEGIES TO RECTIFY LACK OF TRAFFIC CONCURRENCY.

Should a development not pass the above traffic concurrency evaluation, one or all of the strategies below may be used to rectify this:

(A) An enforceable development agreement between the city and the developer, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220;

(B) A reduction in the scale or impact of the proposed development;

(C) Phasing of the proposed development; and/or

(D) Proportionate share contributions pursuant to §§ 30.45 through 30.54.

(Ord. 532, passed 1-9-2007)

§ 30.27 MONITORING.

(A) *Annual report.* The traffic concurrency management report is required as a system for monitoring and ensuring adherence to the adopted level of service standards, the schedule of capital improvements, and the availability of public transportation facilities.

(B) *Contents.* The city shall prepare an annual report as part of the Traffic Concurrency Management System that includes:

(1) A summary of actual development activity, including quantity of development represented by type and square footage;

(2) A summary of building permit activity, indicating:

(a) Those that expired without commencing construction;

(b) Those that are active at the time of report;

(c) The quantity of development represented by the outstanding building permits;

(d) Those that result from the development permits issued prior to the adoption of this subchapter; and

(e) Those that result from development permits issued pursuant to the requirements of this subchapter.

(3) A summary of development orders issued, indicating:

(a) Those that expired without subsequent development permits;

(b) Those that are valid at the time of the report; and

(c) The phases and quantity of development represented by the outstanding development permits.

(4) An evaluation of each facility and service indicating the following (this is not an all inclusive list, but shall be deemed as a guideline for use in the traffic concurrency management system):

(a) Existing and adopted levels of service for each facility;

(b) The traffic capacity available for each facility at the beginning of the reporting period and the end of the reporting

period;

(c) The portion of the available capacity held for approved development orders;

(d) A comparison of the actual traffic capacity to calculated capacity resulting from approved development orders and development permits over the previous year;

(e) A comparison of actual traffic capacity and level of service to adopted levels of service from the City Comprehensive Plan;

(f) A forecast of the traffic capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan; and

(g) Projects funded within the Capital Improvements Plan to expand any deficient facilities, or transportation project funded through the Transportation Planning Organization.

(C) *Use; purpose.* The Concurrency Management Report shall be due to the City Council by December 1 of each year, reporting on the previous fiscal year's activity. It shall be used in part for the purpose of determining level of service capacities during the 12 months following the presentation and/or adoption of, the annual report to the City Council.

(Ord. 532, passed 1-9-2007)

§ 30.28 ASSURANCES.

(A) The city shall make available suitable land for the building and expansion of service facilities, and shall require the future land uses to be assured of adequate infrastructure and services.

(B) The city shall conduct an ongoing review and analysis of the infrastructure and services to meet the needs of future land uses adopted in the City Comprehensive Plan.

(C) Development shall be required to provide such lands by dedication where appropriate.

(Ord. 532, passed 1-9-2007)

§ 30.29 APPEALS.

Appeals related to determinations of traffic concurrency shall be as stated in the land development regulations, as may be amended or superseded.

(Ord. 532, passed 1-9-2007)

§ 30.30 CONFLICT.

All city ordinances, resolutions and charter provisions or parts thereof, including, but not limited to, land development regulations relating to traffic in conflict with this subchapter are hereby repealed.

(Ord. 532, passed 1-9-2007)

Cross-reference:

Capital Improvements, see Ch. 36

PROPORTIONATE FAIR-SHARE PROGRAM

§ 30.45 PURPOSE.

The purpose of this subchapter is to describe the method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with F.S. § 163.3180.

(Ord. 531, passed 1-9-2007)

§ 30.46 APPLICABILITY.

The Proportionate Fair-Share Program shall apply to all applicants for developments in the city that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility governed by the City Concurrency Management System as set out in §§ 30.15 through 30.30, as may be amended or superseded ("Concurrency Management Ordinance"), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations.

(Ord. 531, passed 1-9-2007)

§ 30.47 EXCLUSIONS.

The Proportionate Fair-Share Program does not apply to a multi-use development of regional impact (DRI) using proportionate fair share under F.S. § 163.3180(12), or to developments exempted from concurrency as provided in the Comprehensive Plan, in Section 2006 of these regulations, and/or pursuant to the provisions of F.S. § 163.3180, governing

de minimis impacts. Also excluded are transportation improvements required for public safety, onsite roadway improvements or off-site improvements otherwise required by these regulations for non-deficient roadway segments.

(Ord. 531, passed 1-9-2007)

§ 30.48 MINIMUM REQUIREMENTS FOR PROPORTIONATE FAIR-SHARE MITIGATION.

Notwithstanding anything to the contrary in the Concurrency Management Ordinance, an applicant for development may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation only under the following conditions.

(A) The proposed development is consistent with the Comprehensive Plan, this subchapter and applicable land development regulations.

(B) The City Five-Year Capital Improvement Program (CIP) includes transportation improvements that, upon completion, will fully mitigate for the additional traffic generated by the proposed development.

(C) If the City Concurrency Management System indicates that the capacity of the transportation improvement set forth in the CIP has already been consumed by the allocated trips of previously approved development, or the CIP does not reflect the transportation improvement needed to satisfy concurrency, then the provisions of division (D) below shall apply.

(D) The city may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will fully mitigate for the additional traffic generated by the proposed development but is not contained in CIP as follows.

(1) The City Council votes to add the improvement to the CIP no later than the next regularly scheduled update of the CIP. To qualify for consideration under this section, the proposed improvement must be determined to be financially feasible pursuant to F.S. § 163.3180(16)(b), consistent with the Comprehensive Plan, and in compliance with the provisions of this section. The term **FINANCIAL FEASIBILITY** under this subchapter mean that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate for the impacts of the proposed development on transportation facilities.

(2) If the funds allocated for the CIP are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the city may enter into a Binding Proportionate Fair-Share Agreement with the applicant and as a condition of development approval authorize construction of that amount of development on which the proportionate fair share is calculated if the proposed proportionate fair-share mitigation will in the opinion of the city, or governmental entity maintaining the transportation facility, significantly benefit the impacted transportation system. Criteria governing this opinion include whether the proposed transportation improvements that would constitute proportionate fair-share mitigation are contained in an adopted short- or long-range transportation plan or program of the city, TPO, FDOT or local or regional transit agency. Proposed improvements not reflected in an adopted transportation plan or program that would significantly reduce access problems and congestion, trips or increase mobility in the impacted transportation system, such as new roads, additional right-of-way, service roads, operational improvements, improved network development, increased connectivity, roadway drainage or transit oriented solutions, may also be considered at the discretion of the city. Any improvement or improvements funded by proportionate fair-share mitigation must be adopted into the CIP at the next regularly scheduled update of the CIP.

(E) Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the city for locally maintained roadways and those of the Florida Department of Transportation (FDOT) for the state highway system.

(Ord. 531, passed 1-9-2007)

§ 30.49 INTERGOVERNMENTAL COORDINATION.

Pursuant to policies in the Intergovernmental Coordination Element of the City Comprehensive Plan and applicable policies in the Transportation Planning Organization's Programs (such as the Unified Work Program, Transportation Improvement Program, Project Priorities, 2030 Long Range Transportation Plan and the like) as amended, the city shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(Ord. 531, passed 1-9-2007)

§ 30.50 APPLICATION PROCESS.

The Proportionate Fair-Share Program shall be governed by the following procedures.

(A) Within ten days of a determination of a lack of capacity to satisfy transportation concurrency, the applicant for development shall be notified in writing of the Proportionate Fair-Share Program and this subchapter.

(B) Prior to submitting an application for proportionate fair-share mitigation, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options and related issues.

(C) Eligible applicants shall submit an application to the city that includes an application fee of \$600, and the following:

- (1) Name, address and phone number of owner(s), developer and agent;
- (2) Property location, including parcel identification numbers;
- (3) Legal description and survey of property;
- (4) Project description, including type, intensity and amount of development;
- (5) Phasing schedule, if applicable;
- (6) Description of requested proportionate fair-share mitigation method(s);
- (7) Estimated value of the proposed fair-share mitigation pursuant to this subchapter; and
- (8) Copy of concurrency application.

(D) The Planning Official shall review the application and determine that the application is sufficient and complete within ten business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share program and this subchapter, then the applicant will be notified in writing of the reasons for such deficiencies within 20 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 60 business days of notification, the Planning Official shall deny the application. The Planning Official may grant an extension of time if requested in writing from the applicant not to exceed 60 business days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.

(E) To the extent required by Florida law, proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation (FDOT). In such event, the applicant shall submit evidence that FDOT concurs with the proposed proportionate fair-share mitigation.

(F) Within 60 business days from the date at which the application is deemed sufficient, complete and eligible, the Planning Official shall evaluate the application pursuant to this subchapter, and thereafter shall notify the applicant in writing whether the proposed proportionate fair-share mitigation application and certificate of concurrency has been approved, approved with conditions or denied. A copy of the notice shall be provided to the FDOT for any proposed proportionate fair-share mitigation proposed on any FDOT facility.

(G) Appeals of decisions of the Planning Official pursuant to this subchapter shall be as stated in Section 209 of these regulations and noticed as provided in Section 1803.

(Ord. 531, passed 1-9-2007)

§ 30.51 METHODOLOGY FOR DETERMINING PROPORTIONATE FAIR-SHARE MITIGATION.

The following shall describe the methodology to determine proportionate fair-share mitigation.

(A) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities, and may include public funds if the use of public funds are authorized by the City Council.

(B) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ among the forms of proportionate share mitigation.

(C) The methodology to be used by the Planning Official to calculate an applicant's proportionate fair-share mitigation shall be as provided for in F.S. § 163.3180(12), as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build-out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service."

or

$$\text{Proportionate Fair Share} = \left[\frac{(\text{Development Trips}_i)}{(\text{SV Increase}_i)} \right] \times \text{Cost}_i$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system or have further degraded the LOS of an already deficient roadway segment;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i" per §30.48;

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

(D) The term “cumulative” used above includes only those trips from the stage or phase of a development being considered in the application. The trips expected to reach the failing roadway for this calculation are those identified in the development’s traffic impact analysis. All assumptions used in the proportionate fair-share calculation should be consistent with those used by city in its Concurrency Management System.

(E) In the context of the formula for the proportionate fair-share calculation “development trips” apply only to those trips that trigger a concurrency deficiency or are adding trips to an existing deficient roadway segment.

(F) For the purposes of determining proportionate fair-share mitigation, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Element, the CIP, the TPO Transportation Improvement Program, or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

(1) An analysis by the city of costs by cross section type that incorporates data from recent projects and is updated annually. In order to accommodate increases in construction material costs, project costs shall be adjusted by the inflation factor established by the United States Department of Commerce; or

(2) The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.

(G) If a proposed form of proportionate fair-share mitigation is other than financial then the value of the proportionate fair share mitigation improvement shall be determined using one of the methods provided in this section.

(H) If the fair market value of an alternative form of fair-share mitigation is less than the total proportionate fair-share obligation as determined above, the applicant must pay the difference. The city is authorized to accept forms of proportionate fair share mitigation that exceed the actual values calculated above. Under no circumstances shall the city approve an application that obligates the city to compensate an applicant for proportionate fair-share mitigation that exceeds the value calculated above.

(I) If the land or right-of-way dedication is proposed as a form of proportionate fair-share mitigation, the value of the land or right-of-way shall be the fair market value established by an independent appraisal approved by the city at the time of the application and at no expense to the city. The applicant shall supply a survey and legal description of the land or right of way and a certificate of title or title search of the land to the city at no expense to the city with the application, and shall at closing deliver clear title by warranty deed to the city.

(Ord. 531, passed 1-9-2007)

§ 30.52 CERTIFICATE OF CONCURRENCY FOR PROPORTIONATE FAIR-SHARE MITIGATION.

Upon approval of an application for proportionate share mitigation, the following requirements shall apply.

(A) Upon approval of an application for proportionate fair-share mitigation, the city shall issue to the applicant a certificate of concurrency governing concurrency for transportation facilities, which shall explicitly set forth the proportionate fair-share mitigation required by this subchapter. Conditions of development order approval or a fully executed Binding Proportionate Fair-Share Agreement may also accompany the approval.

(B) Should the applicant fail to apply for a building permit within 12 months of the date of the certificate of concurrency, then the certificate of concurrency and the approval of the application for proportionate share mitigation shall be considered null and void, and the applicant shall be required to reapply. The Planning Official may grant an extension of up to an additional 12 months if requested in writing from the applicant showing good cause for the extension.

(C) Payment of the proportionate fair-share mitigation funds are due in full prior to issuance of the final development order or recording of the final plat and shall be nonrefundable, if the payment is submitted more than 12 months from the date of the issuance of the certificate of concurrency, then the proportionate fair-share mitigation shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to § 30.51, and adjusted accordingly.

(D) If an applicant enters into a binding agreement or receives a development order which requires road improvements as a condition of development approval, such improvements must be completed prior to issuance of a certificate of acceptance or a final plat approval. A presentment bond payable to the city sufficient to ensure the completion of improvements shall be obtained.

(E) Dedication of land or right-of-way for facility improvements to the city as proportionate fair-share mitigation must be completed prior to issuance of the certificate of acceptance or recording of the final plat.

(F) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share mitigation to the extent the change would generate additional traffic that would require mitigation. In such event, the applicant for development must submit an application pursuant to this subchapter.

(G) Applicants may submit a letter to withdraw from the Proportionate Fair-Share Program at any time prior to the issuance of the certificate of concurrency. The application fee and any associated advertising costs to the city will be nonrefundable.

(H) The city may consider joint applications for proportionate fair-share mitigation to facilitate collaboration among multiple applicants on improvements to a shared transportation facility, and may coordinate with other jurisdictions on Proportionate Fair-Share Mitigation through interlocal agreements.

(Ord. 531, passed 1-9-2007)

§ 30.53 APPROPRIATION OF FAIR-SHARE REVENUES.

At the time the proportionate fair-share mitigation funds are received pursuant to this subchapter, the proportionate fair-share mitigation funds shall be deposited as follows.

(A) Proportionate fair-share mitigation funds shall be placed in the appropriate project account for funding of scheduled improvements in the CIP, or as otherwise established in the terms of the certificate of concurrency, or condition on development approval. At the discretion of the city, proportionate fair-share revenues may be used for operational improvements prior to construction of a project from which the proportionate fair-share funds were derived. Proportionate fair-share mitigation funds may also applied to the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

(B) In the event a scheduled facility improvement is removed from the CIP, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that in the decision of the city would mitigate the impacts of development.

(C) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, then the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share mitigation and public contributions and seek funding for improving the impacted regional facility under the FDOT Transportation Regional Incentive Program (TRIP). Such coordination shall be ratified by the city through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(Ord. 531, passed 1-9-2007)

§ 30.54 IMPACT FEE CREDIT FOR PROPORTIONATE FAIR-SHARE MITIGATION.

The following requirements shall apply regarding impact fee credits and proportionate share mitigation.

(A) Proportionate fair-share mitigation shall be applied as a credit against impact fees only when a transportation facility has a segment for which the local government transportation impact fee is being applied. Credits will be given for that portion of the applicant's transportation impact fees that would have been used to fund the improvements on which the proportionate fair-share mitigation is calculated. If the proportionate fair-share mitigation is based on only a portion of the development's traffic, the credit will be limited to that portion of the impact fees on which the proportionate fair-share mitigation is based.

(B) Impact fee credits for the proportionate fair-share mitigation will be determined when the transportation impact fee is calculated for the proposed development. If the applicant's proportionate fair-share mitigation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city pursuant to the requirements of the city impact fee ordinance.

(C) The proportionate fair-share mitigation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share mitigation for a proposed development cannot be transferred to any other location.

(Ord. 531, passed 1-9-2007)

CHAPTER 31: CITY OFFICIALS

Section

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Cross-reference:

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CITY OFFICIALS; GENERAL PROVISIONS

§ 31.01 COMPLIANCE INSPECTOR.

There is hereby established the position of Compliance Inspector responsible to the City Administrator for ensuring compliance with the provisions contained in Chapter 153, the City Comprehensive Plan, and Chapter 110, Licensing.

(1998 Code, § 31.15) (Ord. 245, passed 8-13-1991)

Statutory reference:

Enforcement by code inspectors, see F.S. § 166.0415

§ 31.02 CITY CLERK.

The job description for the City Clerk be as follows.

(A) *Department.* Administration.

(B) *General description.* Responsible for records administration and maintaining all municipal records; providing human resource, risk management and contract management support, and other duties as assigned. May be tasked with accounting administration.

(C) *Essential job functions.*

- (1) Responsible for maintaining all official city documents and records;
- (2) Attends Council and other meetings and supervises the preparation and indexing of Council minutes. Coordinates agendas, documents and provision of liaison including scheduling of meetings and public notices;
- (3) Prepares and conducts municipal election administration and activities;
- (4) Attends bid opening and assures contracting rules and regulations are followed;
- (5) Maintains all personnel records and assures that personnel action as complete and accurate;
- (6) Performs administrative support and other duties as required;
- (7) Meets with citizens to provide information and resolve complaints;
- (8) Responsible for bank reconciliation of all funds and all accounts;
- (9) Responsible for financial oversight and reporting for all grants received by the city;
- (10) Responsible for creation of all ordinances and resolutions pertinent to the position; responsible for attesting all ordinances, resolutions and other legal documents of the city;

(11) Maintains and/or coordinates maintenance, repairs, updates to all information technology systems;

(12) May be tasked with the following financial functions by the City Council:

(a) Overall responsibility for preparing and monitoring the city budget, including:

1. Performing accounting function for the general fund and conducting general financial function and administration;
2. Compiling fiscal estimates and fiscal projects;
3. Maintaining accounts payable and receivable plus the general and subsidiary ledgers;
4. Preparing all financial statements;
5. Overall, acting in the capacity of the City Treasurer;
6. Reviewing financial policies and makes recommendations to the City Council;
7. Acting as liaison for external auditors;
8. Preparing monthly financial statement to present to City Council and City Administrator.

(b) Ensuring the city is in compliance with all state and GAAP rules, regulations and laws as well as any other legal or accounting requirements.

(13) All duties required by the City Charter and all other duties, tasks and responsibilities as assigned by the City Council.

(D) *Qualifications; knowledge, skills and abilities.* Knowledge of the ordinances, policies, resolutions and procedures of the city; knowledge of modern management practices and principles; knowledge of archives and records management laws, systems and technology; knowledge of election laws; ability to input and retrieve data via computer; ability to access needs and prioritize and the ability to communicate effectively in writing and orally, laws and administrative policies governing municipal activities and of operations of municipal government; ability to delegate authority and responsibility to subordinate department heads and to maintain an effective organization; ability to express oneself clearly in writing and orally and appear before groups of taxpayers and the Council to present data and program which enhance the efficient operations of the city. Knowledge of governmental accounting principles and practices is preferred but not required.

(E) *Education and experience.* A four-year college degree is preferred, but a minimum of two years' post high school education is acceptable. Two years' experience in progressively responsible related work preferably with a government agency. (Experience can be substituted for education requirements. Experience qualification can be waived or altered provided incumbent has clearly demonstrated experience of a nature that demonstrates capability to quickly perform at a high level.)

(F) *Licenses, certificates and registrations.* CMC and AAE designation desirable (through International Institute of Municipal Clerks). Must be bondable.

(G) *Essential physical skills.*

(1) Acceptable eyesight and hearing (with or without glasses or hearing aids);

(2) Reasonable accommodations will be made in accordance with existing ADA requirements for otherwise qualified individuals with a disability; and

(3) Ability to access input and retrieve information from a computer.

(H) *Environmental conditions.* Works inside an office environment but must be able to also work outside.

(Ord. 610, passed 10-8-2013; Ord. 745, passed 4-14-2020)

ELECTIONS

§ 31.15 WHEN CITY ELECTIONS ARE HELD.

Pursuant to the results of the November 4, 2003 referendum, the City Council is hereby authorized to amend the city charter and code by ordinance, and does hereby amend the charter and code to change the schedule of its general elections to the third Tuesday in April following the Third Monday of each election year starting in April of 2005.

(1998 Code, § 33.01) (Ord. 305, passed 6-13-1995; Ord. 468, passed 4-13-2004)

§ 31.16 QUALIFICATIONS; FEE; OATH.

(A) Candidates for the offices of Council member and Mayor-Council member shall be qualified electors, citizens of the United States and shall have resided within the corporate limits of the city at least one year prior to the date of their qualifying for office.

(B) Any qualified elector of the city who meets the foregoing qualifications may qualify for election to a Council seat by designating the group number (City Charter, § 2.03) for which he or she desires to run, by paying a qualification fee of \$25, and by taking and subscribing to an oath which shall be substantially in the following form:

"State of Florida

County of Bay

Before me, an officer authorized to administer oaths, personally appeared _____, to me well known, who, being sworn, says that he/she is a candidate for the office of _____; that he or she is a qualified elector of Bay County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the State, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to F.S. § 99.012.

(Signature of Candidate)

Sworn to and subscribed before me this _____ day of _____ at Mexico Beach, Florida.

(Signature/Title of Officer)"

(C) Such fee and oath shall be filed with the City Clerk not less than 30 days nor more than 45 days prior to the date of such election. Waiver of filing fees may be as prescribed by the City Charter, § 2.02(A).

(1998 Code, § 33.02) (Ord. 305, passed 6-13-1995)

§ 31.17 CANDIDATES WITH MAJORITY VOTE ELECTED.

The names of all candidates qualified in accordance with the provisions of §33.02 shall be placed upon the ballot in alphabetical order under each Council member's group and the candidate receiving the highest number of votes cast in the Mayor-Council member race shall be elected, and the candidate receiving the highest number of votes cast in the respective group shall be declared elected; provided, however, in the event that two or more candidates shall have received an equal number of votes for any office, and the tied vote shall be among the candidates receiving the highest number of votes, the tie shall be resolved by a toss of a coin. The Council members shall be elected at large by the qualified voters of the city.

(1998 Code, § 33.03) (Ord. 305, passed 6-13-1995)

§ 31.18 QUALIFICATIONS OF ELECTORS.

Any person shall be allowed to vote at such regular city elections who is a qualified voter under the laws of the state, and who is duly registered in the registration book for qualified electors of the city.

(1998 Code, § 33.04) (Ord. 305, passed 6-13-1995)

§ 31.19 REGISTRATION.

The county elections office shall provide registration forms for all persons applying for registration whose names are not already upon the registration books and who are qualified electors under this chapter and the laws of the state. The registration books for the city will be closed for registration 29 days prior to the holding of a regular city election.

(1998 Code, § 33.05) (Ord. 305, passed 6-13-1995)

§ 31.20 CLERKS, INSPECTORS, DEPUTY; APPOINTMENT AND COMPENSATION.

The City Clerk shall make all necessary arrangements for holding regular city elections. Two inspectors, one clerk of election and one deputy shall be appointed by the City Clerk. During the hours in which the polls are open, only the previously referenced election workers will be allowed to remain at all times. Compensation to be paid to said inspectors, clerk and deputy will be the same as other county election workers performing the same duties. These election workers to be paid from the General Fund of the city.

(1998 Code, § 33.06) (Ord. 305, passed 6-13-1995)

§ 31.21 NOTICE OF ELECTIONS.

The City Council shall announce any regular or special election. The method of announcing the election shall be by posting the notice in three public places in the city, two of which shall be the City Hall and post office, said notice to be posted not less than four weeks prior to the election.

(1998 Code, § 33.07) (Ord. 305, passed 6-13-1995)

§ 31.22 ABSENTEE ELECTORS.

Absentee electors may request and be furnished absentee ballots as provided by F.S. Ch. 101. All absentee ballots shall be returned to the City Clerk not later than 7:00 p.m. (Central Standard Time) on the day of the election; absentee ballots will be given to the clerk of the election and be counted (canvassed) as other ballots.

(1998 Code, § 33.08) (Ord. 305, passed 6-13-1995)

§ 31.23 OPENING AND CLOSING OF POLLS; POSTING OF RESULTS.

The polls at all regular city elections shall open at 7:00 a.m. and close at 7:00 p.m. (Central Standard Time). The results of the voting shall be certified by the Clerk and inspectors of the election; results will be posted in a public place at the City Hall and will be announced at the next regular Council meeting.

(1998 Code, § 33.09) (Ord. 305, passed 6-13-1995)

§ 31.24 COMPLIANCE WITH PRINCIPAL ADOPTED FOR STATE ELECTIONS.

All regular elections of the city shall be held and conducted substantially on the principal adopted for state elections, insofar as there is no conflict with the terms of this subchapter or the provisions of the election laws of the state.

(1998 Code, § 33.10) (Ord. 305, passed 6-13-1995)

§ 31.25 TERM OF OFFICE.

(A) Pursuant to the results of the November 4, 2003 referendum, the terms of the elected officials presently serving in groups 1 through 5 shall be temporarily extended approximately six months so as to conform to the new election schedule.

(1) Specifically, group 1, 2, and 3 terms will not expire in December 2004 but will continue until expiration on the first Monday in June of 2005 following the April 2005 general election. Thereafter the terms in groups 1, 2, and 3 shall be for two years.

(2) The group 4 and 5 terms, as newly elected in November 2003, will not expire in December of 2005 but will continue until expiration on the first Monday in June 2006 following the April 2006 general election. Thereafter, the terms of groups 4 and 5 shall be for two years.

(3) Thereafter, all terms in groups 1 through 5 shall be for two years and the terms shall begin on the date of the first regularly scheduled City Council meeting following the general or special election by the city.

(B) Pursuant to the results of the November 4, 2003 referendum, any required run-off election shall be held no later than the Tuesday immediately following the third Monday in May following the general election and no earlier than 14 days following the general election.

(1998 Code, § 33.11) (Ord. 305, passed 6-13-1995; Ord. 468, passed 4-13-2004; Ord. 746, passed 5-5-2020)

CITY ADMINISTRATOR

§ 31.40 ESTABLISHMENT.

The office of City Administrator is hereby established. The City Administrator shall be appointed by the City Council and shall serve at the pleasure of the Council.

(Ord. 486, passed 4-12-2005)

§ 31.41 COMPENSATION.

The City Administrator shall receive such compensation as shall be fixed and adjusted (when found necessary), by the City Council.

(Ord. 486, passed 4-12-2005)

§ 31.42 QUALIFICATIONS.

(A) The City Administrator shall possess the educational, managerial and other required skills as indicated in the city's personnel policies.

(B) It is preferred that the City Administrator reside within the corporate limits of the city; however, the City Administrator may reside outside the corporate limits of the city, providing that:

(1) The Administrator can respond to city needs within one hour; and

(2) Written approval to reside outside the corporate limits of the city is given by City Council.

(Ord. 486, passed 4-12-2005)

§ 31.43 POWERS AND DUTIES.

The City Administrator, subject to control of the City Council, shall have charge of all general administration, including ESU, Police and Fire Departments, except for the City Clerk, unless otherwise provided by the City Charter or City Council direction. The City Administrator's responsibilities are subject to change at the discretion of the City Council.

(Ord. 486, passed 4-12-2005; Ord. 596, passed 12-11-2012)

§ 31.44 SUPERVISION AND CONTROL; POLICE, FIRE AND EMERGENCY SERVICES UNIT.

The City Administrator will have direct supervision and control of police, fire and the Emergency Services Unit. The Chief of Police, Fire Chief and Emergency Services Unit (ESU) Coordinator shall supervise and have direct control of all employees, reserves, on-call personnel and volunteers in their respective divisions to assure the proper functioning and carrying out of the purpose(s) of the three divisions, as well as other duties assigned to the division heads by ordinance, resolution or at the direction of the City Administrator.

(Ord. 499, passed 9-13-2005; Ord. 597, passed 2-12-2013)

CHAPTER 32: [RESERVED]

CHAPTER 33: FEES

Section

- 33.01 Fees for copies
- 33.02 City maps
- 33.03 Dishonored checks
- 33.04 Sheriff's Department's use of city fuel
- 33.05 Leasing of city-owned property
- 33.06 Mooring fees
- 33.07 Fees for development orders and planning approvals
- 33.08 Building Department documentation
- 33.09 Scrap sales
- 33.10 Court costs for law enforcement educational expenditures
- 33.11 Impounded vehicles
- 33.12 Boat trailer parking and boat ramp fees
- 33.13 Use of city marina
- 33.14 Civic Center rental fee

§ 33.01 FEES FOR COPIES.

As provided for by state statutes, a fee of \$0.15 will be paid to the City Clerk for each one-sided copy and an additional \$0.05 for each two-sided duplicated copy. If a request for certified copies is received, an additional charge of \$1 per copy of a public record will be charged.

(1998 Code, § 32.01) (Ord. 308, passed 9-12-1995)

§ 33.02 CITY MAPS.

As provided by state statutes, a reasonable charge will be paid to the City Clerk for each city map requested. This charge per copy will be based upon production charges rounded off to the next higher dollar amount.

(1998 Code, § 32.02) (Ord. 308, passed 9-12-1995)

§ 33.03 DISHONORED CHECKS.

As provided for by state statutes, a service fee of \$20 or 5% of the face amount of a dishonored check, draft or order, whichever is greater, will be paid to the appropriate city department.

(1998 Code, § 32.03) (Ord. 308, passed 9-12-1995)

§ 33.04 SHERIFF'S DEPARTMENT'S USE OF CITY FUEL.

A provision is hereby established allowing the County Sheriff's Department to utilize city fuel supplies on a monthly dollar reimbursement system payable to the city. This reimbursement will be based upon actual cost of the fuel product as paid by the city.

(1998 Code, § 32.05) (Ord. 308, passed 9-12-1995)

§ 33.05 LEASING OF CITY-OWNED PROPERTY.

A provision is hereby established allowing for the leasing of city-owned property to certain companies and/or individuals.
(1998 Code, § 32.06) (Ord. 308, passed 9-12-1995)

§ 33.06 MOORING FEES.

A provision is hereby established allowing for the collection of mooring fees at the city-owned Canal Park. The amount of such mooring fees, their applicability, and associated details may be set by a resolution of the City Council and may be amended, from time to time, by resolution. These fees are to be placed in the canal reserve account and dedicated for park maintenance.

(1998 Code, § 32.08) (Ord. 308, passed 9-12-1995; Ord. 445, passed 8-12-2003; Ord. 763, passed 6-22-2021)

§ 33.07 FEES FOR DEVELOPMENT ORDERS AND PLANNING APPROVALS.

(A) A provision is hereby established allowing for the collection of fees associated with the city development orders and other requests.

(B) These fees are non-refundable and are payable to the City Clerk upon application for a development order or other requests.

(C) Pre-application conference or any other meeting requiring attendance of planning, engineering, or other city consultants.

- (1) One hour pre-application review meeting: \$250.
- (2) Additional pre-application discussion - Per each ½ hour: \$125.

(D) Review of development activity:

- (1) Major residential development order - Fee payable to third party building services contractor: \$200 (per unit)*;
- (2) Minor residential development order (e.g. accessory structures), as applicable - Fee payable to third party building services contractor: \$75*;
- (3) Basic development order (permits for activities which do not require elected or appointed body approval, as listed in the section number referenced), as applicable - Fee payable to third party building services contractor: \$75*;
- (4) Minor commercial development order (includes commercial signage, as applicable) - Fee payable to third party building services contractor: \$75*;
- (5) Major commercial development order (requires public hearing), as applicable - Fees payable to the city for consultants review:
 - (a) Planning review (plus cost of any notice, e.g. mailing/signage/newspaper advertisement requirement): \$1,100.
 - (b) Engineering review: \$750.
 - (c) Floodplain manager review:
 1. For a structure 50,000 - 100,000 square feet an additional \$850 is applied.
 2. For a structure greater than 100,000 square feet an additional \$1,100 is applied.
 3. No additional fee for floodplain manager review for structures greater than 50,000 square feet.

* Additional fees may apply as needed on an hourly basis:

Planning review: \$125

Floodplain review: \$160

Engineering review: \$250

(E) Subdivision plat.

(1) Preliminary plat approval - Fees payable to the city for consultant's review:

- (a)
 1. Planning review up to 20 lots: \$1,500.
 2. Engineering review up to 20 lots: \$1,500.
 3. Floodplain manager review up to 20 lots: \$1,500.
 4. Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.
- (b)
 1. Planning review 20 lots and greater: \$2,500.

2. Engineering review 20 lots and greater: \$2,500.
3. Floodplain manager review 20 lots and greater: \$2,500.
4. Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(2) Final plat approval - Fees payable to the city for consultant's review:

- (a)
 1. Planning review up to 20 lots: \$1,500.
 2. Engineering review up to 20 lots: \$1,500.
 3. Floodplain manager review up to 20 lots: \$1,500.
 4. Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.
- (b)
 1. Planning review 20 lots and greater: \$2,500.
 2. Engineering review 20 lots and greater: \$2,500.
 3. Floodplain manager review 20 lots and greater: \$2,500.
 4. Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(3) Revision/replat of an existing plat - Fees payable to the city for consultant's review:

- (a) Planning review: \$500.
- (b) Engineering review: \$500.
- (c) Floodplain manager review: \$500.
- (d) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(F) Certificate of concurrency application:

- (1) Fee payable to the city for internal review: \$150.

(G) Sign permit (other than that which is paid under Land Development Code Section 7.02.02.A.1.3) - Fee payable to the city for internal review.

- (1) Temporary sign: \$50 each.
- (2) Permanent accessory signs: \$200 each.
- (3) Permanent outdoor advertising sign: \$200 each.

(H) Planned unit developments.

- (1) Planned unit development pre-application conference.
 - (a) Fees payable to the city for consultant's review: \$250.

- (2) Planned unit development (PUD) plan approval.

- (a) Fees payable to the city for consultant's review:
 1. Less than 20 acres or less than 50 residential units: \$3,500.
 2. Twenty acres or greater or 50 residential units or greater: \$5,000.

- (b) Planned unit development plan - resubmission/changes made due to changes required prior to approval (2nd and greater review).

1. Fees payable to the city for consultant's review:
 - a. Each additional review: \$750.
 - b. Changes to an approved planned unit development other than minor: \$950.

(I) Petition for annexation - Fee payable to the city for internal review:

- (1) Application for inclusion of a parcel into the corporate limits: \$160.
- (2) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(J) Comprehensive plan amendment application.

- (1) Large-scale amendment (any text amendment to the plan or any future land use map amendment greater than 50 acres).

- (a) Fees payable to the city to cover associated costs for consultants review: \$3,500.

(b) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(2) Small-scale amendment (any future land use map amendment that involves 50 acres or fewer, or any text amendment that is directly related to the request of the map amendment and is processed simultaneously).

(a) Fees payable to the city for consultant's review: \$1,700.

(b) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(c) If a rezoning request is made with the comprehensive plan future land use map amendment, an additional charge of \$500, payable to the city, is required if both requests are processed simultaneously.

(K) Rezoning application not associated with a future land use map amendment - Fees payable to the city for consultant's review:

(1) Fifty acres or greater: \$2,250. Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(2) Less than 50 acres: \$1,250. Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(L) Variance request.

(1) Fee payable to the city for internal review: \$300.

(2) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(M) Administrative Hearing/Planning and Zoning Board and City Council.

(1) Fee payable to the city for internal review: \$300.

(2) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(N) Telecommunications tower permit.

(1) Fee payable to the city for internal review: \$1,200.

(2) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(O) Vacation of rights-of-way.

(1) Fee payable to the city for internal review: \$750.

(2) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(P) Lot split.

(1) Fee payable to the city for internal review: \$300.

(2) Plus cost of any notice (e.g. mailing/signage/newspaper advertisement requirement) shall also apply.

(Q) Continuation or delay of any application by request of the applicant which has been scheduled for public hearing after notices and advertisement has been placed/sent are responsible for additional cost of notice.

(R) Floodplain review is required for issuance of a development order for parcels within the floodplain as defined in this code.

(1998 Code, § 32.09) (Ord. 308, passed 9-12-1995; Ord. 398, passed 9-11-2001; Ord. 730, passed 9-24-2019; Ord. 790, passed 8-23-2022)

§ 33.08 BUILDING DEPARTMENT DOCUMENTATION.

A provision is hereby established allowing for the collection of a \$10 administrative fee for services rendered in issuance of County Building Department documentation.

(1998 Code, § 32.10) (Ord. 308, passed 9-12-1995)

§ 33.09 SCRAP SALES.

A provision is hereby established allowing for the collection of fees associated with scrap sales. Such sales are authorized to be conducted by the City Administrator and the monies collected will be credited to either the General Fund or one of the various enterprise funds.

(1998 Code, § 32.11) (Ord. 308, passed 9-12-1995)

§ 33.10 COURT COSTS FOR LAW ENFORCEMENT EDUCATIONAL EXPENDITURES.

(A) To the extent permitted by Florida law, there is hereby assessed an additional court cost of \$2 against any person, firm, corporation or organization for violation of municipal ordinances, excepting motor vehicle parking violations, for law enforcement educational expenditures of police officers of the city.

(B) There is hereby assessed a court cost of \$2 from every bond entreated or forfeited bail bond for the violation of municipal ordinance, excepting motor vehicle parking violations, for law enforcement educational expenditures for police officers of the city.

(C) The assessment of courts costs as provided in divisions (A) and (B) above is in addition to the mandatory assessment of a like sum provided by F.S. § 943.25(3).

(1998 Code, § 32.12) (Ord. 109, passed 8-25-1981; Ord. 308, passed 9-12-1995)

§ 33.11 IMPOUNDED VEHICLES.

The city shall charge an impound fee for each day or portion thereof that a vehicle is impounded or stored in the police impound lot. The vehicle shall not be returned or released to the owner until all impound, towing and additionally incurred expenses and fees are paid. The vehicle impoundment fees are hereby established at a daily rate of \$8. All impound fees will be deposited into the Special Law Enforcement Trust Fund.

(1998 Code, § 32.13) (Ord. 340, passed 3-11-1997)

§ 33.12 BOAT TRAILER PARKING AND BOAT RAMP FEES.

(A) Long term boat trailer parking will be allowed only in designated areas at the boat ramp.

(B) Long term boat trailer parking shall be defined as no longer than 14 calendar days.

(C) Vehicles will be prohibited from parking in the designated trailer parking area.

(D) Signs will be placed designating the specific area for boat trailers.

(E) Any vehicles or trailers parking outside of the designated area overnight will be subject to fine or tow at the owners expense.

(F) The City Council may establish fees for the use of the boat ramp or for boat trailer parking at the boat ramp by resolution. The amount of such fees, their applicability, and associated details may be set by a resolution of the City Council and may be amended, from time to time, by resolution.

(Ord. 642, passed 8-9-2016; Ord. 763, passed 6-22-2021)

§ 33.13 USE OF CITY MARINA.

(A) A provision is hereby established continuing and allowing for the collection of fees for mooring, electric service, storage, related provision of services and goods, and late fees, at the city marina and any areas used for boat parking or boat trailer or car parking for use of water facilities. The amount of such fees, their applicability, and associated details may be set by a resolution of the City Council and may be amended, from time to time, by resolution.

(B) If the fees are paid on a monthly basis, they are due in advance of the first working day of the month, and may be prorated accordingly. If the fees are paid annually, they are due in advance on the first working day of either January or July, and may be prorated accordingly.

(1) All monthly and annual fees must be paid in advance and before the boat or vessel is moored in the city marina.

(2) All fees for periods of less than one month shall be paid in advance upon arrival at the marina.

(3) All fees are to be placed in the canal reserve account and dedicated to maintenance and improvements to the city canal and related facilities.

(4) No grandfathering of rates for current users is allowed.

(5) When current prepaid rental expires, new rates will apply.

(6) The maximum vessel length shall be 35 feet. Exceptions are allowed on a case-by- case basis. The length will be determined by measuring the furthest extension, how to stern (pulpits, platforms, engines, etc included). Length and width will be measured on an as needed basis. Any special support or racks needed to moor a vessel shall be provided by owner at owner's expense and only with written permission of the Harbormaster.

(C) Any vessel moored in the city canal or marina shall not impede navigation in the canal. Any such vessel that impedes navigation in the sole discretion of the Harbor Master shall be removed or relocated immediately at the owner's expense and as required by the Harbor Master. During inclement weather, or the threat of inclement weather, the city may rearrange any vessel(s) in order to protect its property and require that renting vessel owners remove or secure their vessels from the city canal and marina. The city shall not be liable for any damage to any vessel(s) that occurs as a result of inclement weather or the moving of vessel(s) during such weather or the threat of such weather. All slip renting vessel owners or tenants of any nature agree to hold the city and its employees harmless from any such damage that may result to their vessel(s) or person during such inclement weather or at other times as may occur.

(Ord. 392, passed 5-8-2001; Ord. 445, passed 8-12-2003; Ord. 662, passed 3-14-2017; Ord. 763, passed 6-22-2021)

§ 33.14 CIVIC CENTER RENTAL FEE.

(A) *Fee schedule.*

(1) *Civic Center.*

(a) Recurring weekly events open to the public (ex: any group that meets at a set time every week and anyone is welcome to attend.) will be charged a deposit of \$100.

(b) Mexico Beach city meetings (ex: City Council, MBARA, CDC, special events committee, etc.) will be exempt from any fee.

(c) Private special events (ex: wedding, baby shower, etc.) will be charged \$150 for events lasting less than two hours, to include set up and take down, and \$300 per day for any events lasting longer than two hours. These rates include a \$100 refundable deposit upon returning the key, and building inspection.

(B) *Rental process.*

(1) Applications for use and fee payment can be made at City Hall from 7:30 am-4:00 pm, Monday through Friday.

(2) Payment options include money order, cash , credit card or check.

(3) City Hall will maintain a calendar and reconcile collections.

(4) A separate account will be established to track revenue and costs of the program.

(5) All individuals, group or organizations must fill out a Civic Center application form.

(C) *Revenue.*

(1) All revenue from the collection of rental fees will be restricted to on-going maintenance and improvements to the building, including costs associated with the permitting process.

(D) *Requirements for rental of building.*

(1) No alcohol will be permitted or served in or around the Civic Center unless the renter obtains general liability insurance satisfactory to the city including coverage for liquor liability with limits not less than \$1,000,000 per occurrence and aggregate combined single limit covering personal injury, bodily injury and property damage. Such policy shall name the city as an additional insured. This insurance requirement may be satisfied with a special event policy or an ongoing policy so long as the policy will cover the event at the Civic Center. Evidence of such insurance must be provided to the city for review and approval no later than seven days prior to the scheduled event. The city reserves the right to deny the renter's request to serve alcohol based on unsatisfactory insurance coverage, such as due to objectionable exclusions from coverage. In addition, no alcohol may be sold at the Civic Center unless the renter has complied with applicable State licensing requirements.

(2) Deposits will be used to pay for any damages done to the facility, to include cleaning.

(3) Any and all keys must be returned after every event, including for recurring events.

(4) Keys or access codes will not be issued until the day of the event or Friday before a weekend event, unless prior arrangements are made with City Hall.

(5) No individual or group may store anything inside the building at any time, anything left will be discarded.

(6) Damage done to the building exceeding the deposit will be charged to the last renter.

(7) The Council should review the fee after twelve full months of operation in order to evaluate the fee schedule and any other amendments necessary for best management of the Civic Center.

(E) *Penalty.* Anyone who brings alcohol into the building without obtaining the proper liability insurance, will be removed from the building immediately, forfeit their deposit and lose all rental privileges for one year.

(Ord. 634, passed 5-10-2016)

CHAPTER 34: TAXATION

Section

General Provisions

34.01 Communication services tax

Additional Homestead Exemption for Senior Citizens

34.15 Authority and purpose

34.16 Definitions

34.17 Entitlement to additional exemption

- 34.18 Annual adjustment of income
- 34.19 Requirements for claiming additional homestead exemption
- 34.20 Notice requirements
- 34.21 Inapplicable

GENERAL PROVISIONS

§ 34.01 COMMUNICATION SERVICES TAX.

(A) Per F.S. §§ 202.10 et seq., the Communications Services Tax Simplification Law, there is hereby levied in the city a communication services tax equal to the rate provided by state law on all communication services. This section eliminates all other telecommunications services taxes and franchise fees and repeals those sections of Ord. 213 that relate to telecommunications services taxes.

(B) In lieu of permit fees, the city elects to impose the permit add-on of point 0.12% on all communications services.

(Ord. 423, passed - -)

ADDITIONAL HOMESTEAD EXEMPTION FOR SENIOR CITIZENS

§ 34.15 AUTHORITY AND PURPOSE.

This subchapter is adopted pursuant to the specified authority of § 6(f), Article VII of the Florida Constitution, and F.S. § 196.075, and the city's broad home rules powers granted by F.S. Chapter 166, and the city's Charter.

(Ord. 430, passed 11-12-2002)

§ 34.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT OF REVENUE. The State Department of Revenue for the State of Florida.

HOUSEHOLD. A person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of a dwelling.

HOUSEHOLD INCOME. The adjusted gross income, as defined in I.R.C. § 62, of all members of a household.

PROPERTY APPRAISER. The Bay County Property Appraiser.

SHALL. Mandatory.

SIXTY-FIVE (65) YEARS OF AGE. A person who has attained the age of 65 prior to January 1 of the tax year for which the additional homestead exemption is sought.

(Ord. 430, passed 11-12-2002)

§ 34.17 ENTITLEMENT TO ADDITIONAL EXEMPTION.

(A) Any person 65 years of age or older who has legal or equitable title to real estate located within the city and who maintains thereon his or her permanent residence, and which residence qualifies for and receives homestead exemption pursuant to § (6)a, Article VII of the Florida Constitution, and whose household income does not exceed \$20,000 (and as may be annually adjusted) shall be entitled to make application for an additional homestead exemption of up to \$50,000.

(B) The additional homestead exemption, if granted, shall be applicable to all ad valorem tax millage rates levied by the city; and, if applicable, shall be subject to the provisions of F.S. §§ 196.131 and 196.161. If title to the property is held jointly with right of survivorship, the person residing on the property and otherwise qualifying for the additional homestead may receive the entire amount of the additional homestead exemption provided herein.

(C) The additional homestead exemption provided herein shall be available to qualified persons beginning with the year 2002 tax roll as soon as the appropriate forms are available from the State Department of Revenue.

(Ord. 430, passed 11-12-2002; Ord. 546, passed 6-12-2007)

§ 34.18 ANNUAL ADJUSTMENT OF INCOME.

Beginning January 1, 2002, and continuing every January 1 thereafter, the \$21,259 income limitation shall be automatically adjusted by the percentage of change in the average cost-of-living index in the period of January 1 through December 31 of the prior year as compared to the same period for the year prior to that year. As used herein, the term **INDEX** shall be the average of the monthly consumer-price index figures for the stated 12-month period, for the United States as a whole, issued by the United States Department of Labor.

(Ord. 430, passed 11-12-2002)

§ 34.19 REQUIREMENTS FOR CLAIMING ADDITIONAL HOMESTEAD EXEMPTION.

(A) Every person claiming the additional homestead exemption pursuant to this subchapter must file an application with the County Property Appraiser no later than March 1 of each year for which such exemption is claimed. The application shall be on a form prescribed by the State Department of Revenue and shall include a sworn statement of household income for all members of the household. On or before June 1 of each year, each applicant must file supporting documentation with the Property Appraiser, including copies of all federal income tax returns, wage and earning statements (W-2 forms), and such other documentation necessary to verify the income received by all members of the household each year. The applicant's statement shall attest to the accuracy of all documentation provided, and the Property Appraiser shall not grant the exemption without the required documentation.

(B) Failure to file the application and sworn statement by March 1, or failure to file the required supporting documentation by June 1 of any given year, shall constitute a waiver of the additional exemption privilege for that year.

(Ord. 430, passed 11-12-2002)

§ 34.20 NOTICE REQUIREMENTS.

The City Clerk shall, prior to December 1, 2002, provide a copy of the ordinance approving this subchapter to the County Property Appraiser; and in the event this subchapter is subsequently repealed, notification of such repeal should be provided to the County Property Appraiser no later than December 1 prior to the year in which the homestead exemption provided herein expires.

(Ord. 430, passed 11-12-2002)

§ 34.21 INAPPLICABLE.

In the event any portion of this subchapter is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this subchapter. Further, in the event this subchapter or any provision hereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

(Ord. 430, passed 11-12-2002)

CHAPTER 35: PERSONNEL POLICIES

Section

35.01 Adoption by reference

§ 35.01 ADOPTION BY REFERENCE.

The personnel policies of the city are hereby adopted by reference and incorporated in this code as fully as if set out at length herein.

(Ord. 431, passed 11-12-2002; Ord. 444, passed 7-8-2003; Ord. 458, passed 9-9-2003; Ord. 526, passed 10-25-2006; Ord. 552, passed 11-13-2007; Ord. 583, passed 10-11-2011; Ord. 591, passed 5-8-2012; Ord. 596, passed 12-11-2012; Ord. 616, passed 9-9-2014; Ord. 622, passed 9-8-2015; Ord. 644, passed 10-11-2016; Ord. 798, passed 9-27-2022)

CHAPTER 36: CAPITAL IMPROVEMENTS

Section

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GENERAL

§ 36.01 DEFINITIONS.

When used in this chapter, the following terms shall have the following meanings, unless the context clearly requires otherwise.

ANNUAL ASSESSMENT RESOLUTION. The resolution described in §36.17 hereof, approving an assessment roll for a specific fiscal year.

ASSESSMENT. A special assessment imposed by the Commission pursuant to this chapter to fund or expedite recovery of the capital cost of capital Improvements or the service cost of essential services. The term **ASSESSMENT** and the reference to non-ad valorem assessments herein means those assessments which are not based solely upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution.

ASSESSMENT may include capital costs or service costs, or any combination of those costs, associated with the review, planning, investigation, analysis, permitting, notice, enforcement, remediation, improvement, provision of services, demolition or removal, or any combination of those, to abate a public nuisance.

ASSESSMENT AREA. Any of specific areas created by resolution of the Commission pursuant to §36.11 hereof, that specially benefit from capital improvements or essential services.

ASSESSMENT COORDINATOR. The City Administrator or such person's designee.

ASSESSMENT ROLL. The special assessment roll relating to capital improvements or essential services containing the information specified in § 36.13 and approved by a final assessment resolution or an annual assessment resolution pursuant to § 36.16 or § 36.17 hereof.

ASSESSMENT UNIT. The apportionment unit utilized to determine the assessment for each parcel of property, as set

forth in the Initial assessment resolution. **ASSESSMENT UNITS** may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, equivalent residential connections or units, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the capital improvements or essential services to be funded from proceeds of the assessment.

CAPITAL ASSET. Property, plant and equipment and intangible assets intended or likely to produce benefits or relieve burdens in future accounting periods beyond the current period.

CAPITAL COST. All or any portion of the costs that are properly attributable to the acquisition, design, permitting, preparation, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of a capital asset under generally accepted accounting principles; and including reimbursement to the city for any funds advanced for capital cost and interest or debt service on any interfund or intrafund loan or other obligations for such purposes.

CAPITAL IMPROVEMENTS. One or more capital asset acquired, designed, permitted, prepared, constructed, installed, reconstructed, renewed or replaced (including demolition, environmental mitigation and relocation) in whole or in part by the city which provide a special benefit to lands within an assessment area. The term shall include the recovery of costs from undeveloped or underdeveloped lands that benefit from the availability of capital improvements as a supplemental or alternative means to pay for or reimburse the city for providing such improvements.

CITY. The City of Mexico Beach, Florida.

COMMISSION. The City Commission of the City of Mexico Beach, Florida.

ESSENTIAL SERVICES. The services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, lands within an assessment area.

FINAL ASSESSMENT RESOLUTION. The resolution described in §36.16 hereof, which shall confirm, modify or repeal the initial assessment resolution and which shall be the final proceeding for the imposition of an assessment.

FISCAL YEAR. The period commencing on October 1 of each year and continuing through the following September 30, or such other period as may be prescribed by law as the fiscal year for the city.

GOVERNMENT PROPERTY. Property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

INITIAL ASSESSMENT RESOLUTION. The resolution described in §36.12 hereof, which shall be the initial proceeding for the imposition of an assessment.

OBLIGATIONS. Bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance capital improvements which may be secured, in whole or in part, by proceeds of the assessments.

ORDINANCE. This capital improvement and essential services assessment ordinance.

PLEGGED REVENUE. As to any series of obligations, (A) the proceeds of such obligations, including investment earnings, (B) proceeds of the assessments pledged to secure the payment of such obligations, and (C) any other legally available non-ad valorem revenue pledged, at the Commission's sole option, to secure the payment of such obligations, as specified by this chapter and any resolution authorizing such obligations.

PROPERTY APPRAISER. The Bay County Property Appraiser.

RESOLUTION OF INTENT. The resolution expressing the Commission's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

SERVICE COST. All or any portion of the expenses that are properly attributable to the provision of essential services under generally accepted accounting principles; and including reimbursement to the city for any funds advanced for such expenses and interest on any interfund or intrafund loan for such purposes.

TAX COLLECTOR. The Bay County Tax Collector.

TAX ROLL. The real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

UNIFORM ASSESSMENT COLLECTION ACT. F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(Ord. 632, passed 2-9-2016)

§ 36.02 INTERPRETATION.

Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this chapter; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this chapter. Words importing either gender

include the correlative words of the other gender unless the context indicates otherwise.

(Ord. 632, passed 2-9-2016)

ASSESSMENTS

§ 36.10 AUTHORITY.

The Commission is hereby authorized to impose assessments against property located within an assessment area to fund the capital cost of service cost of capital improvements or essential services incurred by the city. If more than one parcel is assessed, then the assessment shall be computed in a manner that fairly and reasonably apportions the capital costs or service costs among the parcels of property within an assessment area, based upon objectively determinable assessment units related to the value, use or physical characteristics of the property, except where the special benefit or burden relief provided by a capital improvement or essential service is provided predominantly to a single parcel of property, the resolution shall uniquely assess only that parcel the capital cost or service cost thereof, as in the case of the capital cost to abate a public nuisance on a single parcel of property.

(Ord. 632, passed 2-9-2016)

§ 36.11 CREATION OF ASSESSMENT AREAS.

The Commission is hereby authorized to create assessment areas by resolution. assessment areas may be within or without the city limits. Provided, however, any assessment area or portion thereof extending outside of the city limits must be within an unincorporated service area created pursuant to the Municipal Public Works Act, Chapter 180, Florida Statutes. Each assessment Area shall encompass only that property specially benefitted by the capital improvements or essential services proposed for funding from the proceeds of assessments to be imposed therein. The resolution creating each assessment area shall include brief descriptions of the proposed capital improvements or essential services, a description of the property to be included within the assessment area, and specific legislative findings that recognize the special benefit or burden relief to be provided by each proposed by each proposed capital improvement or essential service to property within the assessment area. Properties in any assessment area need not be adjacent or contiguous to any other property in an assessment area.

(Ord. 632, passed 2-9-2016)

§ 36.12 INITIAL ASSESSMENT RESOLUTION.

The initial proceeding for imposition of an assessment shall be the Commission's adoption of an initial assessment resolution. The initial assessment resolution shall:

- (A) Describe the capital improvements or essential services proposed for funding from proceeds of the assessments;
- (B) Estimate, or if known, state the service cost or capital cost;
- (C) If more than one parcel pf property is assessed, describe with particularity the proposed method of apportioning the service cost or capital cost among the parcels of property located within the assessment area, such that the owner of any parcel of property can objectively determine the amount of the assessment, based upon its value, use or physical characteristics; and
- (D) Include specific legislative findings that recognize the equity provided by the apportionment methodology or, if applicable, that recognize the equity provided by assessing a predominantly benefitted or relieved, individual parcel the capital cost or service cost uniquely attributable to that parcel.

(Ord. 632, passed 2-9-2016)

§ 36.13 ASSESSMENT ROLL.

- (A) The Assessment Coordinator shall prepare a preliminary assessment roll that contains the following information:
 - (1) A summary description of each parcel of property (conforming to the description contained on the tax roll) subject to the assessment;
 - (2) The name of the owner of record of each parcel, as shown on the tax roll;
 - (3) The number of assessment units attributable to each parcel;
 - (4) If applicable, the estimated maximum annual Assessment to become due in any fiscal year for each assessment unit; and
 - (5) If applicable, the estimated maximum annual assessment to become due in any fiscal year for each parcel.

(B) Copies of the initial assessment resolution and the preliminary assessment roll shall be on file in the office of the assessment coordinator and open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the assessment for each parcel of property can be determined by use of a computer terminal or otherwise accessible through the internet or similar data base.

(Ord. 632, passed 2-9-2016)

§ 36.14 NOTICE BY PUBLICATION.

After filing the assessment roll in the office of the assessment coordinator, as required by §6.13(B) hereof, the assessment coordinator shall publish once in a newspaper of general circulation within the assessment area a notice stating that at a meeting of the Commission on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Commission will hear objections of all interested persons to the final assessment resolution and approval of the assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

(Ord. 632, passed 2-9-2016)

§ 36.15 NOTICE BY MAIL.

In addition to the published notice required by §36.14 hereof, the Assessment Coordinator shall provide notice of the proposed assessment by first class mail to the owner of each parcel of property subject to the assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the tax roll on the 20th calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Assessment Coordinator may provide proof of such notice by affidavit.

(Ord. 632, passed 2-9-2016)

§ 36.16 ADOPTION OF FINAL ASSESSMENT RESOLUTION.

At the time named in such notice, or to which an adjournment or continuance may be taken, the Commission shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the Commission, adopt the Final Assessment Resolution which shall:

(A) Confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Commission;

(B) Establish the maximum amount of the assessment for each assessment unit;

(C) Approve the assessment roll, with such amendments as it deems just and right; and

(D) Determine the method of collecting the assessments.

(Ord. 632, passed 2-9-2016)

§ 36.17 ANNUAL ASSESSMENT RESOLUTION.

The Commission shall adopt an annual assessment resolution during its budget adoption process for each fiscal year in which assessments will be imposed to approve the assessment roll for such fiscal year. The final assessment resolution shall constitute the annual assessment resolution for the initial fiscal year. The assessment roll, as prepared in accordance with the initial assessment resolution, shall be confirmed or amended by the annual assessment resolution to reflect the then applicable portion of the cost of the capital improvements of essential services, or both, to be paid by assessments. If the proposed assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant to § 36.14 hereof or if an assessment is imposed against property not previously subject thereto, the Commission shall provide notice to the owner of such property in accordance with § 36.14 and § 36.15 hereof and conduct a public hearing prior to adoption of the annual assessment resolution. Failure to adopt an annual assessment resolution during the budget appropriation process for a fiscal year may be cured at any time.

(Ord. 632, passed 2-9-2016)

§ 36.18 EFFECT OF ASSESSMENT RESOLUTIONS.

The adoption of the final assessment resolution or of an annual assessment requiring notice as provided in §6.17, shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the maximum annual assessment of each parcel, the adoption of the assessment roll and the levy and lien of the assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Commission's adoption of the final assessment resolution. The assessments for each fiscal year shall be established upon adoption of the annual assessment resolution. If the assessments are to be collected pursuant to the Uniform Assessment Collection Act, the assessment roll, as approved by the annual assessment resolution, shall be certified to the tax collector.

(Ord. 632, passed 2-9-2016)

§ 36.19 PREPAYMENT OF ASSESSMENTS.

(A) The assessment imposed against any parcel of property to fund capital improvements shall be subject to prepayment at the option of the property owner, as follows:

(1) Prior to the issuance of obligations, the Assessment Coordinator shall provide first class mailed notice to the owner of each parcel of property subject to the assessment of the Commission's intent to issue such obligations. On or prior to the

date specified in such notice (which shall not be earlier than the thirtieth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the Commission may allow in its sole discretion, the owner of each parcel of property subject to the assessment shall be entitled to prepay the total assessment obligation.

(2) Following the date specified in the notice provided pursuant to division (A) hereof, or such later date as the Commission may allow in its sole discretion, the owner of each parcel of property subject to the assessment shall be entitled to prepay the total remaining assessment upon payment of an amount equal to the sum of (a) such parcel's share of the principal amount of obligations then outstanding, (b) the premium associated with redemption of such parcel's share of the principal amount of obligations then outstanding, and (c) interest on such parcel's share of the principal amount of obligations then outstanding, from the most recent date to which interest has been paid to the next date following such prepayment on which the city can redeem obligations after providing all notices required by the ordinance or resolution authorizing issuance of such obligations; provided however, that during any period commencing on the date the annual assessment roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the city may reduce the amount required to prepay the assessments imposed against any parcel of property by the amount of the assessment certified for collection with respect to such parcel.

(B) At the city's election, the assessment imposed against any parcel of property may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for mandatory prepayment shall be the same as that required for an optional prepayment authorized by division (B) hereof.

(C) The amount of all prepayments computed in accordance with this section shall be final. The city shall not be required to refund any portion of a prepayment if (1) the capital cost is less than the amount upon which such prepayment was computed, or (2) annual assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

(Ord. 632, passed 2-9-2016)

§ 36.20 LIEN OF ASSESSMENTS.

(A) Upon adoption of the annual assessment resolution for each fiscal year, assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Commission of the annual assessment resolution and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes.

(B) Upon adoption of the final assessment resolution, assessments to be collected under the alternative method of collection provided in § 36.41 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the official records of Bay County, Florida.

(Ord. 632, passed 2-9-2016)

§ 36.21 REVISIONS TO ASSESSMENTS.

If any assessment made under the provisions of this chapter is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Commission is satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the Commission has omitted the inclusion of any property on the assessment roll which property should have been so included, the Commission may take all necessary steps to impose a new assessment against any property benefitted by the capital improvement or essential service, following as nearly as may be practicable the provisions of this chapter, and in case such second assessment is annulled, the Commission may levy and impose other assessments until a valid assessment is imposed.

(Ord. 632, passed 2-9-2016)

§ 36.22 PROCEDURAL IRREGULARITIES.

Any informality or irregularity in the proceedings in connection with the levy of any assessment under the provisions of this chapter shall not affect the validity of the same after the approval thereof, and any assessment as finally approved shall be competent and sufficient evidence that such assessment was duly levied, that the assessment was duly made and adopted, and that all proceedings related to such assessment were duly had, taken and performed as required by this chapter; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this section, any party objecting to an assessment imposed pursuant to this chapter must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

(Ord. 632, passed 2-9-2016)

§ 36.23 CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Commission, Assessment Coordinator, Property Appraiser, Tax

Collector, or their deputies or employees, shall operate to release or discharge any obligation for payment of any Assessment imposed by the Commission under the provisions of this chapter.

(B) The number of assessment units attributed to a parcel of property may be corrected at any time by the Assessment Coordinator. Any such correction which reduces an assessment shall be considered valid from the date on which the assessment was imposed and shall in no way affect the enforcement of the assessment imposed under the provisions of this chapter. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner at the address shown on the tax roll notifying the owner of the date, time and place that the Commission will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

(Ord. 632, passed 2-9-2016)

COLLECTION OF ASSESSMENTS

§ 36.40 METHOD OF COLLECTION.

Unless directed otherwise by the Commission, assessments (other than assessments imposed against government property) shall be collected pursuant to the Uniform Assessment Collection Act, and the city shall comply with all applicable provisions thereof, including but not limited to (1) entering into a written agreement with the property appraiser and the tax collector for reimbursement of necessary expenses, (2) certifying the assessment roll to the tax collector, and (3) adopting a resolution of intent after publishing weekly notice of such intent for four consecutive weeks preceding the hearing. The resolution of intent may be adopted either prior to or following the Initial assessment resolution; provided however, that the resolution of intent must be adopted prior to January 1 (March 1 with consent of the property appraiser and tax collector) of the year in which the assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this chapter may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

(Ord. 632, passed 2-9-2016)

§ 36.41 ALTERNATIVE METHOD OF COLLECTION.

In lieu of using the Uniform Assessment Collection Act, the city may elect to collect the assessment by any other method which is authorized by law or provided by this section as follows:

(A) The city shall provide assessment bills by first class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include (1) a brief explanation of the assessment, (2) a description of the assessment units used to determine the amount of the assessment, (3) the number of assessment units attributable to the parcel, (4) the total amount of the parcel's assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the assessment is due, and (7) a statement that the assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the assessments shall be recorded in the official records of Bay County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

(C) The city shall have the right to appoint or retain an agent to foreclose and collect all delinquent assessments in the manner provided by law. An assessment shall become delinquent if it is not paid within 30 days from the due date. The city or its agent shall notify any property owner who is delinquent in payment of an assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the city or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the city may be the purchaser to the same extent as an individual person or corporation. The city may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent assessments and any other costs incurred by the city as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this chapter, and (2) any existing lien of record on the affected parcel for the delinquent assessment is supplanted by the lien resulting from certification of the assessment roll or to the tax collector.

(Ord. 632, passed 2-9-2016)

§ 36.42 RESPONSIBILITY FOR ENFORCEMENT.

The city and its agents, if any, shall maintain the duty to enforce the prompt collection of assessments by the means provided herein. The duties related to collection of assessments may be enforced at the suit of any holder of obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

(Ord. 632, passed 2-9-2016)

§ 36.43 GOVERNMENT PROPERTY.

(A) If assessments are imposed against government property, the city shall provide assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include (1) a brief explanation of the assessment, (2) a description of the assessment units used to determine the amount of the assessment, (3) the number of assessment units attributable to the parcel, (4) the total amount of the parcel's assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the assessment is due.

(B) Assessments imposed against government property shall be due on the same date as assessments against other property within the assessment area and, if applicable, shall be subject to the same discounts for early payment.

(C) An assessment shall become delinquent if it is not paid within 30 days from the due date. The city shall notify the owner of any government property that is delinquent in payment of its assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the city will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city or its agents, including reasonable attorney fees, in collection of such delinquent assessments and any other costs incurred by the city as a result of such delinquent assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of, or in addition to, the costs of the action.

(E) As an alternative to the foregoing, an assessment imposed against government property may be collected on the bill for any utility service provided to such government property. The Commission may also contract for such billing services with any utility not owned by the city.

(Ord. 632, passed 2-9-2016)

ISSUANCE OF OBLIGATIONS

§ 36.60 GENERAL AUTHORITY.

(A) The Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, for the issuance of obligations to fund capital improvements and any amounts to be paid or accrued in connection with issuance of such obligations including but not limited to capitalized interest, transaction costs and reserve account deposits.

(B) The principal of and interest on each series of obligations shall be payable from pledged revenue. At the option of the Commission, the city may agree, by ordinance or resolution, to budget and appropriate funds from other non-ad valorem revenue sources to make up any deficiency in the reserve account established for the obligations or for the payment of the obligations. The Commission may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

(Ord. 632, passed 2-9-2016)

§ 36.61 TERMS OF THE OBLIGATIONS.

The obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the Commission, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions, all as may be fixed by the Commission. Said obligations shall mature not later than 40 years after their issuance. The Commission shall determine by ordinance or resolution the form of the obligations, the manner of executing such obligations, and shall fix the denominations of such obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the obligations as it deems appropriate. The obligations may be sold at public or private sale for such price or prices as the Commission shall determine by ordinance or resolution. The obligations may be delivered to any contractor to pay for the provision of capital improvements or may be sold in such manner and for such price as the Commission may determine by ordinance or resolution to be for the best interests of the city.

(Ord. 632, passed 2-9-2016)

§ 36.62 VARIABLE RATE OBLIGATIONS.

At the option of the Commission, obligations may bear interest at a variable rate.

(Ord. 632, passed 2-9-2016)

§ 36.63 TEMPORARY OBLIGATIONS.

Prior to the preparation of definitive obligations of any series, the Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary obligations, exchangeable for definitive obligations when such obligations have been executed and are available for delivery. The Commission may also provide for the replacement of any obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter.

(Ord. 632, passed 2-9-2016)

§ 36.64 ANTICIPATION NOTES.

In anticipation of the sale of obligations, the Commission may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the obligations, the proceeds of the assessments, the proceeds of the notes and such other legally available moneys as the Commission deems appropriate by ordinance or resolution. Said notes shall mature within five years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The Commission may issue obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the obligations.

(Ord. 632, passed 2-9-2016)

§ 36.65 TAXING POWER NOT PLEDGED.

Obligations issued under the provisions of this chapter shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the city within the meaning of the Constitution of the State of Florida, but such obligations shall be payable only from pledged revenue and, if applicable, proceeds of the assessments, in the manner provided herein and by the ordinance or resolution authorizing the obligations. The issuance of obligations under the provisions of this chapter shall not directly or indirectly obligate the city to levy or to pledge any form of ad valorem taxation whatsoever. No holder of any such obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the city to pay any such obligations or the interest thereon or to enforce payment of such obligations or the interest thereon against any property of the city, nor shall such obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the city, except the pledged revenue.

(Ord. 632, passed 2-9-2016)

§ 36.66 TRUST FUNDS.

The pledged revenue received pursuant to the authority of this chapter shall be deemed to be trust funds, to be held and applied solely as provided in this chapter and in the ordinance or resolution authorizing issuance of the obligations. Such pledged revenue may be invested by the city, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the obligations. The pledged revenue upon receipt thereof by the city shall be subject to the lien and pledge of the holders of any obligations or any entity other than the city providing credit enhancement on the obligations.

(Ord. 632, passed 2-9-2016)

§ 36.67 REMEDIES OF HOLDERS.

Any holder of obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the city.

(Ord. 632, passed 2-9-2016)

§ 36.68 REFUNDING OBLIGATIONS.

The city may, by ordinance or resolution of the Commission, issue obligations to refund any obligations issued pursuant to this chapter, or any other obligations of the city issued to finance capital improvements, and provide for the rights of the holders hereof. Such refunding obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding obligations to be refunded and costs of issuance related thereto. If the issuance of such refunding obligations results in an annual assessment that exceeds the estimated maximum annual assessments set forth in the notice provided pursuant to § 36.15 hereof, the Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by § 36.40 et seq.

(Ord. 632, passed 2-9-2016)

Chapter

- 50. GENERAL PROVISIONS
- 51. SANITATION SERVICE
- 52. WATER AND SEWER RATES, REGULATIONS
- 53. CROSS-CONNECTION CONTROL
- 54. PRETREATMENT REGULATIONS; POLLUTION

CHAPTER 50: GENERAL PROVISIONS

Section

- 50.01 Water and sewer impact fee study

§ 50.01 WATER AND SEWER IMPACT FEE STUDY.

The city hereby adopts the water and wastewater impact fee study created by Public Resources Management Group dated March 9, 2005.

(Ord. 487, passed 5-11-2005)

CHAPTER 51: SANITATION SERVICE

Section

- 51.01 Re-establishment of sanitation service
- 51.02 Definitions
- 51.03 Collection practices
- 51.04 Debris, refuse and garbage cans and containers, location, screening and containment
- 51.05 Initial schedule of fees and charges

- 51.99 Penalty

§ 51.01 RE-ESTABLISHMENT OF SANITATION SERVICE.

There is hereby established and re-established for the city a sanitation and debris collection service to serve the existing city limits and as from time to time may be extended by law. The city shall be the only provider of regularly scheduled garbage pickup and other sanitation and debris services that the city provides, as set forth by Chapter 51 of this code. The purpose of the sanitation service is the healthful, efficient and economical collection, management, and disposal of garbage and debris as herein defined.

(Ord. 609, passed 10-8-2013; Ord. 623, passed 10-13-2015; Ord. 633, passed 3-8-2016; Ord. 643, passed 9-13-2016; Ord. 686, passed 11-14-2017; Ord. 768, passed 9-14-2021)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following words and terms are herein defined.

DEBRIS and **GARDEN** or **LAWN TRASH**. All accumulation of grass, leaves, shrubbery, vines, and trimmings. **TREE LOGS** or **DEBRIS** shall not be included unless the diameter of the tree or limb is less than three inches.

GARBAGE. Every refuse accumulation of animal, fruit, vegetable matter that attends the preparation, use, cooking and eating in, or storage of all foods, meats, fish, fowl, fruit and vegetables, and any other matter of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects; and any bottles, cans, or other containers or paper products, utilized in normal household use, which due to their facility to retain water, may serve as breeding places for mosquitoes or other water-breeding insects. This definition of **GARBAGE** shall not include the items contained within the above-referenced definition for **DEBRIS**. **GARDEN** or **LAWN TRASH**. In order to be collected by the Sanitation Department such **GARBAGE** must be placed in a **TRASH CAN** or another approved container. Household debris is defined as anything not created by nature.

GARBAGE/TRASH CAN. A watertight container, with suitable handles and a tight-fitting lid or cover, of the type commonly sold as a "garbage can" and of a capacity of not more than 32 gallons nor less than 15 gallons.

RECYCLING. Recycling shall be limited to only newspaper, cardboard, metals, and approved plastic items, unless further noticed by the city. If you wish to recycle, any recyclable material must be placed in the appropriate Bay County/City Recycle Dumpster.

REFUSE. Garbage and trash, as hereafter defined, and all trash, rubbish, paper, glass, metal, and discarded matter which the last owner intends to abandon to the Sanitation Department for disposal, In order to be collected by the Sanitation Department, such **REFUSE** must be properly placed in a **TRASH CAN** as defined herein. Recyclable items may be deposited in the appropriate recycling dumpster at the city yard.

TRASH. Refuse, accumulation of paper, wooded or paper boxes or containers, sweepings, and all other accumulations of a nature other than **GARBAGE** or **DEBRIS**, as defined herein, which are usual to housekeeping and to the operations of stores, offices, and other business places.

WHITE GOODS/APPLIANCES. Some examples are, but not limited to: clothes washers and dryers, dishwashers, water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, refrigerators, freezers, etc.

(Ord. 609, passed 10-8-2013; Ord. 623, passed 10-13-2015; Ord. 633, passed 3-8-2016; Ord. 643, passed 9-13-2016; Ord. 686, passed 11-14-2017)

§ 51.03 COLLECTION PRACTICES.

The following collection practices shall apply so long as the garbage, trash, refuse, or debris is properly placed in an appropriate trash can or dumpster.

(A) Garbage and trash accumulated by residences and businesses shall be collected two times per week on regular schedules. Pickups may not occur on holidays but pickups normally scheduled to be made on a holiday may be rescheduled by the city.

(B) The city will remove a limited amount of yard debris during the scheduled garbage/trash collection periods. Once per week, the city will remove one pile of yard debris which shall include grass trimmings, cuttings, tree limbs, palm fronds, and small trees, not to exceed the volume dimensions which measures four feet by four feet by eight feet. Limbs and small trees shall be cut so as to not exceed eight feet in length. Individuals placing yard debris for collection which exceeds these size standards, shall coordinate through City Hall for proper removal as a "special pickup" as provided herein. NOTE: residents will not be charged for the initial four feet by four feet by eight feet volume but will be charged a special pick-up fee for the additional volume. Upon the clearing of a lot(s) the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date of the activity. The owner is responsible for removing such debris and may be cited for a violation of this chapter should such debris be produced by persons or entities who are not the customer of the city. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the city. Any attempt to have the city collect materials not resulting from the customers property where debris is located or to collect materials from commercial landscaping/construction projects shall be a violation of this chapter.

(C) Highly flammable or explosive materials or chemicals shall not be placed in trash cans or containers, including dumpsters, for regular collection but shall be disposed of, in each case, as directed by statute at the expense of the owner or possessor thereof.

(D) Paint in liquid form will not be accepted. Dried paint will be accepted. Cat litter or sawdust can help speed the process of drying the paint.

(E) Televisions and electronics will not be accepted. Items can be taken to Bay County for disposal.

(F) The removal of wearing apparel, bedding, or other refuse from homes or businesses where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Bay County Health Department. Such refuse shall not be placed in regular trash cans or containers for collection.

(G) Property owners or occupants requesting removal of household appliances, or "white goods", containing refrigerant and fluorocarbons are required, prior to pick-up, to remove the chemicals prior to pick-up as may be directed by the city. All doors on refrigerators and freezers must be removed prior to their placement on the right-of-way. Furniture and other large items as deemed appropriate by the city may also be collected by the Sanitation Department for a fee upon prior arrangements by the customer. This fee will be established by the city as part of its rate schedule and may be performed by contract or otherwise. Property owners or occupants wishing to utilize the white goods or furniture curbside service must contact City Hall to arrange for pick-up and items should not be placed at the curbside until the day of scheduled pick-up. Items placed on the curb without prior notification to the city are subject to all costs, fees, and charges to the city and by the city, including but not limited to, the white goods/furniture pickup charge and a penalty of \$25 per white good or furniture piece, and/or a code violation citation. Those customers who do not decommission appliances containing refrigerant will be billed for the cost incurred by the city for this service. All charges related to white goods or furniture pickup will either be paid in advance or added to the customer's monthly billing.

(H) Upon the clearing of a lot(s) or portion of a lot(s), the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date of the activity, The owner is responsible for removing such

debris and may be cited for a violation of this chapter should such debris produced by persons or entities who are not the customer of the city. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the city. Any attempt to have the city collect materials not resulting from the customer's property where debris is located shall be a violation of this chapter.

(Ord. 609, passed 10-8-2013; Ord. 623, passed 10-13-2015; Ord. 633, passed 3-8-2016; Ord. 639, passed 6-28-2016; Ord. 643, passed 9-13-2016; Ord. 658, passed 12-13-2016; Ord. 671, passed 8-8-2017; Ord. 686, passed 11-14-2017)

§ 51.04 DEBRIS, REFUSE AND GARBAGE CANS AND CONTAINERS, LOCATION, SCREENING AND CONTAINMENT.

(A) Residential.

(1) (a) Refuse, trash, and garbage of any kind shall not be stored on the public right of way and shall be placed in a garbage or trash can or cans as defined herein. Except as set forth below for multifamily dwellings, residential trash, garbage or refuse shall be limited to three 32-gallon trash cans per residence per collection cycle. (For example, if household garbage is collected twice per week, a residence will be limited to three trash cans per collection day, twice per week.) For anything exceeding this amount, the city will pick up additional bags of refuse, trash, and garbage at the rate listed in the city's rate structure and labeled as "Excessive Garbage Fee." Each residential unit is required to maintain a separate sanitation collection account and to pay the residential rate.

(b) Refuse, trash, and garbage not placed in a trash can(s) will not be collected by the City Sanitation Department and if such material is left outside of a trash can, will be a violation of this section. However, the City Sanitation Department will collect cardboard boxes left adjacent to the required trash cans during the regular collection periods so long as such boxes are empty except for minimal packing materials. Such boxes shall not contain additional trash, refuse, garbage or debris of any nature. Trash can(s) should not be placed at the curb until the day of scheduled service.

(2) Refuse containers and trash cans shall be designed, constructed and used in such a manner as to preclude offensive odors from disturbing adjacent property owners or occupants. All trash cans or containers for residential collection of garbage, refuse or trash shall be screened from public view and located on the side or rear of the occupant's residence. "Screened from public view" shall be met if trash cans are located in a partially fenced or incased receptacle for such containers.

(3) Trash cans at multiple dwelling or business units shall be marked to indicate the unit or apartment to which they belong or are assigned.

(4) Plastic garbage bags are not satisfactory outside storage containers for garbage, refuse, or trash. All garbage, refuse, and trash shall be placed in a trash can as defined herein and screened from public view.

(5) Certain multifamily residences shall be required to use dumpster(s) instead of individual trash cans. Multifamily developments containing 6 or more units per building or in the entire development if built or developed as a unified development, in the discretion of the city, shall be required to use one dumpster per 18 units. The residential users will pay the standard residential collection rate per unit but use the dumpster(s) to deposit their trash, garbage, or refuse.

(6) Large multifamily developments may utilize trash compactors for their garbage disposal needs. Should this be the case, the type and model of compactor must have prior approval from the city and the City Sanitation Department will provide the compactor, either itself or through a third-party contractor, and all associated functions (disposal, maintenance, billing, and the like). The compactor users will pay the standard residential collection rate per unit or the actual compactor costs, whichever is higher, but use the compactor(s) to deposit their trash, garbage, or refuse.

(B) Commercial.

(1) All commercial facilities shall pay the monthly commercial collection fee(s) as set forth in the rate schedule, unless specifically excluded. Unless expressly approved, refuse, garbage, trash, or debris shall not be stored on the public right of way and shall be placed in a garbage or trash can(s). No such materials shall be placed for collection by the City Sanitation Department by commercial customers where the materials to be collected were created from off-premises locations or work sites. This shall specifically include construction, landscaping,

clearing, grading, demolition projects and related activities. Construction or renovation projects may obtain a temporary dumpster from a non-city entity for properly permitted construction and renovation projects. The city shall maintain the right to locate or re-locate such temporary dumpster(s).

(2) All provisions set forth above, in divisions (A)(1) through (5) shall apply except as modified herein.

(3) Unless using the dumpster system, commercial businesses shall be limited to four 32-gallon garbage cans per business per collection cycle. (For example, if commercial garbage is collected twice per week, then a commercial customer will be limited to four garbage cans per collection day twice per week.) Each commercial enterprise is required to maintain a separate sanitation collection account and to pay the commercial rate.

(4) Certain businesses shall be required to use dumpsters for the collection of its garbage, trash, refuse, and debris. The following businesses are required to use a dumpster(s) for the collection of garbage, trash, refuse, and debris:

(a) Businesses that operate hotel/motel services with eight or more rooms;

(b) Businesses that operate restaurant and/or food and/or beverage preparation services and contain ten or more tables or space for 40 or more patrons;

(c) Convenience and grocery stores which exceed 1,200 square feet of gross usable space.

(C) Dumpsters shall be located in an area convenient for City Sanitation Department collection and the city may require moving or re-location of the dumpster(s) by the customer. No roofing materials may be placed into a city dumpster.

(Ord. 609, passed 10-8-2013; Ord. 623, passed 10-13-2015; Ord. 633, passed 3-8-2016; Ord. 643, passed 9-13-2016 12-13-2016; Ord. 686, passed 11-14-2017; Ord. 835, passed 4-9-2024)

§ 51.05 INITIAL SCHEDULE OF FEES AND CHARGES.

(A) The following fees and charges shall be the initial fees and charges used by the city for sanitation services and such fees and charges may be altered, amended, or increased by resolution or ordinance duly adopted by the City Council.

(B) Initial schedule of fees and charges; monthly:

Residential	\$33.36 per residential unit
Commercial	\$48.85 per commercial unit
Dumpster	\$273.96 per dumpster
Additional pick-ups dumpster	\$110.00 per pick up
Excessive garbage fee	\$10.00 per additional can or equivalent
Special events collection rate	Fee TBD dumpster rate

(C) *Payments/late fees.*

(1) A user fee is hereby established for the explicit purpose of funding city sanitation services. This fee is applicable to each individual household or commercial enterprise within the city. Priorities, categories, and charges will be on file in the City Hall and billing for said user fee will be annotated on the city monthly utility usage statements.

(2) The date of receipt at the Mexico Beach City Hall shall be considered as the date of payment. Sanitation Department personnel are not authorized to receive money for the payment of bills. If any sanitation bill for sanitation service shall be and remain unpaid after 4:30 p.m. on the 20th day of each month, a 10% penalty shall be imposed and added to said bill; if the 20th day of the month falls on a weekend, customer will be given until 4:30 p.m. the next regular work day for payment; delinquent after 4:30 p.m.; and if said bill is not paid by the 2nd Tuesday of the following month at close of business (4:30 p.m.). Sanitation services will be discontinued and will not be resumed until all current charges shall have been fully paid.

(3) Those accounts opened or closed during the billing cycle will be prorated and charges assessed based upon the number of days the account was open during that billing cycle.

(4) When a sanitation customer has failed to pay a sanitation bill and two additional billings for the past due amount, the method for collecting the sanitation charges will be identical to those of the water and sewer utility bills.

(5) It shall be the duty of Mexico Beach to collect said user fees and remit to the City Sanitation Fund on or before the 20th day of each month, or as soon as practicable, all such fees collected during the preceding calendar month.

(6) The collector of the user fee shall keep complete records showing all fees collected, price being charged monthly for said service being provided, and the date of payment thereof and the records shall, at all reasonable times, be open for inspection by duly authorized agents of the city during business hours on all business days, and said agents shall have authority to make such transcripts thereof as may be necessary.

(7) All other billings and emergencies will be approved and signed by the City Administrator on a case-by-case basis.

(Ord. 609, passed 10-8-2013; Ord. 623, passed 10-13-2015; Ord. 633, passed 3-8-2016; Ord. 643, passed 9-13-2016; Ord. 686, passed 11-14-2017; Ord. 800, passed 9-27-2022; Ord. 818, passed 9-26-2023; Ord. 836, passed 4-9-2024)

§ 51.99 PENALTY.

(A) A violation of the provision or provisions of this chapter shall result in a civil fine of up to \$500 per violation and violations shall be processed through the Code Enforcement Officer and the city's Special Master.

(B) Any person, firm or corporation found guilty of violating the provisions of this chapter shall be fined not more than \$500. Such fine, and each and every violation of the provisions of this chapter, shall constitute a separate offense.

(Ord. 609, passed 10-8-2013; Ord. 623, passed 10-13-2015; Ord. 633, passed 3-8-2016; Ord. 643, passed 9-13-2016; Ord. 686, passed 11-14-2017)

CHAPTER 52: WATER AND SEWER RATES, REGULATIONS

Use of the Municipal Water/Sewer System

Inside City Limits

- 52.01 Connections with water/sewer system
- 52.02 Exceptions to connections
- 52.03 Separate connections for each separate unit
- 52.04 Water cut-off valve, sewer clean out
- 52.05 Limitations on effluent
- 52.06 Connections may be made by the city
- 52.07 Charge or rate for water service
- 52.08 Charge or rate for sewer service
- 52.09 Secondary water meters for non-sewer connected activities
- 52.10 Unlawful connection
- 52.11 Unlawful construction
- 52.12 Connecting old plumbing
- 52.13 Sanitary requirements
- 52.14 Disposal requirements
- 52.15 Septic tank
- 52.16 Failure to maintain plumbing system
- 52.17 No service free
- 52.18 Payment of fees and bills required
- 52.19 Reconnection and service charges
- 52.20 Senior citizen discount for monthly water/sewer customers
- 52.21 Vacant lots

Use of the Municipal Water/Sewer System

Outside City Limits

- 52.30 Connections with water/sewer system
- 52.31 Exceptions to connections
- 52.32 Separate connections for each separate unit
- 52.33 Water cut-off valve, sewer clean out
- 52.34 Limitations on effluent
- 52.35 Charge or rate for water service
- 52.36 Charge or rate for sewer service
- 52.37 Secondary water meters for non-sewer connected activities
- 52.38 Unlawful connection
- 52.39 Unlawful construction
- 52.40 Connecting old plumbing
- 52.41 Sanitary requirements
- 52.42 Disposal requirements
- 52.43 Failure to maintain plumbing system
- 52.44 No service free

- 52.45 Septic tank
- 52.46 Payment of fees and bills required
- 52.47 Reconnection and service charges
- 52.48 Surcharge for customers outside city limits

- 52.99 Penalty

USE OF THE MUNICIPAL WATER/SEWER SYSTEM INSIDE CITY LIMITS

§ 52.01 CONNECTIONS WITH WATER/SEWER SYSTEM.

(A) Where the same shall be available, the owner of every lot or parcel of land within the city, shall connect, or cause the plumbing of any building or buildings thereon to be connected, with the municipal water/sewer system of the city. All such connections shall be made in accordance with this chapter and all amendments to it as may be adopted from time to time by the City Council. These rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such City Council may fix and determine.

(B) A connection fee (or "tap fee") in the amount of \$490 shall be charged by the city for each connection to the city wastewater system. This fee is hereby established to cover the actual cost to the water and wastewater department incurred in the inspection of the connection made to the city sewer system, to include administrative and engineering costs.

(Ord. 471, passed 4-13-2004; Ord. 528, passed 12-12-2006)

§ 52.02 EXCEPTIONS TO CONNECTIONS.

This chapter shall not be construed to require or entitle any person to cross the private property of another to make any such water/sewer connection. The customer desiring connection to the water system will comply with this chapter and will sign an agreement with the city.

(Ord. 471, passed 4-13-2004)

§ 52.03 SEPARATE CONNECTIONS FOR EACH SEPARATE UNIT.

(A) Each residential and commercial unit, and units within a mixed use development, whether occupying one or more lots, and whether it shall occupy any lot or parcel jointly with any other residential or commercial unit, shall be considered a separate unit for the payment of the water/sewer fees, and separate connections and meters will be required for each of such units. For purposes of this chapter, mobile home lots shall be considered as separate residential units and shall pay full water/sewer rates and impact fees for each separate lot.

(B) This chapter shall not be construed to require existing multi-family (MDS) residential or multi-commercial units, or both, or commercial units at the time this chapter was passed (September 12, 2000), being serviced through one meter to install a separate connection for each unit unless major alterations are made to the structure or such unit/units (real estate and/or business operations) are sold, conveyed or transferred to a new owner.

(Ord. 471, passed 4-13-2004)

§ 52.04 WATER CUT-OFF VALVE, SEWER CLEAN OUT .

(A) Effective on the passage of this chapter all new units and connections will be required to have a water cut-off valve and a sewer clean out on the property owner's side of the water and sewer lines.

(B) The owner will be responsible for installation of the water cut-off valve and the sewer clean out.

(C) The city will install a cut-off water valve at the meter box on the customer's side for new and replacement water meters as it deems necessary.

(D) The cost of the valve, where installed by the city, will be added to the total installation cost of the water meter.

(Ord. 471, passed 4-13-2004)

§ 52.05 LIMITATIONS ON EFFLUENT.

The city shall use its best efforts to limit, by ordinance and force of law if necessary, introduction of the following into the sewer system.

(A) *Industrial waste.* No industrial waste shall be discharged into the system unless it meets all applicable local, state and federal requirements regarding pre-treatment and has been reviewed and approved by the appropriate authority.

(B) *Stormwater.* Stormwater and other miscellaneous liquid flows, such as roof drain, air conditioning condensate, gasoline or oil shall not be discharged into the system.

(C) *Septic tank pump out.* Septic tank pump outs shall not be discharged into the system without the prior approval of the

city. Any additional or extraordinary treatment cost of treating septic tank pump-outs shall be done by the owner prior to permitting discharge of the pump-out into the system.

(D) *Miscellaneous*. All effluent materials and discharges into the system shall meet applicable regulations of the State Department of Environmental Protection, the United States Environmental Protection Agency and such reasonable pre-treatment regulations and prohibitions as may be promulgated from time to time by the city.

(Ord. 471, passed 4-13-2004)

§ 52.06 CONNECTIONS MAY BE MADE BY THE CITY.

If any such owner of any lot or parcel of land within the city shall fail and refuse to connect with the facilities of the water/sewer system of the city after notification by the city as provided herein, then the city shall take such other action as provided by law to enforce connection to the city water/sanitary sewer system.

(Ord. 471, passed 4-13-2004)

§ 52.07 CHARGE OR RATE FOR WATER SERVICE.

(A) Any user of the services of the water utility system shall pay therefor a monthly charge or rate as indicated by the appropriate category of this section.

(B) Residential accounts:

<i>Rates</i>	<i>Monthly Basis</i>
3/4-inch 4,000 gallons	\$40.39, excess \$3.57 per 1,000 gallons
1-inch 6,000 gallons	\$60.06, excess \$3.57 per 1,000 gallons
Hydrant usage	\$3.57 per 1,000 gallons
3/4-inch irrigation meter	\$3.57 per 1,000 gallons
No sewer fees will be charged on irrigation meters	
A utility tax will be charged on all water usage in accordance with local law	

(C) Duplex dwellings or multi-family (MDS) on the same building site serviced by one service connection prior to the passage of this chapter, shall pay the minimum charge of \$40.39 per unit in the structure.

(1) The base allowance will be the 4,000 gallons for each unit in the building.

(2) All excess usage will be charged at the rate of \$3.57 per 1,000 gallons.

(D) Commercial accounts:

<i>Rates</i>	<i>Monthly Basis</i>
1-inch 6,000 gallons	\$60.06, excess \$3.57 per 1,000 gallons
1-1/2-inch 9,000 gallons	\$83.87, excess \$3.5 per 1,000 gallons
2-inch 12,000 gallons	\$111.23, excess \$3.57 per 1,000 gallons
3-inch 18,000 gallons	\$162.47, excess \$3.57 per 1,000 gallons
4-inch 24,000 gallons	\$216.00, excess \$3.57 per 1,000 gallons

(E) Temporary construction meters, three-fourths-inch, can be purchased by the customer upon request for construction purposes. The monthly rate will be \$40.39 for one to 4,000 gallons/excess \$3.57 per 1,000 gallons, not to exceed three months unless approved by the City Administrator.

(F) Inactive accounts, excluding vacant lots, will be required to pay a base rate of \$26.08. The inactive fee excludes the usage fee of \$3.57 per 1,000 gallons and is the customer's portion of debt and operation.

(Ord. 471, passed 4-13-2004; Ord. 528, passed 12-12-2006; Ord. 618, passed 10-21-2014; Ord. 625, passed 10-13-2015; Ord. 651, passed 11-9-2016; Ord. 685, passed 11-14-2017; Ord. 708, passed 12-11-2018; Ord. 738, passed 11-12-2019; Ord. 799, passed 9-27-2022; Ord. 817, passed 9-26-2023)

§ 52.08 CHARGE OR RATE FOR SEWER SERVICE.

(A) Any user of the services of the sewer utility system shall pay therefor a monthly charge or rate as indicated by the appropriate category of this section.

(B) Residential accounts:

(1) Base monthly charge: \$53.27 (4,000 gallons base usage); and

(2) Volumetric charge: \$4.75 excess per 1,000 gallons.

(C) Commercial accounts:

(1) Base monthly charge: \$53.27 (4,000 gallons base usage); and

(2) Volumetric charge: \$4.75 excess per 1,000 gallons.

(3) Special category section:

(a) Restaurants/bars/eateries:

Seating	Monthly Base Rate	Base Usage
Seating	Monthly Base Rate	Base Usage
0 to 25	\$53.27	4,000 gallons
26 to 50	\$80.25	6,000 gallons
51 to 75	\$106.54	8,000 gallons
76 to 100	\$131.97	10,000 gallons
101 to 125	\$166.30	16,000 gallons
126 to 150	\$199.43	22,000 gallons
151 to 175	\$226.07	24,000 gallons
176 to 200	\$252.71	26,000 gallons
201 to 250	\$305.97	30,000 gallons
251 to 300	\$359.24	34,000 gallons
Above 300	Add \$53.27 per 50 seats/add 4,000 per 50 seats	
All restaurants/bars/eateries shall be charged \$4.75 per 1,000 gallons processed in excess of the establishment's base usage amounts.		

(b) Convenience stores/gasoline stations:

1. Basic monthly charge: \$159.80 (12,000 gallons base usage); and

2. Volumetric charge: \$4.75 excess per 1,000 gallons.

(c) Large retail (12,000 square feet and above):

1. \$213.07 (16,000 gallons base usage);

2. Volumetric charge: \$4.75 excess per 1,000 gallons.

(d) Private recreational facility:

Up to 0.50 acre ground coverage	\$79.90 (6,000 gallons base usage)
0.51 to 10 acres ground coverage	\$106.54 (8,000 gallons base usage)
10.01 acres and above	\$159.80 (12,000 gallons base usage)

(e) Hotel/motel rooms/recreational vehicle:

(RV) sites	\$14.58 per each hotel/motel room and RV site (base usage = monthly base rate/\$53.27 x 4,000)
(E.g., 10 rooms/RV sites: 10 x 13.00 = \$130.00 = 2.63 x 4,000 = 1-,520 as the base rate.)	

(D) Duplex dwellings or multi-family (MDS) on the same building site serviced by one service connection prior to passage of this chapter shall pay the minimum of \$53.27 for the first unit and \$53.27 per additional unit in the structure. All usage of the first 4,000 gallons will have a volumetric charge of \$4.75 per 1,000.

(E) Inactive accounts, excluding vacant lots, will be required to pay a base rate of \$34.23. The inactive fee excludes the usage fee of \$4.75 per 1,000 gallons and is the customer's portion of debt and operation.

(Ord. 471, passed 4-13-2004; Ord. 618, passed 10-21-2014; Ord. 625, passed 10-13-2015; Ord. 651, passed 11-9-2016; Ord. 685, passed 11-14-2017; Ord. 708, passed 12-11-2018; Ord. 738, passed 11-12-2019; Ord. 756, passed 11-10-2020; Ord. 774, passed 10-26-2021; Ord. 799, passed 9-27-2022; Ord. 817, passed 9-26-2023)

§ 52.09 SECONDARY WATER METERS FOR NON-SEWER CONNECTED ACTIVITIES.

There is no monthly minimum fee for the secondary meter; the secondary meter billing will reflect the monthly water consumption and all applicable taxes.

(Ord. 471, passed 4-13-2004; Ord. 618, passed 10-21-2014; Ord. 625, passed 10-13-2015; Ord 651, passed 11-9-2016; Ord. 685, passed 11-14-2017; Ord. 708, passed 12-11-2018; Ord. 738, passed 11-12-2019; Ord. 799, passed 9-27-2022; Ord. 817, passed 9-26-2023)

§ 52.10 UNLAWFUL CONNECTION.

(A) No person shall be allowed to connect into any water line or sewer line owned by the city without the written consent of the city, and then the connection with such line shall be made only under the direction and supervision of the Water/Sewer Superintendent.

(B) Any property owner or plumber who shall make any connection without such consent of the city shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.11 UNLAWFUL CONSTRUCTION.

No person, group of persons, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the city, unless it is provided with water and sanitary facilities which are connected to the associated city provided utilities.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.12 CONNECTING OLD PLUMBING.

(A) Whenever it is desirable to connect old plumbing with the city's sewer main and/or water line, the owner or plumber contemplating doing such work shall notify the County Building Department who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place the old plumbing in an acceptable condition for such connection.

(B) Any owner or plumber who shall make any connection without the approval of the County Building Department shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. 471, passed 4-13-2004)

§ 52.13 SANITARY REQUIREMENTS.

Every resident and building in which human beings reside are employed or congregated, shall be required to have a sanitary method of disposing of human excrement, namely a sanitary water closet that is connected with the city sewer.

(Ord. 471, passed 4-13-2004)

§ 52.14 DISPOSAL REQUIREMENTS.

It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the city to permit the disposal of any human excrement on any property, leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation, except in approved sanitary facilities connected to the city sewer system.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.15 SEPTIC TANK.

No septic tanks will be installed within the corporate limits of the city unless the city cannot service a given area, in such cases a County Health Department septic tank permit must be obtained. Customers will be required to have their septic tank abandoned in accordance with county requirements.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.16 FAILURE TO MAINTAIN PLUMBING SYSTEM.

Failure to keep the sewer pipe that is connected to the city's sewer main free of leaks or breaks will give the city the right to cut off the water connection, which shall not be reconnected until the sewer pipe is repaired.

(Ord. 471, passed 4-13-2004)

§ 52.17 NO SERVICE FREE.

No water nor sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the city and each and every agency or department which uses either or both such services shall pay therefor at the rates fixed by this chapter.

(Ord. 471, passed 4-13-2004)

§ 52.18 PAYMENT OF FEES AND BILLS REQUIRED.

(A) Bills for the monthly charges and fees herein before mentioned shall be mailed by the utilities billing personnel at City Hall and shall be paid monthly by the user.

(B) The date of receipt at the City Hall shall be considered as the date of payment, Water/Sewer Department maintenance personnel are not authorized to receive money for the payment of bills. If any water/sewer bill for water/sewer service shall be and remain unpaid after 4:30 p.m. on the twentieth day of each month, a 10% penalty shall be imposed and added to said bill; if the twentieth day of the month falls on a weekend, customer will be given until 4:30 p.m. the next regular work day for payment; delinquent after 4:30 p.m.; and if said bill is not paid by the second Tuesday of the following month at close of business (4:30 p.m.), the water will be turned off without further notice and will not be re-connected until all current charges shall have been fully paid plus a reconnection charge. Accounts receiving meter turn-offs between and including the fifteenth and the thirty-first of the month will be billed in full, including any additional volumetric usage charges. Accounts receiving meter turn-offs between and including the first and the fourteenth of the month will be charged one-half the base rate, unless such account uses its base usage amount in full (e.g., 4,000 gallons, for residential), and in such case then the full base rate and any and all volumetric charges will be due in full.

(C) A meter reader is required to read each active water meter monthly. If it has been determined that a meter was not read and the next meter reading is above the minimum, the Water Department Clerk will determine an average monthly consumption and is authorized to adjust and give credit if appropriate.

(D) When a meter reading has been certified correct by the Water/Sewer Department Superintendent and a customer disputes the reliability of the meter functioning properly, meter will be sent (at customer's request) to the manufacturer for certification. If the manufacturer certifies the meter is functioning properly, costs for shipping, handling and meter testing will be billed to and paid in full by the customer. Customer will also be responsible for the water usage existing on the water meter. If a meter is certified as faulty, the Water Department will pay all shipping, handling and testing fees and water usage will be written off.

(E) When a water/sewer customer has failed to pay a water bill and two additional billings for the past due amount have been sent to the customer and bill remains unpaid, the total amount due will be referred to a collection agency if the amount due is \$25 or more. Upon collection of the bill, the percentage fee retained by the collection agency will be written off. Past due bills of less than \$25 and six months old or older will be referred to the City Administrator for permission to be written off.

(F) All "other billings and emergency provision of water" will be approved and signed by the City Administrator on a case-by-case basis. Emergency provision of water will not exceed three working days.

(Ord. 471, passed 4-13-2004)

§ 52.19 RECONNECTION AND SERVICE CHARGES.

(A) A re-connection charge of \$15 shall be paid for restoring all voluntary or involuntary disconnections if the service is restored within 30 days. Users moving from one location to another within the water/sewer service area will be charged a re-connection fee of \$15 if the service is restored at the new location within 30 days. Service not restored within 30 days of disconnection will be charged \$40 for reconnection. User requested disconnections or re-connections or other user problems requiring a service call by Water Department personnel at times other than the normal working hours of Water/Sewer Department personnel will be charged a service fee of \$30 in addition to the re-connection charge above.

(B) For record purposes, Water/Sewer Department personnel are required to fill out the "work report" section of the work order clearly explaining the nature and extent of the problem and action taken.

(C) Upon disconnections, Water/Sewer Department personnel will lock or seal the valve or remove the water meter.

(D) The person or agent signing the agreement form for water service is responsible for the water/sewer bill. Landlords wanting their tenants responsible for water/sewer bills should have their tenants sign the agreement form for water/sewer service and pay a reconnection fee.

(E) Money must be paid in full for re-connections or new installations. The City Administrator is authorized to make adjustments in these provisions for a justifiable hardship case.

(F) The Water/Sewer Department will not refuse water/sewer service to a renter if another renter defaults; however, if an owner defaults, a renter will be denied water service until any unpaid balance and re-connection fees are paid in full.

(Ord. 471, passed 4-13-2004)

§ 52.20 SENIOR CITIZEN DISCOUNT FOR MONTHLY WATER/SEWER CUSTOMERS.

(A) (1) Any person that is a customer of the city water/sewer system that qualifies for and receives homestead exemption pursuant to § 6(a), Article VII of the Florida Constitution, and who meets the following criteria will receive this discount:

- (a) Must be a full-time, year-round resident of the city or its service area;
- (b) Be at least 65 years of age as of October 1 of the year to file; and

(c) Have a household adjusted gross income that does not exceed the limit announced by the State of Florida each January.

(2) **HOUSEHOLD ADJUSTED GROSS INCOME:** the sum of income for all members of the household. For the purposes of applying for this exemption, it is the adjusted gross income figure that

is calculated and reported on the federal income tax return of all household members.

(B) Customers qualifying for this discount shall be charged the following:

- (1) Water: \$31.27 up to 4,000 gallons;
- (2) Sewer: \$41.31 up to 4,000 gallons; and
- (3) All applicable taxes will be included.

(Ord. 618, passed 10-21-2014; Ord. 625, passed 10-13-2015; Ord. 651, passed 11-9-2016; Ord. 685, passed 11-14-2017; Ord. 708, passed 12-11-2018; Ord. 738, passed 11-12-2019; Ord. 756, passed 11-10-2020; Ord. 774, passed 10-26-2021; Ord. 799, passed 9-27-2022; Ord. 817, passed 9-26-2023)

§ 52.21 VACANT LOTS.

(A) Customers with vacant lots will be charged the following rates:

- (1) Water: \$26.08;
- (2) Excess consumption charges shall be at the prevailing per 1,000 gallon rate (in excess of 4,000 gallons); and
- (3) All applicable taxes will be included.

(B) This section was effective April 1, 1997, when the city implemented this policy and discussed this waiver during a public meeting on January 23, 1997, and only applies to those customers paying base rates since April 1, 1997, on vacant land. Customers that have vacant lots and pay the base rates without interruption will be exempt from paying water and sewer impact fees at the time of construction. Upon the sale of the property, this waiver will pass to the new property owner(s), providing there is no interruption in payment of fees.

(Ord. 618, passed 10-21-2014; Ord. 625, passed 10-13-2015; Ord. 651, passed 11-9-2016; Ord. 685, passed 11-14-2017; Ord. 708, passed 12-11-2018; Ord. 738, passed 11-12-2019; Ord. 799, passed 9-27-2022; Ord. 817, passed 9-26-2023)

USE OF THE MUNICIPAL WATER/SEWER SYSTEM OUTSIDE CITY LIMITS

§ 52.30 CONNECTIONS WITH WATER/SEWER SYSTEM.

(A) Where the same shall be available, the owner of every lot or parcel of land adjoining the city water/sewer system in Gulf/Bay County, may connect, or cause the plumbing of any building or buildings thereon to be connected, with the municipal water/sewer works system of the city, and use the facilities of such system. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the City Council of the city, these rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such Council may fix and determine. Connections to the city sewer system to residential or commercial units located outside the city limits shall not be required and occur only if the city is willing and able to serve such locations, as determined by the City Council following submission of an application to the City Council. Sewer rates and impact fees for such connections shall be established by the city on a case-by-case basis using the existing rates and impact fees charged to users located within the city limits as a basis.

(B) Where water and sewer are afforded a customer outside the city limits, the customer shall pay a monthly fee in accordance with the prevailing rate schedule plus a surcharge of 25% thereof.

(Ord. 471, passed 4-13-2004; Ord. 767, passed 9-14-2021; Ord. 799, passed 9-27-2022; Ord. 817, passed 9-26-2023)

State law reference:

Limitation on rates charged consumers outside city limits, F.S. 180.191

§ 52.31 EXCEPTIONS TO CONNECTIONS.

This chapter shall not be construed to require or entitle any person to cross the private property of another to make any such water/sewer connections. The customer desiring connection to the water/sewer system will comply with this chapter and will sign an agreement with the city.

(Ord. 471, passed 4-13-2004)

§ 52.32 SEPARATE CONNECTIONS FOR EACH SEPARATE UNIT.

Each residential unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit shall be considered a separate unit for the payment of the water/sewer fees, and separate connections and meters will be required for each of such units. This chapter shall not be construed to require existing multi-family (MDS)

units, at the time this chapter is passed, being serviced through one city meter to install a separate connection for each unit unless major alterations are made to the structure or unit/units are sold to a new owner.

(Ord. 471, passed 4-13-2004)

§ 52.33 WATER CUT-OFF VALVE, SEWER CLEAN OUT .

Effective on the passage of this chapter, all new units and connections will be required to have a water cut-off valve and a sewer clean out valve on a case-by-case basis on the property owner's side of the water and sewer lines. The owner will be responsible for installation of the water cut-off valve and the sewer clean out. The city will install a cut-off water valve at the meter box on the customer's side for new and replacement water meters as it deems necessary. The cost of the valve, where installed by the city, will be added to the total installation cost of the water meter.

(Ord. 471, passed 4-13-2004)

§ 52.34 LIMITATIONS ON EFFLUENT.

The city shall use its best efforts to limit, by ordinance and force of law if necessary, introduction of the following into the sewer system.

(A) *Industrial waste.* No industrial waste shall be discharged into the system unless it meets all applicable local, state and federal requirements regarding pre-treatment and has been reviewed and approved by the appropriate authority.

(B) *Stormwater.* Stormwater and other miscellaneous liquid flows, such as roof drain, air conditioning condensate, gasoline or oil shall not be discharged into the system.

(C) *Septic tank pump out.* Septic tank pump outs shall not be discharged into the system without the prior approval of the city. Any additional or extraordinary treatment cost of treating septic tank pump-outs shall be done by the owner prior to permitting discharge of the pump-out into the system.

(D) *Miscellaneous.* All effluent materials and discharges into the system shall meet applicable regulations of the State Department of Environmental Protection, the United States Environmental Protection Agency and such reasonable pre-treatment regulations and prohibitions as may be promulgated for time to time by the city.

(Ord. 471, passed 4-13-2004)

§ 52.35 CHARGE OR RATE FOR WATER SERVICE.

(A) Any user of the services of the waterworks system shall pay therefor a monthly charge or rate as indicated by the appropriate category of this section.

(B) Residential accounts:

Rates	Monthly Basis
3/4-inch 4,000 gallons	\$30.97 excess \$2.68 per 1,000 gallons
1-inch 6,000 gallons	\$50.38 excess \$2.68 per 1,000 gallons
Hydrant usage	\$2.68 per 1,000 gallons

(C) Duplex dwelling or multi-family dwelling (MDS) on the same building site serviced by one service connection, prior to the passage of this chapter, shall pay the minimum charge of \$30.97 for the first unit and \$30.97 per additional unit in the dwelling. The base allowance, however, will be 4,000 gallons for each unit in the dwelling. All usage per unit exceeding 4,000 gallons will be charged at the rate of \$2.68 per 1,000 gallons.

(D) Commercial accounts:

Rates	Monthly Basis
1-inch 6,000 gallons	\$50.28 excess \$2.68 per 1,000 gallons
2-inch 12,000 gallons	\$96.12 excess \$2.68 per 1,000 gallons
3-inch 18,000 gallons	\$137.69 excess \$2.68 per 1,000 gallons
4-inch 24,000 gallons	\$184.58 excess \$2.68 per 1,000 gallons

(E) Connection fees:

3/4-inch tap \$316, or actual cost (whichever is greater)
1-inch tap \$448, or actual cost (whichever is greater)

2-inch and over tap \$885 or actual cost (whichever is greater)
In addition to tap fees, backflow preventers will be installed on all new connections

(F) Impact fee: \$2,125 per ERC. See §52.36(E) to determine impact fee(s).

(G) The city reserves the right to enter into contracts with large users of water for the purpose of setting and determining a monthly charge or rate for the use of such service, which monthly rate or charge may be computed upon a different basis than set forth in division (F) above. Such contracts shall be entered into by means of a resolution duly adopted by the City Council.

(H) Customers may pay in advance for new installations and valves for new meters and such new installations will be sealed or locked until the customer requests service. Reconnection fees will not be charged.

(I) The meter reading of a new installation between the fifteenth and thirty-first of the month will not be entered into the computer until the meter reading in the following month, at which time one month's minimum plus charges for total consumption will be charged.

(J) The Water Department will move a meter from one location to another within the same lot for a property owner for the cost of labor and parts, except cases which would benefit the city and/or correct previous installation errors. This section does not and is not intended to waive in any manner required water/sewer impact fees. The City Administrator/Public Works Director is authorized to have Water Department personnel correct such exceptions without cost to the property owner.

(K) Commercial buildings serviced by a three-fourths-inch meter prior to the passage of this chapter shall pay the minimum charge of \$50.28. All usage over 6,000 gallons will be charged at \$2.68 per 1,000 gallons.

(L) All other commercial buildings requiring water service must be supplied by a one-inch meter or larger. The following current situations are unique and require special consideration as follows.

(1) Any existing business complex serviced by a three-fourths-inch or larger meter will be charged the business rate times the number of business units in the complex.

(2) Any existing combination of business and residential units serviced by a three-fourths-inch or larger meter will be charged the basic commercial rate times the number of businesses plus the basic residential rate times the number of residential units.

(3) If there is more than one business within a business facility and they have the same owner, the business will be charged the single basic commercial rate.

(4) If one or more of the businesses in a business complex is seasonal, it will be charged the basic commercial rate only while the business is in operation. It will be the responsibility of the owner or lessor of the complex to notify the City Water Department when the seasonal business begins and ends.

(M) A property owner possessing a water meter or sewer system shall be responsible for any and all water and sewer usage on such property including unauthorized water or sewer usage through a meter or account that has been inactivated.

(Ord. 471, passed 4-13-2004)

§ 52.36 CHARGE OR RATE FOR SEWER SERVICE.

(A) Any user of the services of the sewer works system shall pay therefor a monthly charge or rate as indicated by the appropriate category of this section.

(B) Residential accounts:

Base monthly charge	\$38 (4,000 gallons base usage)
Volumetric charge	\$2.50 excess per 1,000 gallons

(C) Commercial accounts:

Basic monthly charge	\$38 (4,000 gallons base usage)(unless listed below in special category section)
Volumetric charge	\$2.50 excess per 1,000 gallons
All commercial accounts will be charged a separate basic commercial charge, at the appropriate commercial rate plus volumetric excess charges set forth herein, for each business activity conducted on its premises (e.g., a restaurant with 60 seats and a gift shop will be charged a base rate of \$70 restaurant portion and \$38 gift shop portion for a total of \$108, plus any volumetric charges that may apply)	

(Ord. 471, passed 4-13-2004)

§ 52.37 SECONDARY WATER METERS FOR NON-SEWER CONNECTED ACTIVITIES.

(A) A provision is hereby established providing for the installation of a second water meter by either commercial or residential accounts. This meter will be charged for water consumption only. This meter may only be used to provide water to the following activities: non-sanitary or consumption such as marinas, swimming pools and sprinkler systems.

(B) Each installation of a secondary meter will be approved on an individual basis where it is determined that water used is not capable of entering the sewer system. Cost for the second meter will be the normal cost for a meter installation without impact fees plus backflow preventor fee. The municipal water department will set the meter and backflow preventor.

(C) There is no monthly minimum fee for the secondary meter, the secondary meter billing will reflect the monthly water consumption and all applicable taxes.

(Ord. 471, passed 4-13-2004; Ord. 651, passed 11-9-2016)

§ 52.38 UNLAWFUL CONNECTION.

No person shall be allowed to connect into any water line or sewer line owned by the city without the written consent of the city, and then the connection with such line shall be made only under the direction and supervision of the Water/Sewer Superintendent. Any property owner or plumber who shall make any connection without such consent of the city shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.39 UNLAWFUL CONSTRUCTION.

No person, group of persons, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the city and other jurisdictions using the city's water/sewer system unless it is provided with water and sanitary facilities which are connected to the associated city provided utilities.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.40 CONNECTING OLD PLUMBING.

Whenever it is desirable to connect old plumbing with the city's sewer main and/or water line, the owner or plumber contemplating doing such work shall notify the City Building Department who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place the old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the City Building Department shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. 471, passed 4-13-2004)

§ 52.41 SANITARY REQUIREMENTS.

Every residence and building in which human beings reside are employed or congregated, shall be required to have a sanitary method of disposing of human excrement, namely a sanitary water closet that is connected with the city sewer.

(Ord. 471, passed 4-13-2004)

§ 52.42 DISPOSAL REQUIREMENTS.

It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the city to permit the disposal of any human excrement on any property, leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation, except in approved sanitary facilities connected to the city sewer system.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.43 FAILURE TO MAINTAIN PLUMBING SYSTEM.

Failure to keep the sewer pipe that is connected to the city's sewer main free of leaks or breaks will give the city the right to cut off the water/sewer connection, which shall not be reconnected until the sewer pipe is repaired.

(Ord. 471, passed 4-13-2004)

§ 52.44 NO SERVICE FREE.

No water nor sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the city and each and every agency or department which uses either or both such services shall pay therefor at the rates fixed by this chapter.

(Ord. 471, passed 4-13-2004) Penalty, see § 52.99

§ 52.45 SEPTIC TANK.

Septic tank or drain field installation shall not be located within ten feet of water lines.

(Ord. 471, passed 4-13-2004)

§ 52.46 PAYMENT OF FEES AND BILLS REQUIRED.

(A) Bills for the monthly charges and fees hereinbefore mentioned shall be submitted by the Water Department and shall be paid monthly by the user. The date of receipt at the City Hall shall be considered as the date of payment. Water Department personnel are not authorized to receive money for the payment of water bills. If any water bill for water service shall be and remain unpaid after 4:30 p.m. on the twentieth day of each month, a 10% penalty shall be invoiced and added to said bill; if the twentieth day of the month falls on a weekend, the customer will be given until 4:30 p.m. the next regular work day for payment; delinquent after 4:30 p.m.; and if said bill is not paid by the second Wednesday of the following month the water will be turned off without further notice and will not be reconnected until all past due charges shall have been fully paid plus a reconnection charge.

(B) Accounts receiving meter turn-offs between and including the fifteenth and the thirty-first of the month will be billed in full, including any additional volumetric usage charges. Accounts receiving meter turn-offs between and including the first and the fourteenth of the month will be charged one-half the base rate, unless such account uses its base usage amount in full (e.g., 4,000 gals, for residential), and in such case then the full base rate and any and all volumetric charges will be due in full.

(C) The meter reader is required to read each active account monthly. If it has been determined that a meter was not read and the next meter reading is above the minimum, the Water Department Clerk will determine an average monthly consumption and is authorized to adjust and give credit if appropriate.

(D) When a meter reading has been certified correct by the Water Department Superintendent and a customer disputes the reliability of the meter functioning properly, a meter will be sent (at the customers request) to the manufacturer for certification. If the manufacturer certifies that the meter is functioning properly, costs for shipping, handling and meter testing will be billed to and paid in full by the customer. The customer will also be responsible for the water usage existing on the water meter. If a meter is certified as faulty, the Water Department will pay all shipping, handling and testing fees and the water usage will be written off.

(E) When a water customer has failed to pay a water bill and two additional billings for the past due amount have been sent to the customer and the bill remains unpaid, the total amount due will be referred to a collection agency if the amount due is \$25 or more. Upon collection of the bill, the percentage fee retained by the collection agency will be written off past due bills of less than \$25 and six months old or older will be referred to the City Administrator for permission to be written off.

(F) All "other billings and emergencies" will be approved and signed by the City Administrator on a case-by-case basis. Emergencies normally will not exceed three working days.

(Ord. 471, passed 4-13-2004)

§ 52.47 RECONNECTION AND SERVICE CHARGES.

(A) A reconnection charge of \$15 shall be paid for restoring all voluntary or involuntary dis-connections if service is restored within 30 days. Users moving from one location to another within the water service area will be charged a reconnection fee of \$15 if the service is restored at the new location within 30 days. Service not restored within 30 days of a disconnection will be charged \$60 for reconnection. User-requested disconnections or re-connections or other user problems requiring a service call by Water Department personnel at times other than the normal working hours of the Water Department personnel will be charged a service fee of \$30 in addition to the reconnection charge as stated above.

(B) For record purposes, Water Department personnel are required to fill out the "work report" section of the work order, clearly explaining the nature and extent of the problem and action taken.

(C) Upon disconnections, Water Department personnel will lock or seal the valve or remove the water meter.

(D) The person/agent signing the agreement form for water service is responsible for the water bill. Landlords wanting their tenants responsible for water bills should have their tenants sign the agreement form for water service and pay a reconnection fee.

(E) Money must be paid in full for re-connections or new installations. The City Administrator is authorized to make adjustments in these provisions for a justifiable hardship case.

(F) The Water Department will not refuse water service to a renter if another renter defaults; however, if an owner defaults, a renter will be denied water service until any unpaid balance and reconnection fees are paid in full.

(Ord. 471, passed 4-13-2004)

§ 52.48 SURCHARGE FOR CUSTOMERS OUTSIDE CITY LIMITS.

Where water and sewer are afforded a customer outside the city limits, the customer shall pay monthly fees in accordance with the prevailing rate schedule plus a surcharge of 25% thereof.

(Ord. 618, passed 10-21-2014; Ord. 625, passed 10-13-2015; Ord. 651, passed 11-9-2016; Ord. 685, passed 11-14-2017;

Ord. 708, passed 12-11-2018; Ord. 738, passed 11-12-2019)

Statutory references:

Limitation on rates charged consumers outside city limits, see F.S. § 180.191

§ 52.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, for each such offense, be subject to a fine of not to exceed \$500 or imprisonment for not to exceed 60 days, or by both such fine and imprisonment in the discretion of the court.

(Ord. 471, passed 4-13-2004)

CHAPTER 53: CROSS-CONNECTION CONTROL

Section

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GENERAL PROVISIONS

§ 53.01 PURPOSE.

The purpose of this chapter is:

(A) To protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system;

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and non potable water systems, plumbing fixtures, and industrial piping systems; and

(C) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. 485, passed 4-12-2005)

§ 53.02 RESPONSIBILITY.

The Public Works Director, Water Department Superintendent or designee shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Public Works Director, Water Department Superintendent or designee, an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the Public Works Director, Water Department Superintendent or designee shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specific location(s) on his or her premises. The customer shall immediately install such approved assembly(s) at his or her own expense; and failure, refusal or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. 485, passed 4-12-2005)

§ 53.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates requires a different meaning.

AIR-GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor or other assembly and the flood level rim of the

receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one inch (25 mm).

APPROVED. Accepted by the authority responsible as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use,

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

BACKFLOW. The undesirable reversal of flow in a potable water distribution system as a result of a cross-connection.

BACKFLOW PREVENTER. An assembly or means designed to prevent backflow.

BACKPRESSURE. A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler or any oilier means that may cause backflow.

BACKSIPHONAGE. Backflow caused by negative or reduced pressure in the supply piping.

CONTAMINATION. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

CROSS-CONNECTION. A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner dial, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water.

CROSS-CONNECTIONS-CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The installation of an approved backflow prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections shall cannot be effectively eliminated or controlled at the point of the cross-connection.

DOUBLE CHEEK VALVE ASSEMBLY. The approved double check, valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-sealed shut-off valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant).

HAZARD, DEGREE OF. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

HAZARD, HEALTH. A cross-connection or potential cross-connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease or have a high probability of causing such effects.

HAZARD, NON-HEALTH. A cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

HAZARD, PLUMBING. A plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow prevention assembly.

HAZARD, SYSTEM. An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUIDS SYSTEM. Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerin, paraffins caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for firefighting purposes.

POLLUTION. The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY. The approved reduced-pressure principle backflow prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shut-off valves as an assembly and equipped with properly located resilient-seated test cocks.

SERVICE CONNECTION. The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the **SERVICE CONNECTION** shall mean the downstream of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. **SERVICE CONNECTION** shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

WATER COMMISSIONER or HEALTH OFFICIAL. The Public Works Director, Water Department Superintendent or designee of the city is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this chapter.

WATER, NON-POTABLE. Water that is not safe for human consumption or that is of questionable quality.

WATER, POTABLE. Water that is safe for human consumption as described by the public health authority having jurisdiction.

WATER, USED. Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

(Ord. 485, passed 4-12-2005)

REQUIREMENTS

§ 53.15 WATER SYSTEM.

- (A) The water system shall be considered as made up of two parts: the utility system and the customer system.
- (B) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the consumer's system begins.
- (C) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- (D) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- (E) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

(Ord. 485, passed 4-12-2005)

§ 53.16 POLICY.

- (A) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state/provincial laws and regulations and this chapter. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (B) The customer's system should be open for inspection at all reasonable times to authorized representatives of the city water system to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exists. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state/provincial and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (C) An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist.
 - (1) In the case of premises having an auxiliary water supply that is not or may not be safe bacteriological or chemical quality and that is not acceptable as an additional source by the city, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard.
 - (2) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected

against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling process waters and waters originating from the utility system that have been subject to deterioration in quality.

(3) In the case of premises having: internal cross-connections that cannot be permanently corrected and controlled; or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

(D) The type of protective assembly required under divisions (C)(1), (C)(2) and (C)(3) above shall depend upon the degree of hazard that exists as follows.

(1) In the case of any premises where there is an auxiliary water supply is stated in division (C)(1) above, and is not subject to any of the following rules, the public water system shall protect the an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from these premises by either an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly on each service to the premises.

(6) In the case of any premises where, in the opinion of the city, an undue health threat is posed because of the presence of extremely toxic substances, the city may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the city and is dependent on the degree of hazard.

(E) Any backflow assembly required herein shall be a model and size approved by the city. The term **APPROVED BACKFLOW PREVENTION ASSEMBLY** shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled: *AWWA C520-89 - Standard for Double Check Valve Backflow Prevention Assembly*, and *AWWA C511-89 - Standard for Reduced-Pressure Principle Backflow Prevention Assembly*, and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by: *Specification of Backflow Prevention Assemblies* § 10 of the most current issue of the Manual of Cross-Connection Control.

(1) Said AWWA and FCCHR standards and specifications have been and are hereby adopted by the city. Final approval shall be evidenced by a certificate of approval issued by an approved testing certifying full compliance with said AWWA standards and FCCHR specifications.

(2) The following testing laboratory has been qualified by the city to test and certify backflow preventors:

Foundation for Cross-Connection Control and Hydraulic Research

University of Southern California

University Park

Los Angeles, CA 90089

(3) Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by city.

(F) Backflow preventors that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies are installed to have certified inspections and operational tests at least once a year. In those instances where the city deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturers representative, or by a certified tester approved by the state and/or the city. It shall be the duty of the city to see that these tests are made in a timely manner. The customer/user shall notify the city in advance when tests are to be undertaken so that the city may witness the tests if so desired. These assemblies shall be installed, repaired, overhauled or replaced at the expense of the customer/user whenever said assemblies are found to be defective. Forms shall be made available to each customer/user for their representative to complete for repairs, inspections, overhauls and installation by

the city.

(G) All presently installed backflow prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under division (F) above, be excluded from the requirements of these rules so long as the city is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the city finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

(Ord. 485, passed 4-12-2005)

§ 53.17 VIOLATION.

Any person or persons violating this chapter is guilty of a misdemeanor of the second degree, punishable as provided by state statutes.

(Ord. 485, passed 4-12-2005) Penalty, see § 10.99

CHAPTER 54: PRETREATMENT REGULATIONS; POLLUTION

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GENERALLY

§ 54.01 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR Part 403 and Chapter 62-625, Florida Administrative Code).

(B) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the wastewater facility (WWF) that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the WWF that will pass through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the system;
- (3) To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level that allows it to be disposed of in accordance with the management plan adopted by the facility;
- (4) To protect both WWF personnel who come in contact with wastewater and biosolids in the course of their employment and the general public;
- (5) To provide for fees for equitable distribution of the cost of operation, maintenance, and improvement of the WWF;
- (6) To improve the opportunity to recycle and reclaim wastewater and biosolids from the system; and
- (7) To enable the city and Bay County to comply with the National Pollutant Discharge Elimination System permit conditions, any biosolids use and disposal requirements, and any other federal, state and local laws to which the WWF is subject.

(C) This chapter shall apply to the customers and users in the city and to persons outside the city who are, by contract or agreement with the city, users of the publicly owned treatment works (POTW). Except as otherwise provided herein, the city shall administer, implement, and enforce the provisions of this chapter.

(D) This chapter provides for user reporting and for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities.

(Ord. 679, passed 9-26-2017)

§ 54.02 DEFINITIONS.

(A) Unless the context specifically indicates otherwise, the following words, terms or phrases, used in this chapter, shall have the meanings hereinafter designated.

ACT or **"THE ACT."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY. The Florida Department of Environmental Protection.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(a) If the IU is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the IU is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the IU is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

(d) The individuals described in divisions (a) - (c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority.

BEST MANAGEMENT PRACTICES OR BMPS. Schedules of activities prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 62-625.400(1)(a) and 625.400(2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed as a concentration in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five calendar days at a temperature of 20° centigrade.

BYPASS. The intentional diversion of wastestreams from any portion of an IU's treatment facility.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD). The quantity of oxygen, expressed as a concentration

in milligrams per liter (mg/l), utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory conditions of incubation for five calendar days at a temperature of 20° centigrade.

CATEGORICAL INDUSTRIAL USER. An IU subject to categorical pretreatment standards under 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as defined, adopted, and incorporated in Chapter 62-625, F.A.C.

CATEGORICAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of IUs and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CHEMICAL OXYGEN DEMAND OR COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY. The Approval Authority, defined hereinabove, or the city's designated agent if the city has an approved Pretreatment Program under the provisions of 40 C.F.R. § 403.11.

CITY. The City of Mexico Beach or the City Council or designated official or employee of the City of Council.

CITY COUNCIL. The duly elected officials of the City of Mexico Beach, Florida.

DIRECTOR. The city's Public Works Director or his/her designee.

DAILY MAXIMUM. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DOMESTIC WASTEWATER. Wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

ENVIRONMENTAL PROTECTION AGENCY OR EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FDEP OR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. The agency responsible for pollution control in the State of Florida or the duly authorized official of said agency.

GRAB SAMPLE. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

GREASE TRAP OR INTERCEPTOR. A device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. **GREASE TRAPS** also serve to collect solids that settle, generated by and from activities that subject IUs to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors".

INDIRECT DISCHARGE OR DISCHARGE. The introduction of pollutants into the WWF from any nondomestic source regulated under F.S. Chapter 403.

INDUSTRIAL USER (IU). A source of discharge.

INDUSTRIAL WASTEWATER. shall mean process and non-process wastewater from manufacturing, commercial, mining, and silvicultural facilities or activities, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing, and all other wastewater not otherwise defined as domestic wastewater. Industrial wastewater does not include demineralization concentrate as stated in 62-610.865, F.A.C.

INDUSTRY. Any establishment that uses water in a product or generates wastewater during any period of production.

INFLUENT. Wastewater, raw or partially treated, flowing into any wastewater treatment device or facilities.

INSTANTANEOUS LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its biosolids process, which clearly causes, in whole or in part, a violation of any requirements of the WWF's NPDES permit or a permit issued by the State of Florida, or prevents the use or disposal of biosolids by the WWF in accordance with any federal or state laws, regulations or permits, or any biosolids management plans.

LOCAL LIMIT. Specific discharge limits developed and enforced by the control authority to implement the general and specific discharge prohibitions listed in § 54.30, 62-604.130, F.A.C, 62-625.400(1)(a), F.A.C, and 62-625.400(2), F.A.C.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MONTHLY AVERAGE. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MONTHLY AVERAGE LIMIT. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MUNICIPAL USER. Any municipality, contributing jurisdiction, or utility authority that contributes all or a portion of its wastewater to any WWF owned or operated by the county, regardless of contract or agreement with the county.

NEW SOURCE.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated, provided that:

1. No other source is located at that site;
2. The source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the source are substantially independent of an existing source at that site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (a)2. and (a)3. of this definition but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction or operation of a new source as defined under this definition has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on site construction program:
 - A. Any placement, assembly, or installation of facilities or equipment; or
 - B. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time, but not including options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies.

NONCONTACT COOLING WATER. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS THROUGH. A discharge that exits the WWF into waters of the United States containing quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of WWF's NPDES permit, a NPDES permit for a facility operated by Bay County, or a permit issued by the State of Florida including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agent or assigns. This definition includes all federal, state and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT(S). Dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, domestic wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes; and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity or odor) that causes or may reasonably expected to cause, alone or in conjunction with other sources, a violation of the general and specific discharge prohibitions listed in § 54.30, 62-604.130, F.A.C., 62-625.400(1)(a), F.A.C., and 62-625.400(2), F.A.C.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the WWF. The reduction or alteration may be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard or requirement.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirements related to pretreatment imposed on an IU, other than a pretreatment standard.

PRETREATMENT STANDARD OR STANDARDS. Prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances that appear in § 54.30.

PUBLIC SEWER. A common sewer owned, operated or controlled by a governmental or other public agency that is a contributor to the treatment plant.

SEPTIC TANK WASTE. Any domestic wastewater from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SIGNIFICANT INDUSTRIAL USER (SLU).

(a) Industrial users subject to categorical pretreatment standards; or

(b) Any other IU that:

1. Discharges an average of 25,000 gpd or more of industrial wastewater into the WWF; or
2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
3. Is designated as significant by the director on the basis that the IU has a reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the WWF (in accordance with 62-625.500(2) (e), F.A.C., as hereby incorporated.

(c) Upon a finding that an IU has no reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the WWF, the director may determine that such an IU is not a SIU in accordance with 62-625.500(2)(e), F.A.C, as hereby incorporated.

SLUG LOAD OR SLUG DISCHARGE. Any discharge at a flow rate or concentration which could cause a violation of the general or specific discharge prohibitions in § 54.30, or any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

SOURCE. Any and all points of origin, building, structure, facility, or installation, whether privately or publicly owned or operated, from which there is or may be the discharge of pollutants.

STORMWATER. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

TOTAL SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with applicable categorical pretreatment standards because of factors beyond the reasonable control of the IU. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

WASTEWATER. Industrial wastewater and domestic wastewater from any source, whether treated or untreated, which are contributed to the WWF.

WASTEWATER FACILITY (WWF). Any device and system used in the collection, conveyance, storage, treatment, recycling and reclamation of sewage, industrial wastewater or other waste, WWF shall include any sewers, intercepting sewers, clarifiers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances and any extensions, improvements, remodeling, additions or alterations thereof; any elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; any works, including land used as an integral part of the treatment process or for the ultimate disposal of residue resulting from such treatment; and any other method or system used for preventing, abating, reducing, storing, treating, separating or disposing of domestic wastewater, industrial wastewater or other waste, including wastewater in combined sewer water and sanitary sewer systems. For the purposes of this chapter, WWF shall also include any sewers that convey wastewaters to the WWF from outside of the city that are owned or operated by persons who are, by contract or agreement with the city, users of the WWF.

WASTEWATER DISCHARGE PERMIT. The document or documents issued to an IU by the city in accordance with the terms of this chapter.

WASTEWATER HAULER. Any person, partnership, unit of government or corporation engaged in transporting wastewater as a commercial venture or as a public service.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT. That portion of the WWF that is designed to provide treatment of municipal domestic wastewater and industrial wastewater.

(Ord. 679, passed 9-26-2017)

§ 54.03 ABBREVIATIONS.

(A) The following abbreviations, when used in this chapter, shall have the designated meanings:

- (1) BMP - Best Management Practice;
- (2) BOD - Biochemical oxygen demand;
- (3) CBOD - Carbonaceous biochemical oxygen demand;
- (4) CFR - Code of Federal Regulations;
- (5) COD - Chemical oxygen demand;
- (6) EPA - U.S. Environmental Protection Agency;
- (7) F.A.C. - Florida Administrative Code;
- (8) FDEP - Florida Department of Environmental Protection;
- (9) F.S. - Florida Statutes;
- (10) gpd - gallons per day;
- (11) IU - Industrial User;
- (12) l - liter;
- (13) mg - milligrams;
- (14) NPDES - National Pollutant Discharge Elimination System;
- (15) WWF - Wastewater facility;
- (16) RCRA - Resource Conservation and Recovery Act;
- (17) SIU - Significant Industrial User;
- (18) SNC - Significant Noncompliance;
- (19) SWDA - Solid Waste Disposal Act;
- (20) TSS - Total suspended solids;
- (21) U.S.C. - United States Code;
- (22) ug - micrograms; and
- (23) WWF - Wastewater Facility.

(Ord. 679, passed 9-26-2017)

§ 54.04 INJUNCTIVE RELIEF.

Whenever a person has violated or continues to violate any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement, the city, through the city's attorney, may petition the Circuit Court of Bay County for the issuance of a temporary or permanent injunction, as may be appropriate, to restrain the person from violating such provision, order, permit standard or requirement or to compel the specific performance of the provision, permit, order, standard or requirement. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

(Ord. 679, passed 9-26-2017)

§ 54.05 CIVIL PENALTIES.

(A) Any person that has violated or continues to violate any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement shall be liable for a maximum civil penalty of \$500 per violation per day. In the case of a monthly or other long-term average pretreatment standard, penalties shall accrue for each business day during the period of the violation.

(B) The city may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the city.

(C) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the persons' violation, corrective actions by the person, the compliance history of the person and any other factor as justice requires.

(D) Where appropriate, the city may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to county and the persons' expense in undertaking the project is at least 150% of the civil penalty.

(E) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a person.

(Ord. 679, passed 9-26-2017)

§ 54.06 CRIMINAL PROSECUTION.

(A) Any person that knowingly or willfully violates any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year, or both.

(B) A person who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) Any person that knowingly or willfully makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained under any provision of this chapter or wastewater discharge permit or order issued under this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year, or both.

(Ord. 679, passed 9-26-2017)

§ 54.07 RIGHT OF ENTRY AND CONFIDENTIAL INFORMATION.

(A) *Right of entry.*

(1) The director and other authorized representatives of the city bearing proper credentials and identification shall be permitted to immediately enter all IUs; premises at reasonable hours to determine whether the IU is complying with all standard requirements of this chapter and any wastewater discharge permit or order issued hereunder. Industrial users shall allow the director and other authorized representatives of the city ready access to all parts of the premises for the purposes of inspection, observation, copying, measurement or conducting surveys, sampling in accordance with this chapter, examining reports and records required by this chapter or by the director in accordance with this chapter and any other duties necessary to monitor and enforce compliance with this chapter. The director shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.

(2) Entry shall normally be made during daylight or operating hours. However, the right is reserved for the director to enter the IU's premises at any hour of any day the director or other authorized representative of the city deems necessary as a result of abnormal or emergency circumstances. While performing necessary work on the IU's premises, the director or other authorized representative of the city shall observe all reasonable safety rules applicable to the premises established by the IU, and the IU shall be held harmless for injury or death to the city employees, and the city shall indemnify the IU against loss or damage to its property and against liability claims and demands for personal injury or property damage asserted against the IU, except as such may be caused by willful acts, negligence or failure of the IU to maintain safe conditions.

(3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the IU.

(4) Unreasonable delays in allowing the director and authorized representatives of the city access to the IU's premises shall be a violation of this chapter.

(B) *Search warrants.* If the director or other authorized representative of the city has been refused access to a building, structure or property, or any part thereof, and the director or city is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the Circuit Court of Bay County.

(c) *Confidential information.* Information and data on an IU obtained from reports, questionnaires, permit applications, permits and monitoring programs and inspection and sampling activities by the city and the director shall be available to the public without restriction unless the IU specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under federal or state law. In addition, the director and the city shall be subject to any confidentiality requirements established under the laws of the State of Florida.

(1) Effluent information and data provided to the control authority in accordance with 62-625.800(2), F.A.C. shall be available to the public without restriction.

(2) When requested and demonstrated by the IU furnishing a report that such information should be held confidential,

the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this chapter, the NPDES program and in enforcement proceedings involving the person furnishing the report.

(Ord. 679, passed 9-26-2017)

§ 54.08 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

(A) The director shall publish annually, in the largest daily newspaper published in the city a list of the IUs which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

(B) The term "**SIGNIFICANT NONCOMPLIANCE**" shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of the wastewater measurements taken for each pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of the wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the county WWF personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his/her emergency authority under § 54.09(G) to halt or prevent such a discharge;

(5) Failure to meet, within 90 calendar days of the scheduled date, a compliance schedule milestone contained in an agreement with the director, compliance orders, wastewater discharge permit, or other enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 45 calendar days after the due date, any reports required by this Code or orders or permits issued under this chapter, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), including a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 679, passed 9-26-2017)

§ 54.09 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) *Voluntary program.* Should an IU present to the director, at any time prior to being required to do so, information, data, plans, schedules and the like relating to a proposed procedure for the prevention of discharges in violation of the provisions of this chapter, the director may receive such material and initiate procedures for the preparation of an agreement under division (C). The presentation of material to the director, the acceptance of such material by the director or commencement of procedures for the issuance of an agreement shall not prevent the director from issuing any notice of violation under division (B), nor does it exempt any IU from the provisions of this chapter. An IU-initiated voluntary program meets the definition of "good faith effort."

(B) *Notification of violation.* Whenever the director finds that any IU has violated or is violating a provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement, the director may serve upon the IU a written notice of violation. Within ten calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the IU of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take emergency action without first issuing a notice of violation.

(C) *Agreements.* The director is hereby empowered to enter into agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the IU responsible for noncompliance. Such agreements include specific action to be taken by the IU to correct the noncompliance within a time period also specified by the agreement. Agreements shall have the same force and effect as administrative orders issued pursuant to divisions (E) and (F) and shall be judicially enforceable.

(D) *Show cause hearing.* The city may order any IU that causes or contributes to a violation of any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the IU show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten calendar days prior to the meeting.

Such notice may be served on any authorized representative of the IU. Whether or not the IU appears as noticed, immediate enforcement action may be pursued following the meeting date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the IU.

(E) *Compliance orders.* When the director finds that an IU has violated or is violating any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement, he may issue an order to the IU responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirements as might be reasonable necessary and appropriate to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the WWF. Furthermore, the director may continue to require such additional self-monitoring for at least 90 calendar days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the IU of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

(F) *Cease and desist orders.*

(1) When the director finds that an IU has violated or is violating any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement, the director may issue an order to the IU to cease and desist any and all such violations and direct the IU to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(2) Such IU shall be notified of the director's remedial or preventive action and be offered an opportunity to show cause under division (D) why the proposed action should not be taken.

(3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

(G) *Emergency suspensions.*

(1) The director or his/her designee shall have authority to immediately suspend the wastewater discharge permit of an IU for a period not to exceed 30 calendar days whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the treatment plant or which presents or may present an endangerment to the environment.

(2) In accordance with 62-625.500(2) (a)5.b, F.A.C, the director or his/her designee shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare or which threatens to interfere with the operation of the WWF. Notice shall be provided to the IU prior to such action. If public health or welfare are not endangered, the IU shall be given an opportunity to respond to the notice. Any IU notified of a suspension of its wastewater discharge permit shall immediately terminate or eliminate its contribution. In the event of an IU's failure to immediately comply with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream or endangerment to any individuals. The director shall allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless termination or revocation proceedings pursuant to this chapter are initiated against the IU.

(3) An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or injunctive relief hearing under division (D) and § 54.04, respectively.

(H) (1) *Termination of service.* In addition to the provisions in §54.09(G), any IU who violates the following conditions is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring or sampling; or

(e) Violation of the pretreatment standards in this chapter.

(2) Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (D) why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the IU.

(I) *Administrative fines.* The City Council, upon recommendation by the Public Works Director, may impose administrative fines upon non-compliant IUs. An administrative fine is a monetary penalty assessed by the control authority for violations of pretreatment standards and requirements. These fines are punitive in nature and are not related to a specific cost borne by the county. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

(Ord. 679, passed 9-26-2017)

§ 54.10 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of division (A)(2), below, are met.

(2) An IU who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(a) An upset occurred and the IU can identify the cause(s) of the upset;

(b) The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(c) The IU has submitted the following information to the director within 24-hours of becoming aware of this upset:

1. A description of the discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance; and

4. If this information is provided orally, a written submission must be provided within five calendar days.

(3) In any enforcement proceeding, the IU seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

(5) Industrial users shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(B) *General/specific prohibitions.* An IU shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 54.30(A) and the specific prohibitions in §54.30(B)(1) - (7), (9), (10) and (12) - (18) if it can prove that it did not know or have reason to know that its discharge would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged that caused the pass through or interference and the IU was in compliance with each limit directly prior to and during the pass through or interference, or

(2) No applicable local limit exists, but the discharge directly prior to and during the pass through or interference, did not change substantially in nature or constituents from the IU's prior discharge activity when the city was regularly in compliance with its NPDES permit and, in the case of interference, with applicable biosolids use or disposal requirements. This defense does not apply to the specific prohibitions in § 54.30(B)(I), (2), (8) and (11).

(C) Bypass.

(1) For the purposes of this section:

(a) **"SEVERE PROPERTY DAMAGE"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) *Permissible bypass.* An IU may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (A)(3) and (4) of this section.

(3) *Notice.*

(a) If an IU knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten calendar days before the date of the bypass, if possible.

(b) An IU shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment

standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five calendar days of the time the IU becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and time and, if the bypass has not been corrected, the anticipated time it is expected to continue. The submission shall also contain steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written submission on a case-by-case basis if the oral report has been received within 24 hours.

(4) *Prohibited bypass.*

(a) Bypass is prohibited, and the director may take an enforcement action against an IU for a bypass, unless:

1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventative maintenance; and
3. The IU submitted notices as required under division (C)(3).

(b) The director may approve an anticipated bypass after considering its adverse effects if the director determines that it will meet the three conditions listed in division (C)(4)(a).

(Ord. 679, passed 9-26-2017)

§ 54.11 REMEDIES NONEXCLUSIVE.

The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan. However, the director may take other action against any IU when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant IU.

(Ord. 679, passed 9-26-2017)

§ 54.12 DISCHARGE TO NATURAL OUTLET.

It shall be unlawful for any person to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 679, passed 9-26-2017)

§ 54.13 USE OF FLUSH TOILETS.

(A) It shall be unlawful for any person to dispose of human excrement except in a flush toilet.

(B) All premises designed for human use and/or occupancy shall be provided, by the owner thereof, with at least one flush toilet which shall be maintained in sanitary working condition at all times with sufficient running water under pressure to flush the toilet clean after each use.

(C) Every flush toilet shall be connected to a public sewer where available or to an approved private wastewater disposal system. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

(Ord. 679, passed 9-26-2017)

§ 54.14 USE OF PIT PRIVY, SEPTIC TANK, ETC.

Except as hereinafter provided, it shall be unlawful to construct or maintain any pit privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of any wastewater.

(Ord. 679, passed 9-26-2017)

§ 54.15 CONNECTION TO PUBLIC SEWER REQUIRED; EXCEPTIONS.

The owner of all establishments, as defined herein, whether such be for purposes of human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required, at his expense, to install suitable flush toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within the time period specified by written notice from the city to do so. All connections to the public sewer shall be made in accordance with the rules and regulations that shall be adopted from time to time by the city. All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved by the health officer and mayor and Council may be used. The following shall constitute exceptions to the mandatory connection requirement:

(A) No connection or connections shall be required where the public sewer is more than 100 feet from the property line of an owner utilizing a septic tank. Before commencement of construction of a septic tank, the owner shall obtain prior written approval from the city that the use of a septic tank falls within this exception and meet all applicable permit requirements.

(B) No connection or connections shall be required of any person who owns or operates a private sewer system utility that provides wastewater or sewer treatment services to any establishment, and that is existing and operating on the effective date of this chapter, if said person can show that the operation of the private sewer system utility does not endanger the public health, safety, and welfare. A valid state Department of Environmental Protection permit and evidence that the operation of the private sewer system utility is in compliance with all state Department of Environmental Protection standards, shall be prima facie evidence that said private sewer system utility is operating in a manner that does not endanger the public health, safety, and welfare. Any person who owns or operates a private sewer system utility shall allow the city to inspect said utility at reasonable times and in a reasonable manner and shall furnish such information as may be requested by the city sufficient to show said utility is operating in a manner so as to not endanger the public health, safety and welfare.

(Ord. 679, passed 9-26-2017)

§ 54.16 UNPAID CHARGES TO CONSTITUTE LIEN.

Any unpaid charges for sewer service imposed hereunder and any unpaid fines or other assessments imposed hereunder shall constitute a lien on the property served by the sewer. Such lien shall be perfected by filing of a notice of claim by the city in the office of the clerk of the circuit setting forth the description of the property, the name of the owner according to the last completed tax roll and the amount of the claim. Such lien shall continue in force for a period of five years from the date of filing.

(Ord. 679, passed 9-26-2017)

§ 54.17 PUBLIC ACCESS CONSIDERED AVAILABLE.

Public sewer access shall be considered available:

(A) To an existing single-family dwelling, when the dwelling can be connected by gravity flow to a line in a public right-of-way or easement which passes the property at any point.

(B) To any new single-family dwelling, when the dwelling can be connected by the installation of not more than 100 linear feet of gravity flow line from the nearest point of the property.

(C) Customer shall be notified when sewer is available.

(D) Sewer charges shall be in effect upon notification of the availability of sewer service.

(E) The City Council will define the availability of sewers and costs associated with sewer permits or construction.

(Ord. 679, passed 9-26-2017)

§ 54.18 MALICIOUS DAMAGE TO SYSTEM.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions. Nothing contained herein shall act to prohibit the prosecution of any person under any other applicable statute or ordinance for such acts.

PROHIBITED AND LIMITED DISCHARGES

§ 54.30 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions.* No person shall contribute or cause to be contributed directly or indirectly, into the WWF any pollutant or wastewater that causes pass through or interference. These general prohibitions and the specific prohibitions in division (B) below apply to all sources of discharge to the WWF whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.

(B) *Specific prohibitions.* No person shall discharge or permit the discharge or infiltration into the WWF of any of the following:

(1) Pollutants that create a fire or explosion hazard into the WWF.

(2) Wastewater having a property capable of causing hazard, damage or any other condition deleterious to structures, equipment, personnel, treatment processes or operation of the WWF, and in no case, wastewater that causes the pH at the introduction into the WWF to fall below 5.0 unless the WWF is specifically designed to accommodate such discharges.

(3) Solid or viscous substances, or substances that will become solid or viscous within the WWF, in amounts that will cause obstruction of the flow in the WWF and resulting in interference.

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants will cause interference with the WWF.
- (5) Heat in amounts that will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that result in the discharge of the WWF to exceed 104 °F (40 °C) unless the approval authority, upon request of the WWF, approves alternate temperature limits in accordance with 62-302.520 F.A.C.
- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Pollutants that result in the presence of toxic gases, vapors or fumes within the WWF in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the director in accordance with §4.54.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal or state regulations.
- (11) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the director.
- (12) Sludges, screenings or other residues from the pretreatment of industrial wastes or from the treatment or pretreatment of municipal wastes.
- (13) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit.
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (15) Aqueous Film-Forming Foam (AFFF), fire-fighting foam, fluorosurfactants, detergents, surface-active agents, or other substances that might cause, alone or in conjunction with other sources, interference or excessive foaming in the WWF.
- (16) Use of nitrate- based chemicals to control odors within the collection system.
- (17) Industrial wastewater containing organic solvents. Industrial users having organic solvents on site shall provide and use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer.

(C) Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF.

(Ord. 679, passed 9-26-2017)

§ 54.31 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

- (A) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- (B) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with the conditions in 62-625.410(4), F.A.C., as hereby incorporated.
- (C) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual IUs in accordance with conditions in 62-625.410(4), F.A.C.
- (D) When wastewater subject to a categorical pretreatment standard is mixed with wastewaters other than those regulated by the same standard, alternative discharge limits shall be derived by the control authority or by the IU with the written concurrence of the control authority in accordance with 62-625.410(6), F.A.C. as hereby incorporated.
- (E) The director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual IUs. The conversion is at the discretion of the director and shall follow the provisions of 62-625.410(4)(i), F.A.C. and 40 CFR 403.6(d), (c)(7), (c)(8) and (c)(9).
- (F) An IU may obtain a variance from a categorical pretreatment standard if the IU can prove, pursuant to the procedural and substantive provisions in 62-625.700, F.A.C. as hereby incorporated, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (G) Equivalent limitations calculated in accordance with 62-625.410(4) are deemed pretreatment standards for the purposes of Section 307(d) of the Clean Water Act and this chapter. The control authority shall document how the

equivalent limits were derived and make this information available in the IU's file for public review. Once incorporated into its permit, the IU must comply with the equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

(H) Any IU operating under a permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two business days after the IU has a reasonable basis to know that the production level will change more than 20% within the next calendar month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(I) An IU may obtain a net gross adjustment to a categorical standard in accordance with 62-625.820, F.A.C., as hereby incorporated.

(Ord. 679, passed 9-26-2017)

§ 54.32 STATE PRETREATMENT STANDARDS.

Industrial users are required to comply with Florida pretreatment standards and requirements set forth in Chapter 62-625, F.A.C.

(Ord. 679, passed 9-26-2017)

§ 54.33 LOCAL LIMITS.

(A) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants that have been established for any WWF the city uses in Bay County using standard procedures, calculations and methods acceptable to FDEP to protect against pass through and interference, protection of WWF employees, and adverse effects on wastewater residuals disposal. No IU shall discharge process waste streams, unregulated waste streams or dilute wastestreams in excess of the concentrations set forth by the director. Local limits shall be included as permit conditions and attached to each wastewater discharge permit issued.

(B) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the IU base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 calendar days from notice of acceptance of the modified limits by FDEP. Permitted IUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

(C) The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the director may impose mass limitations in addition to or in place of the concentration-based limitations. The director may also develop best management practices (BMPs) in individual wastewater discharge permits to implement local limits and the requirements of § 54.30.

(D) A copy of the approved local limits is available upon request from the city's Public Works Director or from the Bay County Utility Services Administrative office located at 3410 Transmitter Road, Panama City, FL 32404.

(Ord. 679, passed 9-26-2017)

§ 54.34 DILUTION.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no IU shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The director may impose mass limitations on IUs who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 679, passed 9-26-2017)

§ 54.35 MORE STRINGENT REQUIREMENTS.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the WWF consistent with the purpose of this chapter.

(Ord. 679, passed 9-26-2017)

§ 54.36 REMOVAL CREDITS.

Notwithstanding any other provision of this chapter, the city shall have the authority to grant removal credits pursuant to 62-625.420, F.A.C., as hereby incorporated.

(Ord. 679, passed 9-26-2017)

PRETREATMENT OF WASTEWATER

§ 54.50 PRETREATMENT FACILITIES.

Industrial users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 54.30 within the time limitations specified by EPA, the state or the director, whichever is the more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the county under the provisions of this chapter.

(Ord. 679, passed 9-26-2017)

§ 54.51 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the director may require IUs to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastewater wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WWF and determine the IU's compliance with the requirements of this chapter.

(B) The director may require any person discharging into the WWF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(Ord. 679, passed 9-26-2017)

§ 54.52 DESIGNATION OF SEPARATE SOURCES OF CONSTITUENTS.

(A) *Firm with multiple buildings.* Where a business or industrial firm is operating as an integrated manufacturing complex, involving more than one building and having separate sewer connections within the same contributory area, such firm may be considered as one unit with multiple sewers.

(B) *A block and lot with multiple buildings.* Where a parcel of real property consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(C) *Multi-tenanted industrial buildings.* Where a parcel of real property consisting of one block and lot, or lots, is occupied by a multi-tenanted industrial building connected to the WWF by one or more sewers and the tenants in said building discharge wastewater into the drainage system, each tenant shall be considered a separate source of constituents and the constituent concentration shall be determined at sampling locations selected by the director for each source.

(D) *Industrial park or industrial building complex.* Where a parcel of real property consists of more than one block and lot, and one or more buildings on said parcel occupy a single block, each such building or buildings may be considered a block and lot with multiple buildings and the constituent concentration discharged from said building or buildings to the WWF shall be determined as prescribed under division (B) of this section.

(E) *Tenant activities.* Any tenant of such real property as described in divisions (A) - (D) of this section shall comply with all of the rules and regulations of this chapter.

(F) Except as provided in § 54.52, domestic wastewater mixed with industrial wastewater prior to discharge to the WWF shall be industrial wastewater for the purposes of this chapter.

(Ord. 679, passed 9-26-2017)

§ 54.53 SPECIAL AGREEMENTS.

(A) Nothing contained in this chapter shall be construed as preventing any special agreement between the city, the county and any user of the WWF whereby a wastewater of unusual strength or character may be accepted into the WWF subject to agreement between the two parties. No such agreement, however, shall be made that would allow the influent to the WWF to adversely affect operation of the treatment plant. The terms and conditions of such agreement are subject to change by the director during the life of the agreement as required for changes to NPDES permit limitations or limitations contained in permits issued by the State of Florida. Notification of such changes will be made similar to permit modifications as outlined in § 54.76.

(B) In no case (except for the formal grant of removal credits) will a special agreement waive compliance with any pretreatment standard. However, the IU may request a net gross adjustment to a categorical pretreatment standard in accordance with 62625.820, F.A.C., as hereby incorporated. Industrial users may also request a variance from the categorical pretreatment standards from the EPA. Such a request will be approved only if the IU can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. An IU requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 62-625.700, F.A.C., as incorporated in § 54.31(E).

(C) Grease, oil and sand interceptors shall be provided by the IU when, in the opinion of the director they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. Interception units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected regularly and cleaned, as needed by the IU at their expense. Wastewater from any source requiring installation of a trap, interceptor,

and/or separator, per Chapter 10 of the Florida Plumbing Code (as may be amended from time to time) may be considered industrial wastewater for the purpose of this chapter.

(D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 679, passed 9-26-2017)

§ 54.54 HAULED WASTEWATER.

(A) Septic tank waste may be introduced into the WWF only at locations designated by the director and at such times as are established by the director. Such waste shall not violate § 54.30 or any other requirements established by the city. The director may require septic tank waste haulers to obtain wastewater discharge permits.

(B) The director may require generators of hauled septage or industrial waste to obtain individual wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) Septage and industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Septage and industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

(Ord. 679, passed 9-26-2017)

DISCHARGE PERMITS

§ 54.70 WASTEWATER DISCHARGE PERMIT REQUIREMENT.

(A) No SIU shall discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the director, except that any SIU who was discharging wastewater into the WWF prior to the effective date of this chapter that has filed a timely application pursuant to § 54.74 may continue to discharge until the permit has been issued by the director.

(B) The director may require other IUs to obtain wastewater discharge permits necessary to carry out the purpose of this chapter.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subject the wastewater discharge permittee to the enforcement provisions set forth in §§ 54.04 through 54.06 and §§ 54.08 through 54.09. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law and regulation.

(D) The director shall have authority to deny new or increased contributions of pollutants, or changes in the nature of pollutants, to the WWF by IUs where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its NPDES permit.

(Ord. 679, passed 9-26-2017)

§ 54.71 WASTEWATER ANALYSIS.

When requested by the director, an IU must submit information on the nature and characteristics of its wastewater within 45 calendar days of the request. The director is authorized to prepare a form for this purpose and may periodically require IUs to update this information.

(Ord. 679, passed 9-26-2017)

§ 54.72 EXISTING CONNECTIONS.

Any IU required to obtain a wastewater discharge permit who was discharging wastewater into the WWF prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 60 calendar days after said date, apply to the director for a wastewater discharge permit in accordance with § 54.74, and shall not cause or allow discharges to the WWF to continue after 180 calendar days of the effective date of this chapter except as provided in § 54.19.

(Ord. 679, passed 9-26-2017)

§ 54.73 NEW CONNECTIONS.

Any IU required to obtain a wastewater discharge permit who proposes to begin or commence discharging into the WWF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater

discharge permit, in accordance with § 54.74, must be filed at least 90 calendar days prior to the date upon which any discharge will begin or recommence.

(Ord. 679, passed 9-26-2017)

§ 54.74 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

All IUs seeking a wastewater discharge permit must submit a permit application accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, information including, but not limited to, the following:

(A) *Identifying information.* The name and address of the:

- (1) Facility, including the name of the operator and owner.
- (2) Contact information, description of activities, facilities, and plant production processes on the premises;

(B) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(C) *Description of operations.*

(1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such IU. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF;

(3) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(4) Type and amount of raw materials processed (average and maximum per day);

(5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(6) Time and duration of discharges;

(7) The location for monitoring all wastes covered by the permit;

(D) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 62-625.410(6), F.A.C.

(E) *Measurement of pollutants.*

(1) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the control authority, of regulated pollutants in the discharge from each regulated process.

(3) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 54.113. Where the standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the director or the applicable standards to determine compliance with the standard.

(5) All sampling and analysis required by this chapter shall be performed in accordance with procedures set out in § 54.113.

(F) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge in accordance with 62-625.600(4)(b)., F.A.C.

(G) Any other information as may be deemed necessary by the director to evaluate the permit application.

(H) Within 30 calendar days of the submittal of an application, the director will evaluate the data furnished by the IU and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision. Within 30 calendar days of the receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. If the director determines to issue a wastewater discharge permit, he shall issue a draft wastewater discharge permit within 30 calendar days of such determination. A 30-day comment period shall be allowed for all IUs and 30 calendar days thereafter the director shall issue a wastewater discharge permit, if all of the terms and conditions herein are complied with.

(Ord. 679, passed 9-26-2017)

§ 54.75 TERMS AND CONDITIONS SPECIFIED.

(A) A wastewater discharge permit must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
- (2) A statement that the wastewater discharge permit is not transferable without prior authorization by the city according to the provisions found in § 54.77. A copy of the existing permit will be provided to the new operator or owner.
- (3) Discharge limits based on applicable pretreatment standards including best management practices and any other limits the director deems necessary to prevent pass through and interference;
- (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 54.104(F).
- (6) Any grant of the monitoring waiver by the director will be included as a condition in the IU's permit.
- (7) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state and local law;
- (8) Requirements to control slug discharge, if determined by the director to be necessary; and
- (9) A signature and certification in accordance with §54.114.

(B) A wastewater discharge permit may contain, but need not be limited to, the following:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the WWF;
- (3) Requirement for the development and implementation of a toxic organic management plan (TOMP), including control measures to prevent entry of toxic organics and other solvents into the sanitary sewer system;
- (4) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
- (6) The unit charge or schedule of IU charges and fees for the management of the wastewater discharged to the WWF;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (9) Other conditions as deemed appropriate by the director to ensure compliance with this chapter and federal, state and local laws and regulations.

(C) *Permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specified date.

(Ord. 679, passed 9-26-2017)

§ 54.76 MODIFICATION OF TERMS AND CONDITIONS.

(A) The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements, including any such standard established in a federal or state permit;
- (2) To address significant alterations or additions to the IU's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the WWF, city or county personnel or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 62-625.700, F.A.C, as incorporated in § 54.31(F);

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator; or

(10) Revision of or a grant of a removal credit pursuant to 62-625.420, F.A.C, as incorporated in §4.36.

(B) Whenever possible, permittees shall be informed of any proposed changes in permits at least 90 calendar days prior to the effective date of the change. Permittees shall be allowed a comment period relating to any of the proposed changes in the permit. This comment period shall be the first 45 calendar days of the 90-day period prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 679, passed 9-26-2017)

§ 54.77 TRANSFER.

(A) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 calendar days advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer until reinstated by the director.

(Ord. 679, passed 9-26-2017)

§ 54.78 REVOCATION.

(A) The director or the city may only revoke a wastewater discharge permit for good cause. Good cause includes, but is not limited to any of, the following reasons:

(1) Failure to provide prior notification to the director of changed conditions, including significant changes to the quantity and quality of wastewater discharge, pursuant to § 54.110;

(2) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(3) Falsifying self-monitoring reports and certification statements;

(4) Tampering with monitoring equipment;

(5) Refusing to allow the director timely access to the facility premises and records;

(6) Failure to meet compliance schedules;

(7) Failure to complete a wastewater survey or the wastewater discharge permit application;

(8) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

(9) Failure to meet IU effluent limitations;

(10) Failure to pay fines;

(11) Failure to pay sewer charges; or

(12) Violating any provision of this chapter, any order, agreement, or wastewater discharge permit issued under this chapter or any other pretreatment standard or requirement.

(B) Wastewater discharge permits shall be voidable upon cessation of operation. All wastewater discharge permits issued to a particular IU are void upon the issuance of a new wastewater discharge permit to that IU.

(C) The director shall not revoke a discharge permit without first delivering to the permittee written notice of such revocation. The notice shall state the reason or reasons for the revocation.

(Ord. 679, passed 9-26-2017)

§ 54.79 RECLASSIFIED INDUSTRIAL USERS.

Any IU that is reclassified as a SIU and discharges industrial wastewater into the WWF after the effective date of this

chapter and who wishes to continue such discharges in the future, shall, within 90 calendar days after said date, apply to the city for a wastewater discharge permit. Such SIUs shall not cause or allow discharges to the system to continue after 180 calendar days of the effective date of becoming reclassified as an SIU, except in accordance with a permit issued by the director.

(Ord. 679, passed 9-26-2017)

§ 54.80 REISSUANCE.

An IU with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete application letter, in accordance with § 54.74, a minimum of 60 calendar days prior to the expiration of the IU's existing wastewater discharge permit. If the IU's existing permit expires after a completed application for reissuance has been submitted to the director in accordance with this section, the director shall allow the IU to continue to discharge under the existing permit until a final decision is made on the IU's application for reissuance.

(Ord. 679, passed 9-26-2017)

§ 54.81 WASTEWATER HAULER DISCHARGE PERMIT.

(A) Wastewater haulers shall discharge all septage and other permitted wastewaters at the designated wastewater hauler dumping stations established by the director.

(B) Wastewater haulers shall have a valid wastewater hauler discharge permit before discharging wastewaters into the WWF. Each permitted wastewater hauling vehicle shall prominently display a number issued by the department of health on both doors of the vehicle cab (or trailer in the case of tractor-trailers). Such numbers shall be removable only by destruction. Decals for this purpose will be provided by the department of health to each wastewater hauler.

(C) Each wastewater hauling vehicle shall be equipped to use the quick disconnect couplers at the wastewater hauler dumping station.

(D) Representative samples of wastewater from each load received at the WWF for treatment shall comply with pretreatment standards and requirements.

(E) Each load delivered to the wastewater dumping station must have a wastewater hauler manifest properly filled out and presented to the operator on duty. Each manifest will be signed by the authorized representative of the wastewater hauling company.

(F) All procedures for discharging, for cleanliness and for general sanitary operation on county property as prescribed by the director shall be strictly adhered to by all wastewater haulers delivering wastewaters to the WWF dumping stations.

(G) The source or sources of all wastewaters being hauled to the WWF shall be properly documented using the county utility services department manifest system.

(H) Domestic wastewater shall not be mixed with from an industrial wastewater. Vehicles hauling wastewater from an IU shall not be used to haul domestic wastewater for disposal at the WWF.

(I) In addition to the enforcement provisions in §§54.04 through 54.06 and §§ 54.08 and 54.09, failure of a wastewater hauler to comply with the provisions of this section shall be grounds for revocation of the hauler's discharge permit by the director.

(Ord. 679, passed 9-26-2017)

§ 54.82 APPEALS TO THE DIRECTOR.

The director shall provide public notice of the issuance of a permit. Any person subject to any provision of this chapter may petition the director to reconsider a decision concerning the issuance, modification, transfer or revocation of a permit, within 30 calendar days of notice of its issuance, or to reconsider any other action by the director taken pursuant to this chapter, within 30 calendar days of notice of that action.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for the objection and the alternative condition, if any, it seeks to place in the permit.

(C) The effectiveness of permit or permit provision shall be stayed pending the appeal.

(D) If the director fails to act within 30 calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit or other action, not to issue a permit or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of a final administrative decision must do so by filing a complaint with the Circuit Court of Bay County within 60 calendar days after issuance of that decision.

(Ord. 679, passed 9-26-2017)

REPORTING REQUIREMENTS

§ 54.100 MONITORING PROGRAMS AND REPORTS BY INDUSTRIAL USERS.

(A) The director may require IUs to provide such technical or monitoring programs, including the submission of periodic reports, as he deems necessary; provided, however, that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

(B) The monitoring program may require the IU to conduct a sampling and analysis program of a frequency and type specified by the director to demonstrate compliance with prescribed wastewater discharge limits. The IU may either:

(1) Conduct his/her own sampling and analysis program, provided he/she demonstrates to the director that he/she has the necessary certifications, qualifications and facilities to perform the work; or

(2) Engage a private, certified laboratory, approved by the director.

(C) If sampling performed by an IU indicates a violation, the IU shall notify the director within 24-hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis within 15 calendar days of becoming aware of the violation and submit the results of the repeat analysis to the WWF within 30 calendar days after becoming aware of the violation, except an IU is not required to resample if:

(1) The WWF performs sampling at the IU at a frequency of at least once per month; or

(2) The WWF performs sampling at the IU between the time when the IU performs its initial sampling and the time when the IU receives the results of this sampling.

(Ord. 679, passed 9-26-2017)

§ 54.101 BASELINE MONITORING REPORTS.

(A) Within either 180 calendar days after the effective date of a categorical pretreatment standard or the final administrative decision made upon a category determination submission under 62-625.410(2)(d), F.A.C, as hereby incorporated, whichever is later, existing IUs subject to categorical pretreatment standards currently discharging to or scheduled to discharge to the WWF shall submit to the director a report which contains the information listed in division (B) below. When reports containing this information have already been submitted to the director, the IU will not be required to submit this information again. At least 90 calendar days prior to commencement of their discharge, new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the director a report that contains the information listed in divisions (B)(10) - (5) below, giving estimates of the information requested in divisions (B)(4) and (5). A new source shall also report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards.

(B) Industrial users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including the name of the operators and owners.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such IU. This description should include a schematic process diagram that indicates points of discharge to the WWF from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 62-625.410(6), F.A.C. The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurement of pollutants.*

(a) The IU shall provide the information required in §54.74(A)(7) and comply with the sampling and analysis requirements in § 54.113.

(b) The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) The director may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures and the historical data is representative of the current discharge.

(6) *Certification.* A statement, reviewed by the IU's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set for in § 54.102.

(a) Where the IU's categorical pretreatment standard has been modified by a removal allowance (62-625.420, F.A.C,

as incorporated in § 54.36), the combined waste stream formula (62-625.410(6), F.A.C., as incorporated in § 54.31(C)) and/or a fundamentally different factors variance (62-625.700, F.A.C., as incorporated in § 54.31(C)) at the time the IU submits the report required by division (A) this section, the information required by division (B)(6) and (7) of this section shall pertain to the modified limits.

(b) If the categorical pretreatment standard is modified by a removal allowance (62-625.420, F.A.C., as incorporated in Section 54-25), the combined wastestream formula (62-625.410(6), F.A.C., as incorporated in § 54.31(C)) and/or a fundamentally different factors variance (62-625.700, F.A.C., as incorporated in § 54.31(C)) after the IU submits the report required by division (A) of this section, any necessary amendments to the information requested by divisions (B)(6) and (7) of this section shall be submitted by the IU to the director within 60 calendar days after the modified limit is approved.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with §54.114. (Ord. 679, passed 9-26-2017)

§ 54.102 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by §54.101(B)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components and commencing and completing construction.

(B) No increment referred to in division (A) above shall exceed nine months.

(C) The IU shall submit a progress report to the director no later than 14 calendar days following each date in the schedule and the final date of compliance, including, at a minimum, whether or not the IU complied with the increment of progress to be met on that date, and, if not, the date it expects to comply, the reason for delay and the steps being taken by the IU to return to the established schedule.

(D) In no event shall more than nine months elapse between such progress reports to the director.

(Ord. 679, passed 9-26-2017)

§ 54.103 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

(A) Within 90 calendar days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the WWF, any IU subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in § 54.101(B)(4) through (6).

(B) For all IUs subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall contain the IU's actual production during the appropriate sampling period.

(C) For IUs subject to equivalent mass or concentration limits established in accordance with the procedures in 62-625.410(4), F.A.C., as hereby incorporated, this report shall contain a reasonable measure of the IU's long-term production rate.

(D) All compliance reports must be signed and certified in accordance with §54.114.

(Ord. 679, passed 9-26-2017)

§ 54.104 PERIODIC COMPLIANCE REPORTS.

(A) Any IU subject to a categorical pretreatment standard, after the compliance date of that pretreatment standard or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the discharge which are limited by such categorical pretreatment standards, and a reasonable measure of the IU's long-term production rate. If an IU is subject to categorical standards with only production-based limits, actual average production rate data for the reporting period must be given. In addition, this report shall include a record of measures or estimated average and maximum daily flows for the reporting period for the discharge reported in § 54.101(B)(4) except that the director may require more detailed reporting of flows. At the discretion of the director and in consideration of such factors as the local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the IU must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the IU.

(B) All wastewater samples must be representative of the IU's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of an IU to keep its monitoring facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of its discharge.

(C) If an IU subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director using the procedures prescribed in § 54.113, the results of this monitoring shall be included in the report.

(D) Periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The director shall require that frequency of monitoring necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.

(E) All periodic compliance reports must be signed and certified in accordance with §54.114.

(F) The city may authorize the IU subject to a categorical pretreatment standard to waive sampling of a pollutant regulated by a categorical pretreatment standard if the IU demonstrates the following through sampling and other technical factors:

(1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the IU; and

(2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(G) This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:

(1) The monitoring waiver is valid only for the duration of the effective period of the IU permit, and in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(2) In making a demonstration that a pollutant is not present, the IU must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the FDEP-approved method from 62-4.246, F.A.C, with the lowest method detection limit for that pollutant was used in the analysis.

(3) The request for a monitoring waiver must be signed in accordance with §54.114 below including the certification statement.

(4) The authorization will be included as a condition in the IU's permit. The reasons supporting the waiver and any information submitted by the IU in its request for the waiver will be maintained by the control authority for three years after expiration of the waiver.

(5) Upon approval of the monitoring waiver and revision of the IU's permit by the control authority, the IU must certify each report with the following statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under § 54.104(A), of City of Mexico Beach Code of Ordinances."

(6) In the event that a waived pollutant is found to be present, or is expected to be present, based on changes that occur in the IU's operations, the IU must immediately notify the control authority and comply with the monitoring requirements of § 54.104(A) - (E) or other more frequent monitoring requirements imposed by the county.

(Ord. 679, passed 9-26-2017)

§ 54.105 REPORTS FROM INDUSTRIAL USERS NOT SUBJECT TO CATEGORICAL STANDARDS.

(A) The director shall require appropriate reporting from those SIUs with discharges that are not subject to categorical pretreatment standards.

(B) Significant noncategorical industrial users shall submit to the director at least once every six months (on dates specified by the director), a description of the nature, concentration and flow of pollutants required to be reported by the director.

(C) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the procedures prescribed in § 54.113.

(D) In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the IU must submit documentation required by the control authority to determine the compliance status of the IU.

(Ord. 679, passed 9-26-2017)

§ 54.106 REPORTS FROM NONPERMITTED INDUSTRIAL USERS.

The director may require IUs that are not required to obtain wastewater discharge permits to submit a periodic report containing information on the nature, concentration and flow of pollutants entering the WWF.

(Ord. 679, passed 9-26-2017)

§ 54.107 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any IU who commences the discharge of hazardous waste shall notify in writing the director, the EPA regional waste management division director and the Florida Department of Environmental Protection of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the IU discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the IU: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. For new sources, notification must take place at least 90 calendar days before the discharge commences. For existing sources, notification must occur at least 15 calendar days before the discharge commences. Any notification under this division need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 54.110. The notification requirement in this section does not apply to pollutants already reported by IUs subject to categorical pretreatment standards under the self-monitoring requirements of Section 54-48.

(B) Industrial users are exempt from the requirements of division (A) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), as hereby incorporated. Discharges of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), as hereby incorporated, requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the IU must notify the director, the EPA regional waste management division director and the Florida Department of Environmental Protection of the discharge of such substance within 90 calendar days of the effective date of such regulations.

(D) In the case of any notification made under this section, the IU shall certify that it has a program to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued under this chapter or any applicable federal or state law or regulation.

(Ord. 679, passed 9-26-2017)

§ 54.108 SLUG DISCHARGE CONTROL PLAN.

(A) The director may require an IU that has the ability to cause interference with the WWF or to violate the regulatory provisions of this chapter to provide protection from accidental discharge to the WWF of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or IU's own cost and expense. All IUs whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the WWF may be required to have detailed plans on file at the county WWF offices showing facilities and operating procedures to provide this protection. Plans shall be approved by the director.

(B) The director may require a new source to have an approved slug discharge control before being allowed to commence discharge. Review and approval of such plans and operating procedures shall not relieve the IU from the responsibility to modify its facility as necessary to meet the requirements of this chapter. At a minimum, the slug discharge control plan shall contain the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the WWF of slug discharges including any discharge that would violate a prohibition under § 54.30(B), with procedures for follow-up written notification within five calendar days, in accordance with § 54.109;
- (4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response.

(Ord. 679, passed 9-26-2017)

§ 54.109 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, unanticipated or accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that may cause interference with the WWF or violate regulatory requirements of this chapter, it shall be the responsibility of the IU to immediately notify

the city and Bay County WWF offices of the incident as soon as they become aware of the discharge. The notification shall include the name of the person providing the notification, location and time of discharge, type of wastewater, concentration and volume and corrective actions taken by the IU.

(B) Within five calendar days following such discharge, the IU shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (A), above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(D) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. 679, passed 9-26-2017)

§ 54.110 REPORTS OF CHANGED CONDITIONS.

Each IU shall notify the director of any planned substantial changes to the IU's operations or system which might alter the nature, quality or volume of its wastewater at least 90 calendar days before the change or immediately after the IU has knowledge such change will occur.

(A) The director may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 54.74.

(B) The director may issue a wastewater discharge permit under §54.32 or modify an existing wastewater discharge permit under § 54.33 in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, substantial changes include, but are not limited to, flow increases of 20% or greater, the discharge of any previously unreported pollutants or any other change the director finds necessary for the IU to report in order to prevent pass through or interference.

(Ord. 679, passed 9-26-2017)

§ 54.111 RECORDKEEPING.

Industrial users subject to the reporting requirements of this chapter, including documentation associated with best management practices, shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed and who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three years whether or not such monitoring activities are required by this chapter or a permit. This period shall be automatically extended for the duration of any unresolved litigation concerning the IU or the county or when requested by the director or the EPA regional administrator.

(Ord. 679, passed 9-26-2017)

§ 54.112 MONITORING, SAMPLING AND MEASURING FACILITIES AND EQUIPMENT.

(A) The director may require any IU to construct, at the IU's expense, monitoring facilities to allow inspection, sampling and flow measurement of the waste discharged, together with sampling or metering equipment to be provided, installed and operated at the IU's expense. Such inspection chamber or control manhole shall be situated on the IU's premises and shall be constructed and operated to permit accurate sampling and flow measurements of all wastes discharged. Where conditions do not permit measurement of all discharges from one industrial facility at a single control manhole, multiple control manholes shall be provided. The control manhole shall be located so as to permit access by county representatives, provide sufficient space for storage of samples and equipment and allow for accurate sampling and flow measurement. Such facilities shall be located so that samples may be taken safely and easily and shall not be obstructed by landscaping, parked vehicles or other activity of the IU.

(B) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable county construction standards and specifications. When, in the judgment of the director, an existing IU requires a monitoring facility, the IU will be so notified in writing. Construction must be completed within 90 calendar days following written notification, unless a time extension is otherwise granted by the director.

(Ord. 679, passed 9-26-2017)

§ 54.113 SAMPLING AND ANALYSIS.

(A) Except as indicated in divisions (B) and (C) below, the IU shall collect wastewater samples using 24-hour flow proportional composite sampling techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the IU demonstrates that this will provide

representative samples of the effluent being discharged and the decision to allow the alternative sampling must be documented in the IU file for that facility. In addition, grab samples may be required to show compliance with instantaneous limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. At least four samples for volatile organic compounds must be collected at least four hours apart in a 24-hour period. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period shall be composited in the laboratory prior to analysis.

(C) Oil and grease samples shall be collected in accordance with division (B) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(D) The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.

(E) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the IU shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in 62-625.410(6), F.A.C., to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated, in accordance with § 54.31, this adjusted limit along with supporting data shall be submitted to the director.

(F) All pollutant analyses, including sampling techniques, to be submitted as part of a report, wastewater discharge permit, or permit application shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and Chapter 62-160, F.A.C., unless otherwise specified in an applicable pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and FDEP. All laboratory analytical reports prepared by the IU or the control authority shall comply with 62-160.340, F.A.C.

(G) At the discretion of the director, sampling and analysis may be performed by the control authority in lieu of the IU. Where the control authority itself chooses to collect all the information required for the reports in § 54.101, and §§ 54.104 through 54.106, including flow data, the IU shall not be required to submit the report, in accordance with 62-625.600(6)(7) (b), F.A.C.

(H) Samples collected to satisfy reporting requirements in, §54.101, and §§ 54.104 through 54.106 must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.

(I) Sampling required in support of baseline monitoring and 90-day compliance reports required in §§ 54.101 and § 54.103 above shall be conducted as follows:

(1) For IUs where historical sampling data do not exist, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

(2) For IUs where historical sampling data are available, the control authority may authorize a lower minimum.

(Ord. 679, passed 9-26-2017)

§ 54.114 SIGNATORY AND CERTIFICATION REQUIREMENTS.

All wastewater discharge permit applications and IU reports must be signed by an authorized representative of the IU and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. 679, passed 9-26-2017)

§ 54.115 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. 679, passed 9-26-2017)

§ 54.116 FEES.

The city may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

- (A) Fees for wastewater discharge permit applications including the cost of processing such applications;
 - (B) Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users;
 - (C) Fees for reviewing and responding to accidental discharge procedures and construction;
 - (D) Fees for filing appeals; and
 - (E) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the city.
- (Ord. 529, passed 12-12-2006; Ord. 679, passed 9-26-2017)

TITLE VII: TRAFFIC CODE

Chapter

- 70. TRAFFIC REGULATIONS**
- 71. GOLF CARTS**
- 72. PARKING, STANDING, STOPPING**
- 73. SAND AND BEACH AREAS**

CHAPTER 70: TRAFFIC REGULATIONS

Section

- 70.01 Adoption of Florida Uniform Traffic Control Law
- 70.02 Specifications for traffic control devices
- 70.03 Authority to impound vehicles
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§ 70.01 ADOPTION OF FLORIDA UNIFORM TRAFFIC CONTROL LAW.

There is hereby adopted by reference, the Florida Uniform Traffic Control Law, F.S. Ch. 316, as amended, which laws shall be in full force and effect in the city as if fully set forth in this section, and shall be considered as part of this chapter.

(Ord. 391, passed 4-10-2001)

§ 70.02 SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES.

All traffic control signs, signals, makings and devices shall conform to the then current manual of Uniform Traffic Control Devices for Streets and Highways of the State Department of Transportation.

(Ord. 391, passed 4-10-2001)

§ 70.03 AUTHORITY TO IMPOUND VEHICLES.

(A) Members of the Police Department are hereby authorized to remove a vehicle from a street to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department, or by this municipality, when:

- (1) Any vehicle is left unattended upon any bridge causeway, where such vehicle constitutes an obstruction to traffic;
 - (2) A vehicle upon a street is so disabled as to constitute an obstruction to traffic or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody, and removal;
 - (3) A vehicle is found being operated upon to streets and not in a condition to be safely operated;
 - (4) Any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
 - (5) Any vehicle is left unattended upon a street continuously for more than 24 hours and may be presumed to be abandoned;
 - (6) The driver of such vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street;
 - (7) The removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason; or
 - (8) A vehicle is left in violation of a parking control device which informs vehicle operators that the area in which the vehicle is parked is an official tow away zone.
- (B) No vehicle impounded in an authorized garage as herein provided, shall be released therefrom, until the charges for towing such vehicle into the garage, and storage charges have been paid.

(Ord. 391, passed 4-10-2001)

§ 70.04 NOTICE OF IMPOUNDING.

Whenever an officer removes a vehicle from a street as authorized in §70.03, and the officer knows or is able to ascertain the name and address of the owner thereto, such officer shall immediately give or cause to be given notice to such owner of the fact of such removal, the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.

(Ord. 391, passed 4-10-2001)

§ 70.05 POLICE TO DIRECT TRAFFIC.

Officers of the Police Department or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

(Ord. 391, passed 4-10-2001)

Statutory reference(s):

Obedience to police officers directing traffic, see F.S. § 316.072

§ 70.06 FIREFIGHTERS MAY DIRECT TRAFFIC.

Officers of the Fire Department, when at the scene of a fire or other emergencies, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Ord. 391, passed 4-10-2001)

Statutory reference(s):

Obedience to firefighters directing traffic, see F.S. § 316.072(3)

§ 70.07 FORM OF TRAFFIC TICKET AND COMPLAINT.

The Chief of Police, is hereby authorized to use a traffic ticket and complaint for use by the Police Department in connection with traffic offenses committed within the city limits, a copy of which is on file in the office of the City Clerk.

(Ord. 391, passed 4-10-2001)

§ 70.08 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS; AUTHORITY TO REMOVE.

No person shall place, maintain or display, upon or in view of any street, any unauthorized sign, signal, marking or device which purports to be, or is an imitation of, or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

(Ord. 391, passed 4-10-2001) Penalty, see § 70.99

§ 70.09 SPEED LIMITS; ALLEYS, PARKING LOTS.

No person shall drive a motor vehicle upon any alley or within any public or private parking lot in the city in excess of 15

mph. For purposes of this section, an **ALLEY** shall mean a street or way within a city block which is set aside for public use, or upon any street or other public way with a width of 20 feet or less.

(Ord. 391, passed 4-10-2001) Penalty, see § 70.99

§ 70.10 SPEED LIMITS; AUTHORITY TO CHANGE.

Whenever the Chief of Police, shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway. The Chief of Police, with the approval of the City Council may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway, provided that no such changes shall be made on state highways or connecting links or extensions thereof.

(Ord. 391, passed 4-10-2001)

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Every such prohibited sign, signal or marking, in violation of §70.08 is hereby declared to be a public nuisance, punishable by a civil infraction of \$10, and the Chief of Police, is hereby empowered to remove the same or cause it to be removed without notice.

(C) Violation of § 70.09 shall be a civil infraction of \$25.

(Ord. 391, passed 4-10-2001)

CHAPTER 71: GOLF CARTS

Section

- 71.01 Definition
- 71.02 Restriction to golf cart modifications
- 71.03 Authorization to operate golf carts within the city
- 71.04 Hours of operation
- 71.05 Compliance with traffic laws
- 71.06 Golf cart registration

- 71.99 Penalty

§ 71.01 DEFINITION.

Pursuant to F.S. § 320.01(22), a **GOLF CART** is defined as a motor vehicle that is designed and manufactured for operations on a golf course for sporting or recreational purposes and that is not capable of exceeding 20 mph.

(Ord. 569, passed 8-11-2009)

§ 71.02 RESTRICTION TO GOLF CART MODIFICATIONS.

(A) All golf carts operated within the city shall meet the minimum equipment standards established by state statutes and have no increased power, wheel base or tire modifications from a standard manufactured gas or electric golf cart.

(B) Speed modified golf carts or "hybrid" golf carts are not authorized for use on city.

(Ord. 569, passed 8-11-2009) Penalty, see § 71.99

§ 71.03 AUTHORIZATION TO OPERATE GOLF CARTS WITHIN THE CITY.

Golf carts meeting the definition set forth in §71.01, and properly equipped meeting restrictions in §71.02, may be operated on those streets designated for cart usage.

(A) *Permitted designated streets.*

- (1) All city streets located within the jurisdiction city, except for U.S. Highway 98 (State Route 30).

(2) All city streets located within subdivisions which traffic is enforceable providing they are approved for use by the subdivisions Homeowners Association and a written agreement has been entered with the city for traffic enforcement on subdivision streets. Any notice to rescind this use will be providing in writing.

(3) Golf carts operating on 15th Street must display a slow vehicle triangle sign visible from the rear of the golf cart.

(B) *Non-permitted streets.*

(1) Golf carts will not be permitted for use on U.S. Highway 98 (State Route 30).

(2) No golf cart is permitted along the right-of-way of U.S. Highway 98 (State Route 30).

(3) No golf cart is permitted to ride on private property, except that property owned by the same individual as the golf cart or without written consent of the owner. If the owner is present on property where a golf cart is being used, they are permitted to give verbal consent.

(C) The city shall provide signage designating streets or other areas where golf carts may be operated.

(D) Golf carts are not permitted to operate on city maintained side-walks located along U.S. Highway 98.

(Ord. 569, passed 8-11-2009; Ord. 655, passed 12-13-2016) Penalty, see § 71.99

§ 71.04 HOURS OF OPERATION.

Golf carts will only be permitted on city streets from sunrise to sunset. During times of fog, smoke, rain and low light conditions golf carts must be equipped with headlights, brake lights, turn signals and a windshield. The city strongly recommends placement of reflective devices or reflective tape on the sides of all golf carts.

(Ord. 569, passed 8-11-2009; Ord. 689, passed 12-12-2017; Ord. 820, passed 11-28-2023) Penalty, see § 71.99

§ 71.05 COMPLIANCE WITH TRAFFIC LAWS.

Golf carts shall comply with all applicable local and state traffic laws, and may be cited for traffic violations in the same manner as motor vehicles. Drivers of such golf carts must have a valid driver license. Golf carts can have only the number of passengers as the number of seats contained in the golf cart.

(Ord. 569, passed 8-11-2009; Ord. 689, passed 12-12-2017; Ord. 820, passed 11-28-2023) Penalty, see § 71.99

§ 71.06 GOLF CART REGISTRATION.

(A) All golf carts operated on city streets must first be registered with the city. Registration must be made by the owner who is at least 18 years of age. The owner will be charged an annual registration fee of \$15. There will be no prorated registrations. Funds from the registration fees collected will support costs of street designation signs, and registration stickers. Registration stickers shall be placed on the driver's side rear fender area of the golf cart. All registrations must be renewed annually during the month of January. If an owner fails to renew their registration on or before January 31, their registration shall be deemed expired, and they shall not be permitted to operate their golf cart on city streets. If the registered golf cart has a change in ownership, the new owner must register the golf cart under his or her name before the golf cart can resume operation on the streets of the city.

(B) A list of all golf cart registrations shall be maintained by the city.

(Ord. 820, passed 11-28-2023) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violations of § 71.03 may be cited using the code enforcement citation. Fines for violation shall be \$50. Failure to pay a citation within 30 days shall result in registration of the golf cart permit to be revoked until fine is paid, an additional late fee of \$25, and the violator may be found in civil contempt issued a notice to appear before the Special Master. The notice to appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.

(C) Violations of § 71.04 may be cited using the code enforcement citation. Fines for violation shall be \$50. Failure to pay citation may result in the violator being found in civil contempt and being issued a notice to appear before the Special Master. The notice to appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.

(D) Violations of § 71.05 may be cited using the code enforcement citation. Fines for violation shall be \$50. Failure to pay citation may result in violator found in civil contempt and being issued a notice to appear before the Special Master. The notice to appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.

(E) *Violations of § 71.06.*

(1) Fines for driving a golf cart without registration:

(a) First offense: \$50.

(b) Second offense: \$75.

(c) Third offense: \$150; registration revoked for a year.

(2) Driving a golf cart with registration revoked shall result in a fine of \$250, and permanent revocation of registration by owner for any golf cart.

(3) If fines are paid within ten days of issuance, the owner may register the golf cart at no additional cost. If the fines are paid after ten days, the owner must pay the fine and the registration costs. If the fines are not paid within 30 days of the issuance, the city may seek an order to show cause from a judge, and the violator may be found in civil contempt. If found in civil contempt, the violator may be issued a notice to appear before the Special Magistrate.

(Ord. 569, passed 8-11-2009; Ord. 689, passed 12-12-2017; Ord. 820, passed 11-28-2023)

CHAPTER 72: PARKING, STANDING, STOPPING

Section

72.01 Findings and purpose

72.02 Title and citation

72.03 Applicability

72.04 Definitions

72.05 Jurisdiction

72.06 Placement of official signs

72.07 Prohibited parking

72.08 Issuance of city parking citations

72.09 Payment of civil penalties and proceedings to enforce payment violations

72.10 Owner's liability for parking violations

72.11 Disposition of fines and forfeitures for parking violations

72.12 Appeal

72.99 Penalty

§ 72.01 FINDINGS AND PURPOSE.

The City Council does hereby find the following facts.

(A) The improper and non-regulated parking is detrimental to the health, safety and welfare of the citizens of the city.

(B) The clear passage of public roadways and streets, including parking lots, business access, city parks and all other facilities is vital to the citizens of the city.

(C) The protection of the quality of life and economy for the city businesses and its citizens can be accomplished by controlling parking and access to facilities

(Ord. 390, passed 6-11-2002)

§ 72.02 TITLE AND CITATION.

This chapter shall be known as and may be cited as the "City of Mexico Beach Parking Control Ordinance".

(Ord. 390, passed 6-11-2002)

§ 72.03 APPLICABILITY.

This chapter shall apply to and be enforced within the corporate limits of the city.

(Ord. 390, passed 6-11-2002)

§ 72.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates and requires a different meaning.

BUSINESS DAY. Weekdays of Monday through Friday, excludes Saturday, Sunday and legal holidays as recognized by the United States Postal Service and the City of Mexico Beach.

CITY ROAD RIGHT-OF-WAY. Any strip of land granted, dedicated or deeded to the public occupied or intended to be occupied by a road, sidewalk, utility, storm drainage pipes, swales and the like.

DEPARTMENT. The State Department of Highway Safety and Motor Vehicles.

DRIVER. Any person who drives or has actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two roadways which join one another at, or approximately at, right angles; or the area within which vehicles travel upon different roadways joining at any other angle may come in conflict.

MOTOR VEHICLES. Any vehicle which is self-propelled, but not including any bicycle or moped as defined in this section.

OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

OPERATOR. Any person who is in actual physical control of a motor vehicle upon the roadway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

OWNER. A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession as vested in the conditional vendee, or lessee, or mortgagor, shall be deemed the **OWNER**, for the purpose of this definition.

PARK or PARKING. The standing or stopping of a vehicle, whether occupied or not, otherwise and temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

PARKING ENFORCEMENT OFFICER. Includes any City of Mexico Beach police officer, any designee of the, any City Code Compliance personnel, the Sheriff and any Deputy Sheriff of Bay County, and any state law enforcement officer.

PEDESTRIAN. Any person afoot.

PERSON. Any natural person, firm, co-partnership, association or corporation.

PUBLIC PARKING SPACE. Any parking space on city-owned/leased property, public property, or on private property which the owner, lessee or person in control of such property provides for use by members of the public other than employees of such owner, lessee, or person, including, but not limited to, parking places at shopping centers, stores, offices, motels, restaurants and marinas.

SIDEWALK. The portion of a street between the curb line, or the lateral line, or a roadway and the adjacent property lines, intended for use by pedestrians.

STANDING. The temporary stopping of a passenger vehicle for the purpose of and while actually engaged in picking up and discharging persons.

STOP or STOPPING. Any stopping of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a law enforcement officer, traffic control sign or signal.

STREET or HIGHWAY. The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

(Ord. 390, passed 6-11-2002)

§ 72.05 JURISDICTION.

The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall be in effect upon all streets and highways within the incorporated area of the city, and shall apply at all times or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a law enforcement officer or traffic control device.

(Ord. 390, passed 6-11-2002)

§ 72.06 PLACEMENT OF OFFICIAL SIGNS.

(A) The Chief of Police, or his or her designee, shall investigate changes concerning parking restrictions to be placed upon streets and highways in the incorporated area of the city, except as directed by City Council. The Chief of Police may make changes, except as directed by the City Council, which shall be in accordance with the terms of this chapter in an effort to clearly inform the public and to assist compliance with the conditions set forth.

(B) These changes shall include, but are not limited to:

- (1) All night parking;
- (2) Angle parking;
- (3) Parking on the left side of one-way streets or highways;
- (4) Parking on one-way streets;
- (5) Prohibited parking; and
- (6) Limited parking.

(C) Except as directed by the City Council, upon the order of the Chief of Police enacting restrictions or prohibiting parking, standing or stopping in certain areas along city street or alley, such street shall be posted with signs specifying the restrictions or prohibitions of parking, standing or stopping.

(Ord. 390, passed 6-11-2002)

§ 72.07 PROHIBITED PARKING.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement officer or official traffic control device, no person shall:

(A) Stop, stand or park a vehicle:

- (1) Upon a street or highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic;
- (2) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or right-of-way;
- (3) On a sidewalk, bike path or bike lane;
- (4) Within an intersection;
- (5) On a crosswalk;
- (6) Alongside or opposite any street or highway, or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway, where parking is not provided herein;
- (8) Within any fire lane or fire zone appropriately signed;
- (9) Within 20 feet of a driveway entrance to any fire station and on the side of a street or highway opposite the entrance to any fire station within 15 feet of said entrance;
- (10) At any place where official signs prohibit standing or parking;
- (11) Upon any public street, city road, public property or right-of-way for the principal purpose of displaying such vehicle for sale;
- (12) Upon any street for the principal purpose of washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;
- (13) Upon any street for the principal purpose of selling merchandise, except when authorized or licensed under the ordinances of this municipality;
- (14) So that a portion of the vehicle extends over any of the lines delineating the parking space for a vehicle or parts of a vehicle extending into a roadway causing a potential safety hazard for vehicles traveling upon a roadway;
- (15) Upon the roadway side of another vehicle that is parked, stopped or standing legally within a parking space; or
- (16) Backed into a public parking space marked for angle parking.

(B) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (1) In front of a public or private driveway;
- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection, unless otherwise authorized in writing by or at the direction of the City Council;
- (4) Within 15 feet upon the approach to any stop sign or traffic control signal located at the side of a roadway;
- (5) At any place where official signs prohibit or restrict parking or in excess of time periods authorized by such signs;
- (6) Across the delineated boundaries of a public parking place; or

(7) Upon the area of the beach seaward of the pavement area of any roadway located adjacent to the public beach, excluding the right-of-way area of U.S. Highway 98 where vehicles are allowed to park upon the unpaved right-of-way in a safe manner, or in designated areas.

(C) It is unlawful for any person or persons to wilfully obstruct the free, convenient and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon:

(1) No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of material, and in no event for a period of more than 20 minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner as to obstruct the free movement of vehicular traffic unless otherwise posted;

(2) No person shall stop, stand or park a vehicle within the front road located within the area known as the Mexico Beach Business Center, a road that runs from east to west between N. 30th Street and N. 32nd Street parallel to U.S. Highway 98, except in designated parking spaces;

(3) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property; and

(4) No person shall stand or park a vehicle within the main paved portion of a street as to willfully obstruct the free, convenient and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(D) No person, except persons on emergency calls, shall park a vehicle on any street, public parking lot or public park marked to prohibit all-night parking and giving notice thereof.

(E) No vehicle or trailer commonly known as a "mobile home" or "modular home" shall be permitted to be parked or stored upon a public street; however, the "mobile home" or "modular home" may be placed on a public right-of-way for a period of no more than five business days as long as the "mobile home" or "modular home" is parked in such a manner not to obstruct the free movement of traffic. For the purpose of this section, a **MOBILE HOME** is defined as structures that are transportable in one or more sections, which is built on a permanent chassis, designed to be used with or without a permanent foundation and connected to utilities. The term also includes park trailers, travel trailers and similar transportable structures placed in use (other than for sale) on a site for 180 consecutive days or longer. For the purpose of this section, a **MODULAR HOME** is defined as homes manufactured under the Florida Manufactured Building Act and certified by the State Department of Community Affairs as complying with the structural requirements of the Standard Building Code.

(F) No boat or watercraft trailers shall be parked within the public parking area on South 37th Street except in the designated trailer parking area located adjacent to U.S. Highway 98.

(G) Vehicles shall not be parked on public right-of-way or public property overnight for the purpose of sleeping or camping.

(H) Officers may provide for the removal of any abandoned vehicle, to include vehicle towed trailers, (henceforth noted as vehicle) to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when an abandoned vehicle is found unattended upon a bridge or causeway, or on any public road in the following instances:

(1) Where such vehicle constitutes an obstruction to traffic;

(2) Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours and is within 30 feet of the pavement edge; and

(3) The agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

(Ord. 390, passed 6-11-2002; Ord. 518, passed 8-8-2006) Penalty, see § 72.99

§ 72.08 ISSUANCE OF CITY PARKING CITATIONS.

(A) When any Parking Enforcement Officer finds a vehicle in violation of the provisions of this chapter or signs erected pursuant to the provisions of this chapter, he or she shall issue a parking citation to the person or vehicle by placing said citation in a conspicuous place on the vehicle. Such parking citation form shall contain language providing notice of the following:

(1) The type of violation and amount of penalty imposed by this chapter; and

(2) The penalty for failure to comply with directions contained on the citation.

(B) The Parking Enforcement Officer shall determine the registered owner of the vehicle for which a citation was issued and shall complete the citation form. The original copy of the citation form shall be forwarded to the city when completed for processing.

(Ord. 390, passed 6-11-2002)

§ 72.09 PAYMENT OF CIVIL PENALTIES AND PROCEEDINGS TO ENFORCE PAYMENT VIOLATIONS.

Any person issued a city parking citation, pursuant to this chapter, shall answer the citation by either of the following procedures within ten days, excluding Saturdays, Sunday and legal holidays, after the date of issuance of the citation:

(A) Payment of the penalty indicated on the citation may be remitted to the city, pursuant to the directions on such citation; or

(B) Upon receipt of a complete parking citation submitted by a Parking Enforcement Officer, pursuant to this chapter, the city may notify the registered owner first listed on such citation of its issuance if there has been no response to the citation pursuant to division (A) above. Such notice shall be sent by certified return receipt mail and shall inform said registered owner concerning the nature and location of the parking violation and shall require payment of the fine.

(Ord. 390, passed 6-11-2002)

§ 72.10 OWNER'S LIABILITY FOR PARKING VIOLATIONS.

The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence and a sworn statement that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle. The owner of a vehicle is not responsible for parking ticket violations if the vehicle was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle.

(Ord. 390, passed 6-11-2002)

§ 72.11 DISPOSITION OF FINES AND FORFEITURES FOR PARKING VIOLATIONS.

Except as otherwise provided in this section, all monies received by the City Clerk as a result of parking citation issued by the municipality shall be paid to the municipality as provided by state statute. All monies received shall be placed into the General Fund (75%) and the Law Enforcement Education (L.E.E.) fund (25%).

(Ord. 390, passed 6-11-2002)

§ 72.12 APPEAL.

(A) If a driver or registered owner is cited for a violation of this chapter, the cited person shall have a right to contest such citation, within ten business days of issuance. The cited person must present the citation with a written request form for a hearing to the City Clerk, such form must be completed in person or a notarized copy may be forwarded to the city. The postmark of the envelope will be used for the ten-day requirement. The cited person must appear before the City Special Master at a time and place so designated by the Special Master.

(B) A driver or registered owner reserves the right to appeal any decision made by the Special Master to the 14th Judicial Circuit Courts. Any appeal made to the courts will be completed by the driver or registered owner.

(C) All late fees and dates shall be suspended until ten business days after the appeal process is complete.

(Ord. 390, passed 6-11-2002)

§ 72.99 PENALTY.

Pursuant to F.S. § 318.14, any person cited for a violation of this chapter shall be deemed to be charged with a non-criminal violation and shall be assessed a civil penalty according to the following schedule.

(A) *Fifteen dollars for a violation of any provision of this chapter, except §72.07(E).* Fines and late payment penalty for violations of this chapter are to be distributed as follows.

(1) Each day any violation occurs or continues shall be a separate offense.

(2) The amount of any penalty specified in this section shall be increased by an additional \$7.50 if payment is not received by the city within ten business days of the date of issue and prior to notice being mailed to the registered owner.

(3) The amount of any penalty specified in this section shall be an additional \$15 if payment is not received by the city within 20 business days.

(4) The amount of the penalty shall be increased to \$50 if payment is not received by the city within 30 business days.

(5) After the 35 business days the fine remains unpaid, the total amount may be referred to a collection agency.

(B) *Fifty dollars for a violation of § 72.07(E).* Fines and late payment penalty for violations of § 72.07 are to be distributed as follows.

(1) Each day any violation occurs or continues shall be a separate offense.

(2) The amount of any penalty specified in this section shall be increased by an additional \$25 of the specified amount if payment is not received by the city within ten business days of the date of issue and prior to notice being mailed to the registered owner.

(3) The amount of any penalty specified in this section shall be increased by an additional \$50 if payment is not received by the city within 20 business days.

(4) The amount of the penalty shall be increased to \$150 if payment is not received by the city within 30 business days.

(5) After the 35 business days the fine remains unpaid, the total amount may be referred to a collection agency.

(Ord. 390, passed 6-11-2002)

CHAPTER 73: SAND AND BEACH AREAS

Section

73.01 Driving on the beach

73.02 Exceptions

73.03 Violation

§ 73.01 DRIVING ON THE BEACH.

(A) It shall be unlawful for any person to operate a motor vehicle, except as provided in §73.02, in or upon the sand beach areas between the waters of the Gulf of Mexico and the coastal construction control line established by the State Department of Natural Resources.

(B) It shall be unlawful for any owner or person entitled to control of a motor vehicle to knowingly permit the operation of that motor vehicle in violation of this chapter.

(C) As used herein, the term **VEHICLE** shall mean that in or on which a person or thing is or may be carried from one place to another, especially along the ground, but also through the air; any carriage moving on land, either on wheels or runners or a cushion of air; that which is used as an instrument of conveyance on land.

(Ord. 563, passed 9-9-2008) Penalty, see § 10.99

§ 73.02 EXCEPTIONS.

(A) The prohibition contained in § 73.01, shall not apply to:

(1) A work vehicle operated between sunrise and sunset, provided such work vehicle is operated for the sole purpose of transporting beach boxes, chairs, umbrellas, similar stationary equipment, and water sports vehicles approved by the Chief of Police or his or her designee, but excluding personal and other motor driven vessels, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico;

(2) A work vehicle operated between sunrise and sunset provided such work vehicle is operated for the sole purpose of servicing, repairing or replacing broken stationary equipment and water sports vehicles, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico; in addition, such a work vehicle otherwise lawfully upon the beach may also during these times, move water sports vehicles to and from storage and other areas, provided such use is entirely within the boundaries of the property on which the business for which the vehicle was at that time providing service, repair or replacement is lawfully entitled to operate;

(3) Permitted beach cleaning vehicles and equipment;

(4) Wildlife monitoring vehicles operated at public expense;

(5) Ambulances or other life rescue and law enforcement vehicles;

(6) Beach patrol vehicles operated at public expense;

(7) Work vehicles consisting of a single passenger, all-terrain or light industrial vehicle operated to move water sports vehicles to and from the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico; or

(8) A handicapped vehicle operated for the sole purpose of transporting upon the sandy beach a person with an ambulatory disability which materially impairs his or her ability to walk on the sandy beach, provided such vehicle's weight shall not exceed 350 pounds, its length shall not exceed 60 inches, its width shall not exceed 34 inches, its seating capacity shall not exceed two persons, and its power source shall not enable the vehicle to achieve speeds in excess of three mph on level sand.

(B) Nothing herein shall be construed to permit the operation of any vehicle on the beach in violation of any other applicable law.

(Ord. 563, passed 9-9-2008)

§ 73.03 VIOLATION.

Any person found guilty of the violation of this chapter shall be guilty of a misdemeanor of the second degree punishable as provided in F.S. § 375.314.

(Ord. 563, passed 9-9-2008)

TITLE IX: GENERAL REGULATIONS

Chapter

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CHAPTER 90: ANIMALS

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§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEACH. The portion of the Gulf Beaches within the City of Mexico Beach lying seaward of the mean high water line and which, for the purpose of this chapter, is presumed to be that soft, sandy beach area lying seaward of the most seaward dune line or the most seaward vegetation line.

CAT. All domestic felines.

DOG. All members of the canine family including pet foxes, wolves and the like.

OWNER. Any person, firm, corporation, association or any combination of the foregoing owning, harboring, keeping or controlling an animal or animals within the city.

VACCINATION AGAINST RABIES. The proper administration of anti-rabies inoculation or vaccination by a veterinarian licensed by the State Board of Veterinary Medicine.

(Ord. 388, passed 2-13-2001)

§ 90.02 ANIMAL CONTROL PERSONNEL.

(A) Animal control personnel shall enforce the provisions of this chapter. Animal control personnel are police officer(s) and code enforcement officer(s) of the city.

(B) The animal control personnel shall have full and complete authority in the enforcement of this chapter and may pick up or apprehend any animal under any circumstance which constitutes a violation of this chapter or state statutes and impound such animal.

(C) The animal control personnel may enter public or unfenced private property within the city to carry out the enforcement of this chapter or state statute.

(D) The animal control personnel may enter the fenced private property, exclusive of buildings, when the animal being sought was at large immediately prior to the animal control agency or personnel receiving a sworn complaint regarding a violation, but subsequently the animal returned to its owner's or custodian's fenced private property; provided, however, that an attempt to contact the owner or custodian, if known, was unsuccessful.

(E) The animal control personnel may enter the fenced private property for the purpose of enforcing the provisions of F.S. § 828.073, concerning the removal of neglected or mistreated animals.

(F) The animal control personnel may carry and utilize a humane chemical capture device to subdue and tranquilize an animal; provided, however, they are certified and or trained to use such device.

(G) The animal control personnel may issue citations and or notices to appear in the County Court for violations of this chapter when reasonable and probable cause exists that a violation has occurred.

(Ord. 388, passed 2-13-2001)

§ 90.03 INTERFERENCE AND THE LIKE WITH PERSONNEL.

No person shall interfere with, resist or hinder any animal control personnel in the performance of any duty required by the provisions of this chapter.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.04 BREAKING INTO ANIMAL SHELTER.

No person shall break open or assist in the breaking open of any fences, gates, fastenings or enclosure of the animal shelter or impounding vehicles and no unauthorized person shall remove or let loose any animal from the shelter or impounding vehicles.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.05 CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to overload, overdrive, torture, torment or deprive of necessary sustenance, food or drink, or unnecessarily or cruelly beat, mutilate or kill any animal or cause or permit either of such offenses to be committed.

(B) It shall be unlawful for any person to willfully and maliciously steal, kill, wound or injure any animal which is the property of another or willfully and maliciously administer poison to any animal or expose any poisonous substance with the intent that the same shall be taken and swallowed by any animal which is the property of another.

(C) It shall be unlawful for any person to willfully and maliciously mistreat or abandon any animal within the limits of the city.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.06 KEEPING CERTAIN ANIMALS PROHIBITED.

It shall be unlawful for any person to keep or maintain horses, mules, cows, cattle, chickens, poultry or goats in the city, except for special events, as approved by the City Administrator.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.07 ANIMALS AT LARGE.

If an animal is off of the property of its owner or off the property of the person who has custody of the animal and the

animal attacks and injures any person or other animal, the owner or person in custody of the animal shall be guilty of a misdemeanor, and shall be punishable as provided in § 90.99(E).

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.08 RUNNING AT LARGE.

(A) It shall be unlawful for the owner of any dog or cat to permit or allow the dog or cat to commit a nuisance or to be found running at large on any public streets, parks, playgrounds, alleys, beaches or vacant lots in the city and such dog or cat shall be picked up by the city or the designated authorized agent of the city and placed in a shelter for a period of not less than three days nor more than seven days, except the animal be released sooner upon identification and compliance with the registration requirement contained herein, and upon the payment of a \$20 fee for dogs and a \$10 fee for cats plus an additional \$7 per day for the redemption of said animal.

(B) The registration fee for unregistered dogs that have been picked up shall be double the fee in effect on the date the dog is picked up.

(1) All dogs impounded shall be kept at the animal shelter located at the city yard on N. 22nd Street for a period not to exceed seven days.

(2) If the impoundment of a dog exceeds seven days, the dog shall be turned over to the County Humane Society located in Panama City, Florida. The owner(s) of any dog impounded and transferred to the County Humane Society shall be responsible for the fees within this section and any and all fees imposed by the County Humane Society.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.09 LEASHING.

(A) No dog shall be allowed off the property of its owner unless the dog is fastened to a suitable leash of dependable strength. Such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal.

(B) No dog shall be permitted to habitually chase after or otherwise harass a person or vehicle.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.10 DAMAGING PROPERTY.

(A) It shall be unlawful for any person who shall own or be in control or, in charge of any dog or cat, to allow or permit the dog or cat to wander or stray upon the property of another and damage the property.

(B) If any dog or cat shall wander or stray upon the property of any person within the corporate limits of the city and shall cause damage thereon, proof of the damage and the identity of the dog or cat shall be sufficient to convict the person owning or having charge of or control of the dog or cat violating the terms and provisions of this section.

(C) It shall be a violation for any owner of a dog or cat to allow such dog or cat to defecate on any property within the city other than the owner's private property without immediately removing such defecation with some sort of material, utensil or suitable container and depositing the defecation in a trash container. When walking a dog or cat on any property within the city, other than the owner's property, the owner of that dog or cat shall carry some sort of material, utensil or suitable container with which to dispose the defecation.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.11 DISTURBING THE PEACE.

It shall be unlawful for any person, whether owner, or anyone having charge, custody or control thereof, shall permit a dog to bark, bay, cry, whine or howl or make any noise continuously and/or incessantly in an excessive, habitual or untimely fashion for such a duration that it annoys or disturbs a reasonable person of normal sensitivities residing in or occupying premises in close proximity to the premises on which the animal is located; however, a dog will not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property where the dog is situated or for any other legitimate cause which teased or provoked the dog. In the case of multiple animals at one location, it shall not be necessary to single out which specific dog committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.12 UNRESTRAINED ANIMALS IN OPEN VEHICLES.

It shall be unlawful and a civil infraction to transport on any public street any dog or other animal in a vehicle that is not fully enclosed unless the animal is confined in a cage or container or temporarily securely tethered by a device that will not permit the animal to fall or jump from the vehicle.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.13 ANIMALS ON BEACH.

No owner or other person having charge, care, custody or control of any animal shall allow or permit any such dog, cat or animal(s) into or upon any beach or the City Pier, which causing, permitting or allowing is hereby made unlawful. The beach west of Canal Parkway is exempt from this section.

(Ord. 388, passed 2-13-2001; Ord. 555, passed 3-11-2008; Ord. 631, passed 1-12-2016) Penalty, see § 90.99

§ 90.14 CITATIONS AUTHORIZED.

The city animal control personnel or designee, as approved by the Chief of Police shall have the authority to issue citations to those whose pets are found to be in violation of this chapter.

(Ord. 388, passed 2-13-2001) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) (1) Violations of this chapter shall be punishable by fines as follows.

(a) First offense: uncontested citations; the current offense is a “first” offense if there have been no other citations in the preceding 36 months: \$25; if not paid within 14 days, fine goes to \$50; if not paid within 30 days a court hearing is required. Fines, penalties and administrative fees shall be set as the court may deem appropriate, but shall not exceed the maximum civil penalty of \$500 per violation.

(b) Second offense: uncontested citations; the current offense is a “second” offense if there has been only one previous citation within the preceding 36 months: \$50; if not paid within 14 days, fine goes to \$100; if not paid within 30 days a court hearing is required. Fines, penalties and administrative fees shall be set as the court may deem appropriate, but shall not exceed the maximum civil penalty of \$500 per violation.

(c) Third and subsequent offenses: the current offense is a third or subsequent offense if there have been two or more previous citations within the preceding 36 months: a court hearing is required. Fines, penalties and administrative fees shall be set as the court may deem appropriate, but shall not exceed the maximum civil penalty of \$500 per violation.

(d) Anyone cited with a violation of this chapter who pays the required fines and then goes 36 months with no offenses shall return to the status of having no prior offenses for the purpose of this section.

(2) A \$5 surcharge shall be assessed and collected upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty as authorized by F.S. § 828.27. The proceeds from such surcharge shall be used only to assist in paying for the costs of training for animal control personnel in accordance with the requirements of F.S. § 827.27. Said civil penalty shall be paid to the city.

(3) The animal control personnel shall have the authority to cite the owner or any person having custody of an animal for violation of this chapter when and only when: the animal control personnel has received from an adult witness a sworn affidavit attesting to the animal having committed a violation pursuant to this chapter; or the animal control personnel duly authorized to enforce the provisions under this chapter, has witnessed the commission of a violation of this chapter.

(B) Violation of § 90.03 shall constitute a misdemeanor, and shall be punishable by imprisonment of a period not to exceed 60 days or a fine not to exceed \$500, or both.

(C) Violation of § 90.04 shall constitute a misdemeanor and shall be punishable by imprisonment of a period not to exceed 60 days or a fine not to exceed \$500, or both.

(D) Violation of § 90.05 shall constitute a misdemeanor, and shall be punishable by imprisonment of a period not to exceed 60 days, or a fine not to exceed \$500, or both.

(E) Per § 90.07, if an animal is off of the property of its owner or off the property of the person who has custody of the animal, and the animal attacks and injures any person or other animal, the owner or person in custody of the animal shall be guilty of a misdemeanor, and shall be punishable by imprisonment of a period not to exceed 60 days or a fine not to exceed \$500, or both.

(Ord. 388, passed 2-13-2001)

CHAPTER 91: BIRD SANCTUARY

Section

- 91.01 City designated as a bird sanctuary
- 91.02 Killing and molesting birds prohibited
- 91.03 Birds constituting nuisance; abatement
- 91.04 Doves, pigeons
- 91.05 Enforcement; violations

§ 91.01 CITY DESIGNATED AS A BIRD SANCTUARY.

The area embraced by the corporate limits of the city shall be designed as a bird sanctuary.

(Ord. 447, passed 9-9-2003)

§ 91.02 KILLING AND MOLESTING BIRDS PROHIBITED.

It shall be unlawful to hunt, kill, maim or trap, hunt with slingshot, gun or attempt to in any manner shoot or otherwise molest birds or any wild fowl, to rob or otherwise molest the nests or birds nesting while located within the city.

(Ord. 447, passed 9-9-2003) Penalty, see § 10.99

§ 91.03 BIRDS CONSTITUTING NUISANCE; ABATEMENT.

If starlings or other similar birds are found roosting, nesting or inhabiting any locality within the city in such numbers as to constitute a nuisance or health menace to persons or property, it shall be the duty of the City Council to notify representatives of the Audubon Society, Garden Club, Birdwatchers Club or Humane Society. If representatives from any of these organizations are available, advising them that such conditions do exist and requesting that immediate action to eliminate it be taken by them. If the condition has not be eliminated by representatives of the above named organizations within reasonable time, then the city shall take whatever action it deems necessary to eliminate such condition or health menace.

(Ord. 447, passed 9-9-2003)

§ 91.04 DOVES, PIGEONS.

(A) It all shall be unlawful of any person to keep or harbor on any premises in the city any doves or pigeons, other than homing or carrier pigeons, unless the same shall be confined in cages or coops or in such other manner as will prevent them from flying or straying beyond the premises on which they are kept.

(B) Law enforcement officers and other persons who may be authorized by the City Administrator shall be authorized to capture or to kill any doves or pigeons that may be found beyond the premises where they are kept, in violation hereof, and to damage and annoyance of the owners or occupants of other premises.

(C) All authorized city officials as determined by the City Administrator shall enforce these adopted codes. These codes are also enforced by all city law enforcement.

(Ord. 447, passed 9-9-2003)

§ 91.05 ENFORCEMENT; VIOLATIONS.

Any persons violating this chapter are subject to the maximum penalties as prescribed by law.

(Ord. 447, passed 9-9-2003)

CHAPTER 92: FAIR HOUSING

Section

- 92.01 Title
- 92.02 Declaration of policy
- 92.03 Definitions
- 92.04 Unlawful housing practices
- 92.05 Exemptions and exceptions
- 92.06 Administrator authority and responsibilities
- 92.07 Complaints
- 92.08 Processing complaints
- 92.09 Additional remedies
- 92.10 Education and public information
- 92.11 Untruthful complaints or testimony

- 92.99 Penalty

§ 92.01 TITLE.

This chapter shall be known and may be cited as the "Fair Housing Code" of the city.

(1998 Code, § 94.01) (Ord. 336, passed 1-14-1996)

§ 92.02 DECLARATION OF POLICY.

It is the policy of the city, in keeping with the laws of the United States of America and the spirit of the Constitution of the state, to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain housing of such person's choice in this city without regard to race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age, and, to that end, to prohibit discrimination in housing by any person.

(1998 Code, § 94.02) (Ord. 336, passed 1-14-1996)

§ 92.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person appointed by the City Council, pursuant to §92.06.

AGE. The work age as used herein shall refer exclusively to persons who are 18 years of age or older.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under § 92.04.

FAMILY. One or more persons living together as a single housekeeping unit in a dwelling.

HOUSING or HOUSING ACCOMMODATION. Any building, structure or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof, mobile home or trailer or other facility.

LENDING INSTITUTION. Any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to, credit bureaus.

OWNER. Any person, including, but not limited to, a lessee, sublessee, assignee, manager or agent, but also including the city or any department or sub-unit thereof.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mortgage companies, joint stock companies, trusts, unincorporated organizations or public corporations, including, but not limited to, the city or any department or sub-unit thereof.

REAL ESTATE AGENT. Any real estate broker, any real estate salesperson or any other person, employee, agent or otherwise, engaged in the management or operation of any real property.

REAL ESTATE BROKER OR SALESPERSON. A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

REAL ESTATE TRANSACTION. Includes the sale, purchase, exchange, rental or leases of real property, and any contract pertaining thereto.

RENT. Includes leases, sublease, assignment and/or rental, including any contract to do any of the foregoing, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.

RESPONDENT. Any person against whom a complaint is filed pursuant to this chapter.

SALE. Includes any contract to sell, exchange or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real property.

(1998 Code, § 94.03) (Ord. 336, passed 1-14-1996)

§ 92.04 UNLAWFUL HOUSING PRACTICES.

(A) *Unlawful housing practices; sale or rental and advertising in connection therewith.* Except as provided in §92.05, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, as defined in § 92.03, because of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age:

- (1) To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny housing to any person;
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing

of facilities or services in connection therewith;

(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(4) To refuse to negotiate for a real estate transaction with a person;

(5) To represent to a person that housing is not available for inspection, sale, rental or lease when, in fact, it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing;

(6) To steer any person away from or to any housing;

(7) To make, print, publish, circulate, post, mail or cause to be made, printed, published or circulated, any notice, statement, advertisement or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record of oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification or discrimination with respect thereto;

(8) To offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(9) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used or occupied by any person protected by the terms of this chapter;

(10) To make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental or the sale or rental of any housing in any area of the city for the purpose of inducing or attempting to induce any such listing or any of the above transactions;

(11) To retaliate or discriminate in any manner against any person because of his or her opposing a practice declared unlawful by this chapter, or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under this chapter;

(12) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by the provisions of this chapter, or to obstruct or prevent any person from complying with the provisions of this chapter, or any conciliation agreement entered into thereunder;

(13) By canvassing to compel any unlawful practices prohibited by the provisions of this chapter;

(14) Otherwise to deny to, or withhold, any housing accommodation from a person;

(15) To promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant or tenant to list for sale, sell, remove from, lease, assign, transfer or otherwise dispose of any housing by referring as a part of the process or pattern of indicating neighborhood unrest, community tension or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to the race, color, religion, neighbors, tenants or other prospective buyers of any housing; or

(16) To place a sign or display any other device either purporting to offer for sale, lease assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition.

(B) *Unlawful housing practices; financing.* It shall be unlawful and a discriminatory housing practice for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age of such person or of any other person associated with such person in connection with such loan or other assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this division (B) shall impair the scope or effectiveness of the exceptions contained in § 92.05.

(C) *Unlawful housing practices; brokerage services.* It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility related to the business of selling or renting housing, or to discriminate against such person in the terms or conditions of such access, membership or participation because of race, color, ancestry, national origin, religion, sex, marital status, familial status or age.

(1998 Code, § 94.04) (Ord. 336, passed 1-14-1996) Penalty, see § 92.99

§ 92.05 EXEMPTIONS AND EXCEPTIONS.

(A) Nothing contained in § 92.04 shall prohibit a religious organization, association or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, nor shall

anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(B) Nothing in § 92.04, other than § 92.04(A)(7) shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division (B)(1) shall apply only with respect to one such sale within any 24-month period; provided, further, that does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single family houses at any one time; provided, further, that the owner sells or rents such housing:

(a) Without the use in any manner of the sales or rental facilities or the sale or rental services of any real estate broker, agent, salesperson or of such renting housing, or of any employee or agency of any such broker, agent, salesperson or person; and

(b) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of § 92.04(A)(7), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(2) Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owners sells or rents such rooms or units:

(a) Without the use in any manner of the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person; and

(b) Without the publication, posting or mailing, after notice, in violation of § 92.04(A)(7), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(3) For the purpose of this division (B), a person shall be deemed to be in the business of selling or renting housing if:

(a) He or she has, within the preceding 12 months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein;

(b) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or

(c) He or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(4) Nothing in § 92.04 shall be construed to:

(a) Bar any person from restricting sales, rentals, leases or occupancy, or from giving preference to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors;

(b) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease;

(c) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for, occupied exclusively by, individuals of one sex, to any individual of the opposite sex;

(d) Bar any person from selling, renting or advertising any housing which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only;

(e) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for married couples without children or from segregating families with children to special units of housing; or

(f) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.

(1998 Code, § 94.05) (Ord. 336, passed 1-14-1996)

§ 92.06 ADMINISTRATOR AUTHORITY AND RESPONSIBILITIES.

(A) *Council to appoint.* The authority and responsibility for administering this chapter shall be vested in the City Council who shall appoint an Administrator.

(B) *General powers and duties.* The Administrator shall:

(1) Receive written complaints as hereinafter provided in § 92.07 relative to alleged unlawful acts under this chapter

when a complaint seeks the Administrator's good offices to conciliate;

(2) Upon receiving written complaint, make such investigations as the Administrator deems appropriate to ascertain facts and issues;

(3) Utilize methods of persuasion, conciliation and mediation or information adjustment of grievances;

(4) Establish, administer/review programs at the request of the Mayor and make reports on such programs to the City Council;

(5) Bring to the attention of the City Council items that may require the City Council's notice or action to resolve;

(6) Render to the City Council annual written reports of his or her activities under the provisions of this chapter along with such comments and recommendations as he or she may choose to make; and

(7) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this chapter.

(C) *Determination of probable cause.* If after fully processing the complaint in the manner hereafter provided, the Administrator determines that there is probable cause to believe that there has been a violation of the provisions of this chapter, he or she shall refer the matters along with the facts he or she has gathered in his or her investigations, to the proper county, state or federal authorities for appropriate legal action.

(D) *Promulgation of forms and regulations.* The Administrator shall promulgate, publish and distribute the necessary forms, rules and regulations to implement the provisions of this chapter.

(1998 Code, § 94.06) (Ord. 336, passed 1-14-1996)

§ 92.07 COMPLAINTS.

(A) A person who claims that another person has committed a discriminatory housing practice against him or her may report that offense to the Administrator by filing an informal complaint within 45 days after the date of the alleged discriminatory housing practice and not later.

(B) The Administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Pub. L. No. 90-284, being 42 U.S.C. §§ 3601 et seq., as an informal complaint filed under division (A) above.

(C) An informal complaint must be in writing, verified or affirmed, on a form to be supplied by the Administrator and shall contain the following:

(1) Identity and address of the respondent;

(2) Date of offense and date of filing the complaint;

(3) General statement of facts of the offense, including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age); and

(4) Name and signature of the complainant.

(D) Each complaint shall be held in confidence by the Administrator unless and until the complainant and the respondent(s) consent in writing that it shall be made public.

(E) Within 15 days after the filing of the informal complaint, the Administrator shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondents may file a written, verified informal answer to the informal complaint within 20 days of the date of the receipt of the informal complaint.

(F) An informal complaint or answer may be amended at any time, and the Administrator shall furnish a copy of each amended informal complaint or answer to the respondent(s) complaint, respectively, as promptly as practicable.

(G) The Administrator shall assist complainants and respondents when necessary in the preparation and filing of informal complaints or answers or any amendments thereto.

(H) The Administrator shall advise complainants of their rights and options provided in F.S. § 760.34.

(1998 Code, § 94.07) (Ord. 336, passed 1-14-1996)

§ 92.08 PROCESSING COMPLAINTS.

(A) Within 30 days after the filing of an informal complaint, the Administrator shall make such investigation as he or she deems appropriate to ascertain facts and issues. If the Administrator shall deem that there are reasonable grounds to believe that a violation has occurred and can be resolved by conciliation, he or she shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done in the course of the informal conference with the individuals to resolve the dispute may be public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent(s). The Administrator or employee of the

Administrator who shall make public any information in violation of this provision shall be deemed guilty of a violation of a city ordinance and shall be subject to penalty as set forth in § 92.99.

(B) If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the Administrator and must be signed and verified by the complainant and respondent(s) and approved by the Administrator. The conciliation agreement shall be for conciliation purposes only, and shall not constitute an admission by any party that the law has been violated.

(C) If the Administrator deems that there is not probable cause to believe that the alleged discriminatory housing practice has been committed, the Administrator shall take no further action with respect to the alleged offense.

(D) If the Administrator, with respect to any matter, involves a contravention of this chapter by failure to conciliate a complaint after the parties, in good faith, have attempted such conciliation; or determining that the violation alleged in the complaint cannot be resolved by conciliation, he or she shall notify both the complainant and the respondent(s) within 30 days of the failure or the determination, and he or she shall proceed as provided in § 92.06(C).

(1998 Code, § 94.08) (Ord. 336, passed 1-14-1996)

§ 92.09 ADDITIONAL REMEDIES.

(A) The procedure prescribed by this chapter does not constitute an administrative prerequisite to another action or remedy available under other law.

(B) Further, nothing in this chapter shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the Constitution or laws of the United States or the state, and the provisions of this chapter shall be in addition to those provided by such other laws.

(1998 Code, § 94.09) (Ord. 336, passed 1-14-1996)

§ 92.10 EDUCATION AND PUBLIC INFORMATION.

The Administrator may conduct educational and public informational activities that are designed to promote the policy of this chapter.

(1998 Code, § 94.10) (Ord. 336, passed 1-14-1996)

§ 92.11 UNTRUTHFUL COMPLAINTS OR TESTIMONY.

It shall be a violation of this chapter for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed hereunder or to give false testimony concerning violations of this chapter.

(1998 Code, § 94.11) (Ord. 336, passed 1-14-1996) Penalty, see § 92.99

§ 92.99 PENALTY.

Any person who violates any of the provisions of this chapter shall be subject, upon conviction, to a fine up to but not exceeding the sum of \$500, or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

(1998 Code, § 94.99) (Ord. 336, passed 1-14-1996)

CHAPTER 93: LIGHTING NEAR BEACHES

Section

- 93.01 Purpose and intent
- 93.02 Definitions
- 93.03 Standards for new construction activities
- 93.04 Standards for existing lighting
- 93.05 Public awareness
- 93.06 Enforcement and violations
- 93.07 Interpretation
- 93.08 Effective date

§ 93.01 PURPOSE AND INTENT.

This chapter is intended to protect hatchling marine turtles from the adverse effects of artificial lighting, provide overall improvement in nesting habitat degraded by light pollution, and increase successful nesting activity and production of hatchlings on the beaches of the city.

(Ord. 399, passed 10-9-2001)

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARTIFICIAL LIGHT or **ARTIFICIAL LIGHTING**. The light emanating from any human-made device.

BEACH. The zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

BUG TYPE BULB. Any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.

COASTAL CONSTRUCTION ACTIVITIES. Any work or development in the CCCL in Mexico Beach, Florida.

COASTAL CONSTRUCTION CONTROL LINE (CCCL). The portion of the coastal construction line established pursuant to the provisions of F.S. § 161.053 that lies within the city.

CUMULATIVELY ILLUMINATED. Illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

DIRECTLY ILLUMINATED. Illuminated as a result of glowing elements(s), lamp(s), globe(s) or reflector(s) of an artificial light source which is visible to an observer on the beach.

DUNE. A mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

FRONTAL DUNE. The first natural or human-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity and configuration to offer protective value.

HATCHLING. Any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

INDIRECTLY ILLUMINATED. Illuminated as a result of the glowing element(s), lamp(s), globe(s) or reflector(s) of an artificial light source which is not visible to an observer on the beach.

LOW-PRESSURE SODIUM LUMINAIRE (LPS). An electric discharge lamp containing sodium, neon, and argon, that when illuminated appears amber-yellow.

MARINE TURTLE. Any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill) and *Lepidochelys kempi* (Kemp's ridley). For purposes of this rule, **MARINE TURTLE** is synonymous with **SEA TURTLE**.

NEST. An area where marine turtle eggs have been naturally deposited or subsequently relocated.

NESTING SEASON. The period from May 1 through October 31.

NIGHTTIME. The period between sunset and sunrise.

PERSON. Individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

POLE LIGHTING. A light fixture set on a base or pole which raises the source of the light higher than 24 inches off the ground.

SHIELD. A non-reflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.

TINTED GLASS. Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45% or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

(Ord. 399, passed 10-9-2001)

§ 93.03 STANDARDS FOR NEW CONSTRUCTION ACTIVITIES.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) are adopted.

(A) Exterior artificial light fixtures shall be designed and positioned so that:

- (1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
- (2) Areas seaward of the frontal dune are not directly or indirectly illuminated: and

(3) Areas seaward of the frontal dune are not cumulatively illuminated.

(B) Exterior artificial light fixtures within direct line-of-sight of the beach will be permitted only if designed and installed as follows:

(1) Completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e., 25 watts or less) "bug" type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers or cutoff features may also be used if they are in compliance with division (A)(1), (A)(2) and (A)(3) above; and

(2) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards and ground-level fixtures.

(C) Floodlights, uplights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.

(D) No lighting shall be allowed on dune walkovers.

(E) Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:

(1) Set on a base which raises the source of light no higher than 48 inches off the ground; and

(2) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.

(F) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures within line-of-sight of the beach.

(G) Use of appropriately shielded low-pressure sodium-vapor lamps and fixtures shall be required for high-intensity lighting applications such as lighting parking areas and roadways, providing security and similar applications.

(H) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.

(I) Before granting any building permit, the City Planning and Building Department shall determine that all proposed development complies in all respects with the standards imposed in this section.

(J) Permits will not be required to install utility leased lighting, but all such lighting shall comply in all respects with the standards imposed in this chapter.

(K) For any coastal construction completed after the effective date of this chapter, the lighting shall not be changed without first obtaining a permit from the county. Such permits shall only be issued when the proposed lighting plan complies with this chapter.

(Ord. 399, passed 10-9-2001)

§ 93.04 STANDARDS FOR EXISTING LIGHTING.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the county hereby adopts all of the following standards for existing artificial lighting sources, including utility leased lighting, seaward of the CCCL.

(A) Existing artificial light fixtures shall be repositioned or modified so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune are not directly or indirectly illuminated; and

(3) Areas seaward of the frontal dune are not cumulatively illuminated.

(B) The following measures may be taken to comply with this section:

(1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;

(2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;

(3) Replace traditional light bulbs with yellow "bug" type bulbs not exceeding 25 watts;

(4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;

(5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

(6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

(7) Replace incandescent, fluorescent and high intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;

(8) Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards; and

(9) Disconnect utility leased lighting during the marine turtle nesting season.

(C) The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

- (1) Apply window tint or film that meets the standards for tinted glass;
- (2) Rearrange lamps and other moveable fixtures away from windows;
- (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; and
- (4) Turn off unnecessary lights.

(Ord. 399, passed 10-9-2001)

§ 93.05 PUBLIC AWARENESS.

Any person submitting an application for coastal construction activities within the jurisdictional boundaries of the city shall be informed of the existence of and the requirements concerning artificial hunting and marine turtle protection by the City Planning and Building Department.

(Ord. 399, passed 10-9-2001)

§ 93.06 ENFORCEMENT AND VIOLATIONS.

Upon notification by law enforcement authorities, the City Planning and Building Department shall give notice to any person who violates this chapter by a certified letter to the property address listed by the County Tax Collector's office. The letter shall describe the violation and shall enclose a brochure provided by Department of Environmental Protection and a copy of the ordinance. Such persons shall immediately correct any noticed violation. Failure to correct any noticed violation shall be punishable in the same manner as a misdemeanor and punishable as provided by F.S. § 125.69. Each day of any such violation shall constitute a separate and distinct offense. The Department of Environmental Protection and the Florida Marine Patrol shall have authority to enforce this chapter.

(Ord. 399, passed 10-9-2001)

§ 93.07 INTERPRETATION.

The provisions of this chapter shall be liberally construed in order to effectively carry out its purpose. Where any provision of this chapter refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

(Ord. 399, passed 10-9-2001)

§ 93.08 EFFECTIVE DATE.

This chapter shall take effect on April 2, 2002.

(Ord. 399, passed 10-9-2001)

CHAPTER 94: NUISANCES

Section

- 94.01 Definition
- 94.02 Duty to remove
- 94.03 Determination of nuisance
- 94.04 Notice to abate nuisance to be given
- 94.05 Service of the notice to abate nuisance
- 94.06 City action with failure to comply
- 94.07 Recovery by city of expenses of nuisance removal
- 94.08 Violation

- 94.99 Penalty

§ 94.01 DEFINITION.

(A) For the purposes of this chapter, the word **NUISANCE** shall mean any of the following:

- (1) Any accumulation of rubbish, trash, junk and other abandoned materials;
- (2) Any excessive accumulation of untended growth of weeds, undergrowth or other dead or living plant life upon a developed lot;
- (3) Any grass, underbrush or weeds which exceeds 18 inches in height;
- (4) Any unsafe dwelling or structure;
- (5) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (6) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained; and
- (7) Unsheltered storage for a period of 30 days or more within the corporate limits of this city of vehicles, boats, machinery, implements or equipment or personal property of any kind which are no longer safely usable for the purposes for which they were manufactured.

(B) For the purposes of this chapter, the word **NUISANCE** shall include, but is not limited to, any of the following: abandoned, discarded, unused objects or equipment such as automobiles, boats, furniture, stoves, refrigerators, freezers, cans or containers.

(1998 Code, § 93.01) (Ord. 256, passed 12-10-1991; Ord. 285, passed 12-14-1993)

§ 94.02 DUTY TO REMOVE.

It shall be the duty of the owner of any previously developed lot to remove or cause to be removed from such lot all excessive growth of weeds, underbrush or dangerous trees, and to remove or cause to be removed all debris, rubbish, trash, abandoned vehicles, boats, refrigerators and other articles as defined in § 94.01.

(1998 Code, § 93.02) (Ord. 256, passed 12-10-1991)

§ 94.03 DETERMINATION OF NUISANCE.

The City Code Enforcement Officer shall identify and respond to any complaint of nuisance.

(1998 Code, § 93.03) (Ord. 256, passed 12-10-1991)

§ 94.04 NOTICE TO ABATE NUISANCE TO BE GIVEN.

(A) Should the owner of any previously developed lot fail, refuse or neglect to remove or cause to be removed therefrom any accumulation of debris, rubbish, trash, abandoned vehicles, boats, refrigerators and other household items, or dangerous trees, or should the owner of any previously developed lot fail, refuse or neglect to remove or cause to be removed therefrom all excessive growth of weeds, underbrush and dangerous trees, such owner, if the real estate is unoccupied, or such owner and occupant of occupied real estate, shall be served in writing directing such owner to abate the nuisance.

(B) Such notice shall further state, that in default of the performance of the above condition, the city may, as set forth in § 93.06, cause the same to be done, and charge the cost and expense incurred in doing or having such work done, to the owner of such property, and that suit may be filed seeking all such costs and expenses, as well as injunctive relief, and all attorney's fees and costs incurred in such litigation.

(1998 Code, § 93.04) (Ord. 256, passed 12-10-1991)

§ 94.05 SERVICE OF THE NOTICE TO ABATE NUISANCE.

(A) Service upon the owner of the notice of violation shall either be by personal service or by mailing the notice to the addressee's last known address as it appears on the records of the city.

(B) In the event the lot is unoccupied and the address of the owner is unknown, service of the notice shall be made upon the owner by posting the notice on the lot with a like notice to be published in a newspaper of general circulation.

(1998 Code, § 93.05) (Ord. 256, passed 12-10-1991)

§ 94.06 CITY ACTION WITH FAILURE TO COMPLY.

(A) In the event that the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this chapter, the city, acting through the City Administrator or Mayor, is authorized to vacate, demolish or remove or otherwise abate the nuisance in accordance with such order, either with city forces or by independent contractor.

(B) In addition to the remedies prescribed in this chapter, and cumulative thereof, if it shall be brought to the attention of the City Council, and it shall be determined that any such nuisance, or nuisances, are likely to have an immediate adverse

effect upon the public health, comfort or safety, then the City Council may, by appropriate resolution or motion, order such nuisance or nuisances summarily abated by the city in a reasonably prudent manner.

(1998 Code, § 93.06) (Ord. 256, passed 12-10-1991)

§ 94.07 RECOVERY BY CITY OF EXPENSES OF NUISANCE REMOVAL.

(A) The city is damaged by the creation of a nuisance within the city, and the cost of nuisance removal has become a significant expense to the city. It is intended that persons responsible for such expenses shall bear the costs of their removal. In order to recover the cost of nuisance removal, the city may bring a civil action against any person believed to be responsible for the creation of a nuisance. The city may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for the creation of a nuisance. If the settlement offer is accepted, no action will be instituted by the city.

(B) If such action is brought, all costs and expenses of nuisance removal shall be recoverable, as well as injunctive relief to prevent such actions in the future, and further, the city shall be entitled to recover all reasonable and actual attorney's fees and costs incurred in said litigation, including appellate attorney's fees and costs.

(1998 Code, § 93.07) (Ord. 256, passed 12-10-1991)

§ 94.08 VIOLATION.

(A) It shall be unlawful for any landowner to suffer, maintain or permit to remain any accumulation of rubbish or trash, abandoned vehicles, boats, refrigerators, stoves, household articles, other appliances, furniture, junk, abandoned equipment or other nuisances as defined in § 94.01.

(B) It shall be unlawful for the owner of any previously developed lot located within the city to suffer, maintain or permit to remain dangerous trees or any accumulation of weeds or undergrowth as defined in § 93.01. (Wild flowers are exempt.)

(1998 Code, § 93.08) (Ord. 256, passed 12-10-1991; Ord. 285, passed 12-14-1993)

§ 94.99 PENALTY.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor of the second degree, punishable as provided by state statute.

(1998 Code, § 93.99) (Ord. 256, passed 12-10-1991; Ord. 285, passed 12-14-1993)

CHAPTER 95: PARKS AND RECREATION

Section

General Provisions

95.01 Camping and tenting on public property prohibited

95.02 Public pier regulations

95.03 Swimming in certain areas of canal prohibited

95.04 Municipal canal park facilities

Privately-Owned Motor Propelled Vessels

95.15 Disclaimer of liability

95.16 Definitions

95.17 Operation of motor-driven floating devices restricted

95.18 Airborne rides restricted

95.19 Management of beach business

95.20 Swimming in marked channel prohibited

95.21 Location of beach amusements

Idle Speed/No Wake Zone for Canal Waters

95.35 Definitions

95.36 Establishing idle speed/no wake zones

Cross-reference:

Animals on public beaches prohibited, see §90.13

Lighting near beaches, see Chapter 93

Nuisances, see Chapter 94

GENERAL PROVISIONS

§ 95.01 CAMPING AND TENTING ON PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any person to erect any structure on any public property within the city limits for the purpose and with the intention of using such structure as living or overnight sleeping quarters for any period of time; however, the City Council may, in its discretion, designate certain public property within the city limits which shall be available for the erection of structures to be used as living or overnight sleeping quarters.

(1998 Code, § 92.01) (Ord. 188, passed 6-10-1986) Penalty, see § 95.99

§ 95.02 PUBLIC PIER REGULATIONS.

(A) The following rules shall apply to the city pier.

(1) It shall be unlawful for any person to dive from, launch boats from, or throw/push any articles, items or other paraphernalia, other than fishing tackle, from the pier.

(2) It shall be unlawful for any person to swim, ride surfboards, operate boats of any kind, or otherwise occupy the waters within a 50-foot area of the pier.

(3) Non-official motorized vehicles, bicycles, skateboards, rollerblades and similar modes of transportation are prohibited from the pier. Wheelchairs and motorized vehicles for handicapped individuals are exempt from this rule.

(4) Dogs, cats and other pets are prohibited from the pier.

(5) Open flames are prohibited.

(6) Glass bottles are prohibited.

(7) Sleeping or camping on the pier is prohibited.

(B) In addition to the above rules, the following wildlife protection rules shall apply regarding sea turtles.

(1) Do not cast your line where sea turtles are surfacing to breath.

(2) If you hook or entangle a sea turtle on your line, contact the City Hall immediately at (850) 648-5700 or, FWC at 1-888-404-3922.

(3) The Code Enforcement/Animal Control Officer should gently attempt to retrieve the turtle in accordance with the approved marine turtle protection plan. If required, cut the line close to the hook and remove line that has become entangled around the turtle. Avoid the turtle's mouth and flipper claws; use blunt scissors/knife to cut line.

(4) Do not lift the turtle above the water by pulling the line (this will result in further injury). If the distance to the pier from the water is too large to bring the turtle up safely, cut the line as short as possible to release the turtle.

(5) Turtles with serious cuts and/or ingested or deeply imbedded hooks need veterinary care.

(6) Injured sea turtles shall be kept wet and in the shade and a qualified veterinarian (or other permitted and qualified person as determined by the FWC) shall be immediately notified at 1-888-404-3922.

(1998 Code, § 92.02) (Ord. 166, passed 9-10-1985; Ord. 564, passed 10-14-2008) Penalty, see § 95.99

§ 95.03 SWIMMING IN CERTAIN AREAS OF CANAL PROHIBITED.

It shall be unlawful for any person to swim in the boat channel of the city canal in an area extending from the confines of the uppermost marina to the mean low water mark of the Gulf of Mexico, where the canal empties into the Gulf of Mexico. This prohibition includes the area 100 feet on each side of the jetties at the entrance to the Gulf.

(1998 Code, § 92.03) (Ord. 191, passed 7-8-1986) Penalty, see § 95.99

§ 95.04 MUNICIPAL CANAL PARK FACILITIES.

(A) The city shall perform routine dredging throughout the dock facility to ensure safe navigation and mooring. All dredging shall be performed in compliance with all permits, regulations or guidelines in accordance with the proper state and federal agencies.

(B) The city shall provide and maintain a minimum of one restroom facility within the park. Additional facilities such as

restrooms, showers and others may be provided based upon demand.

(C) Fish cleaning stations shall be provided on upland sites as determined on necessity and location. The dumping or discarding of fish carcasses, unused bait, garbage or any other materials, which could cause environmental damage or property damage is prohibited within the confines of the Mexico Beach Canal.

(D) Trash receptacles shall be provided and maintained throughout the park facility by the city or its designee.

(E) It shall be necessary that slips 1 through 11 be reserved for vessels larger than 30 feet in length and that slips 12 through 33 be reserved for vessels less than 30 feet in length. The City Administrator may authorize exceptions on an as needed basis.

(F) The City Administrator shall be the designated employee serving in the capacity of "Harbor Master".

(1) It shall be his or her responsibility to manage and control the use of all facilities connected with the Mexico Beach Canal Park and Recreational Facilities.

(2) As necessary, the Harbor Master shall have the authority to designate in writing an individual to serve in the capacity of Assistant Harbor Master to assist him or her in the daily functions of the facility operation.

(3) One canal slip or parking area shall be reserved for use by the Canal Department dredge(s), boat or other city vessels and one canal slip shall be reserved for use by the Harbor Master, or designee.

(G) The following acts are prohibited and shall constitute a violation of this section.

(1) No permanent live-a-board vessels shall be allowed.

(2) The dumping or discharging of waste holding tanks is prohibited.

(3) Mooring of a vessel without prior authorization.

(4) No vessel underway shall create a wake.

(5) The use of a utility service without prior authorization.

(6) Any unsafe act, which may constitute a public safety hazard.

(7) Any unapproved structural changes or additions to the canal slips, including adding an unauthorized storage box, shall be prohibited.

(H) The city shall maintain proper warning and control devices such as day markers, "No Wake" signs and navigational lighting to provide a safe and lawful environment.

(Ord. 462, passed 10-14-2003) Penalty, see § 95.99

PRIVATELY-OWNED MOTOR PROPELLED VESSELS

§ 95.15 DISCLAIMER OF LIABILITY.

(A) (1) Neither the city nor any of its agents, officers or employees, shall be liable for any negligence, fault or wrongdoing of any person or business operating under the provisions of this subchapter.

(2) The right of the city to enforce the provisions of this subchapter shall not be construed as a duty, and the city shall not be responsible for failing to enforce any of the provisions of this subchapter or for acting or failing to act upon any information obtained under this subchapter.

(B) The standards herein contained are minimum standards intended for the protection of the public generally under commonly prevailing circumstances.

(1998 Code, § 92.35) (Ord. 274, passed 12-13-1988)

§ 95.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEACH AMUSEMENT. The rental, lease or hire within the city of a motor driven floating device (as defined in this section) for use on or in the waters of the Gulf of Mexico in exchange for a fee or value.

MOTOR-DRIVEN FLOATING DEVICE. This term means and includes without limitation, a jet ski, wave runner, personal watercraft as defined in F.S. § 327.02(30), or other vessel propelled or powered by machinery and capable of transporting one or more persons.

(1998 Code, § 92.36) (Ord. 274, passed 5-11-1993)

§ 95.17 OPERATION OF MOTOR-DRIVEN FLOATING DEVICES RESTRICTED.

(A) It shall be unlawful for any person to rent, lease or hire within the city, a motor-driven floating device for use on or in

the waters of the Gulf of Mexico, or solicit the same within the city, unless:

(1) There is provided for each rental location a water channel perpendicular to the shoreline, not less than ten feet in width, and marked by at least one orange or red buoy not less than 60 inches in circumference and anchored 300 feet from the shoreline, and two orange or red cones or signs not less than 28 inches high erected at the water line;

(2) Privately-owned motor-driven floating devices operating from the water's edge are required to depart the sandy beaches perpendicular to the shoreline at idle speed for a distance of not less than 300 feet before increasing speed.

(a) Returning to the beaches they are required to approach at idle speed from a point 300 feet offshore and perpendicular to the shoreline.

(b) Privately-owned motor-driven floating devices when departing the municipal canal system will depart at idle speed.

(c) Upon return idle speed will be assumed at the channel entrance.

(3) There shall be posted, within 50 feet landward of such channel a sign posting the established speed limit of idle speed for all watercraft operating within the channel and canal system.

(B) No person shall operate any rented, leased or hired motor-driven floating device within 300 feet of the edge of the waters of the Gulf of Mexico, unless operating within a channel properly marked pursuant to division (A)(2) above.

(1998 Code, § 92.37) (Ord. 274, passed 5-11-1993) Penalty, see § 95.99

§ 95.18 AIRBORNE RIDES RESTRICTED.

(A) It shall be unlawful for any person to conduct or assist in conducting, in whole or in part within the city, a parasail, kite or similar airborne ride on or above the waters of the Gulf of Mexico within 300 feet of the edge of the sandy beaches or the water's edge of the Gulf of Mexico within the city limits.

(B) Narrow beaches and the close proximity of power lines present a clear and present danger of personal injury.

(1998 Code, § 92.38) (Ord. 274, passed 5-11-1993) Penalty, see § 95.99

§ 95.19 MANAGEMENT OF BEACH BUSINESS.

It shall be unlawful for any person to manage or control any beach business in violation of this section.

(1998 Code, § 92.39) (Ord. 274, passed 5-11-1993) Penalty, see § 95.99

§ 95.20 SWIMMING IN MARKED CHANNEL PROHIBITED.

No person shall knowingly swim within any channel properly marked pursuant to §95.17(A).

(1998 Code, § 92.40) (Ord. 274, passed 5-11-1993) Penalty, see § 95.99

§ 95.21 LOCATION OF BEACH AMUSEMENTS.

It shall be unlawful for any person to provide or offer any beach amusement on property that is not properly zoned for such activity.

(1998 Code, § 92.41) (Ord. 274, passed 5-11-1993) Penalty, see § 95.99

IDLE SPEED/NO WAKE ZONE FOR CANAL WATERS

§ 95.35 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED PERSONNEL. Any Code Enforcement Officer with the city, the Harbor Master or his or her designee, and any other law enforcement officer as described in F.S. § 327.70.

IDLE SPEED/NO WAKE. A vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerage way.

IDLE SPEED/NO WAKE ZONE. Indicates a boating restricted area which has been established to protect the safety of the public.

WAKE. All changes in the virtual height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake and propeller wash.

(Ord. 425, passed 9-9-2002)

§ 95.36 ESTABLISHING IDLE SPEED/NO WAKE ZONES.

(A) Idle speed/no wake zones are established for all navigable canal waters located north of the Gulf of Mexico and

extending inland within the corporate limits of the city.

(B) The city shall erect, or cause to be erected, appropriate signs in designated idle speed/no wake zones within the city subject to state and federal regulations.

(Ord. 425, passed 9-9-2002) Penalty, see § 95.99

§ 95.99 PENALTY.

(A) (1) Any person who violates any provision of §§95.01 through 95.04 or 95.15 through 95.21 for which no penalty is otherwise provided shall be guilty of a misdemeanor, and shall be subject to a fine of not more than \$500, imprisonment for not more than 60 days, or both.

(2) Any person who violates any provision of §95.02 shall be fined not more than \$50, or jailed for not in excess of ten days, or both such fine and jail sentence.

(3) Any person or persons who violate any provision of §§95.15 through 95.21 shall be guilty of a misdemeanor of the second degree, punishable as provided by the state statutes.

(1998 Code, § 92.99)

(B) Violations of § 95.04 shall constitute a misdemeanor, and shall be punishable by imprisonment of a period not to exceed 60 days or a fine not to exceed \$500 or both.

(C) (1) A violation of § 95.36 shall be punished as a non-criminal infraction. All authorized personnel may issue a code enforcement citation with a fine of up to \$50.

(2) Law enforcement officers may issue a uniform boating citation as set forth in F.S. § 327.74. All penalties are set forth by F.S. § 327.73.

(Ord. 166, passed 9-10-1985; Ord. 274, passed 5-11-1993; Ord. 425, passed 9-9-2002; Ord. 462, passed 10-14-2003)

CHAPTER 96: STREETS AND SIDEWALKS

Section

Road Improvement Assessments

- 96.01 Short title
- 96.02 Procedures for providing road improvements
- 96.03 Public hearing; notice required
- 96.04 Granting or denial of petition
- 96.05 Assessment roll; mailing to property owners
- 96.06 Presentation of complaints; adjustment of assessments; recording of lien
- 96.07 Payment of assessments; penalty for delinquency
- 96.08 Foreclosure of assessment lien

ROAD IMPROVEMENT ASSESSMENTS

§ 96.01 SHORT TITLE.

This subchapter shall be known as and may be referred to as the "Mexico Beach Road Improvement Assessment Subchapter".

(1998 Code, § 91.01) (Ord. 144, passed 12-13-1983)

§ 96.02 PROCEDURES FOR PROVIDING ROAD IMPROVEMENTS.

Upon receipt of a petition signed by 60% of the property owners abutting any road in the incorporated limits of the city stating that the property owners desire the City Council to implement procedures to provide the requested road improvement with the cost, or a portion of the cost, to be paid by assessments of all abutting property owners, the City Council shall implement the procedures that follow in §§ 96.03 through 93.08.

(1998 Code, § 91.02) (Ord. 144, passed 12-13-1983)

§ 96.03 PUBLIC HEARING; NOTICE REQUIRED.

(A) The City Council shall fix the date of a public hearing on the petition. Notice of the hearing shall be given in writing to

each property owner abutting the street or road to be improved, the notices to be mailed to the address shown on the then current tax assessment rolls of the county. Additionally, notice of the hearing shall be published once in a newspaper of general circulation in the county at least seven days prior to the date of the hearing.

(B) Notice referred to above shall specify the beginning and ending points of the road improvement project, the type of road improvement to be made, the estimated cost of the road improvement and the proposed method or alternative methods for the payment of the cost of the improvement.

(1998 Code, § 91.03) (Ord. 144, passed 12-13-1983)

§ 96.04 GRANTING OR DENIAL OF PETITION.

The City Council shall consider all comments and information provided at the public hearing and all other information deemed relevant by the Council and shall grant or deny the petition. If the petition is not granted, a similar petition may not be re-presented to the City Council for a period of six months. If the petition is granted, the Council shall by motion duly made, passed and recorded in the minutes of the meeting, authorize commencement of the project specifying the beginning and ending points of the project, the cost of the project and the method of payment of such costs and any other special instructions or conditions imposed by the Council.

(1998 Code, § 91.04) (Ord. 144, passed 12-13-1983)

§ 96.05 ASSESSMENT ROLL; MAILING TO PROPERTY OWNERS.

(A) Upon passage of the motion authorizing commencement of the project, an assessment roll showing the properties to be assessed in accordance with the method of assessment provided for by the Council shall be prepared by the City Administrative Department and filed in the minutes of the city. The assessment roll shall show at least the following information: the lots and lands assessed, the amount of assessment against each lot or parcel of land and if the assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered and shown upon the assessment roll.

(B) Upon completion of the assessment roll, a copy of the assessment roll shall be mailed to the address of each property owner as shown by the then current tax assessment rolls of the county. Along with the assessment roll, there shall be mailed a notice specifying a date and time at which property owners may appear before the City Council to present any complaints relative to the assessments.

(1998 Code, § 91.05) (Ord. 144, passed 12-13-1983)

§ 96.06 PRESENTATION OF COMPLAINTS; ADJUSTMENT OF ASSESSMENTS; RECORDING OF LIEN.

After hearing any complaints of any property owners, the City Council may equalize, adjust or otherwise alter any assessments so as to ensure the fairness of the assessment and so as to ensure that no undue hardships are created. At the conclusion of the hearing, the assessments shall be recorded by the Clerk of the City Council in a special book to be known as the "Road Improvement Lien Book", and in the official records of the county maintained by the Clerk of the Circuit Court, and such record of the lien shall constitute prima facie evidence of its validity.

(1998 Code, § 91.06) (Ord. 144, passed 12-13-1983)

§ 96.07 PAYMENT OF ASSESSMENTS; PENALTY FOR DELINQUENCY.

The assessments shall be payable at the time and in the manner stated in the City Council's motion authorizing commencement of the project and the special assessments shall remain liens, co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all of the liens, title and claims, until paid. Any assessment not paid when due and payable shall have added thereto a penalty at the rate of 1% per month until paid.

(1998 Code, § 91.07) (Ord. 144, passed 12-13-1983)

§ 96.08 FORECLOSURE OF ASSESSMENT LIEN.

Upon the failure of any assessment to be paid within one year of the date due and payable, the City Council shall cause the necessary legal proceedings to be brought to foreclose the assessment lien including penalties, court costs and reasonable attorney's fees assessed as a part of the foreclosure proceeding. The foreclosure proceeding shall be prosecuted to a sale and conveyance of the property involved in the proceeding, as now provided by law in suits to foreclose mortgages.

(1998 Code, § 91.08) (Ord. 144, passed 12-13-1983)

CHAPTER 97: BEACH REGULATIONS

Section

97.01 Definitions

97.02 Regulation of use and conduct on the beach and water bodies

97.03 Enforcement

97.99 Penalties

Cross-reference:

Beach vending, see Chapter 114

§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEACH. That area of unconsolidated material that extends landward from the mean low-water line of the Gulf of Mexico, to the frontal dune, or where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward.

UNATTENDED. Not closely and plainly accompanied by its owner or by someone acting as the owner's proxy who is present on the beach with the item and looking after it.

(Ord. 687, passed 11-14-2017)

§ 97.02 REGULATION OF USE AND CONDUCT ON THE BEACH AND WATER BODIES.

(A) Obstructions on the beach.

(1) It shall be unlawful for any person or business to leave an item of personal property unattended on the beach between 7 p.m. and 7 a.m., except as otherwise permitted by ordinance.

(2) *Exceptions.* This prohibition does not apply to:

- (a) Items placed by the city or another governmental agency in furtherance of health, safety, and welfare purposes;
- (b) Trash containers;
- (c) Lifeguard stands and lifeguard storage containers and safety devices;
- (d) Signs placed by the city or another governmental entity;
- (e) Items placed by persons acting under authority of the City Administrator or other governmental agency on behalf of the city or the governmental agency;
- (f) Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by the city, Bay County or the State of Florida;
- (g) Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service of State of Florida; and
- (h) Items expressly exempted by city ordinance from the "Leave No Trace" requirement, either in all cases or pursuant to a specific permit or approval.

(3) *State of Emergency.* All items, whether permitted or not, shall be removed from the beach within 24 hours following a declaration of a state of emergency for Bay County or the city due to and in advance of a hurricane or other severe weather systems.

(4) *Discarded items.* Any item of personal property left on the beach unattended in violation of this chapter shall be deemed discarded by its owner and shall become the property of the city if removed by the city pursuant to this chapter, which may dispose of the item in any manner it sees fit. Items meeting the definition of "litter" under any Florida civil or criminal statute will be disposed of immediately. All other items will be placed in a designated outdoor space on city property while they await disposal. Members of the public may contact City Hall or Public works and may retrieve items they left on the beach once they have provided an accurate description of the discarded items, if the items have not been disposed of yet. The city will not be responsible for damage to or loss of items that were collected due to a violation of this chapter.

(5) Glass of any kind is hereby prohibited on the beach within city limits.

(B) Digging holes on beach.

(1) It shall be required that all holes dug on the beach are to be attended at all times and shall be completely filled and restored to their original level condition prior to leaving the beach the same day it is created unless part of a construction project permitted under the Florida Building Code or similar law.

(2) No holes dug on the beach within city limits may exceed a depth of two feet and any hole dug on the beach must be filled in by the person or persons who dug the hole before leaving the hole unattended for any length of time.

(Ord. 664, passed 2-28-2017; Ord. 687, passed 11-14-2017; Ord. 783, passed 5-10-2022) Penalty, see §97.99

§ 97.03 ENFORCEMENT.

It shall be the duty and responsibility of the city to enforce all provisions of this chapter. City employees or contractors will not remove personal property from the beach if it is being attended, but a city employee may issue a warning or citation if a city employee observed a violation during a prior night.

(Ord. 664, passed 2-28-2017; Ord. 687, passed 11-14-2017)

§ 97.99 PENALTIES.

(A) Any person who shall violate any of the provisions of this chapter or amendments thereto; who shall fail, neglect or refuse to comply with order or notice or in pursuance and by authority of this chapter shall be subject to the loss of their property and has committed a civil infraction punishable as provided by the City Code.

(B) The penalty for violating § 97.02 shall be a fine of \$50.

(Ord. 664, passed 2-28-2017; Ord. 687, passed 11-14-2017; Ord. 783, passed 5-10-2022)

CHAPTER 98: SPECIAL EVENTS

Section

- 98.01 Definitions
- 98.02 Permit required
- 98.03 Permit not required (exemptions)
- 98.04 Permit fee
- 98.05 Permit denial
- 98.06 Conditions
- 98.07 Conformance with other regulations
- 98.08 Permit issuance
- 98.09 Indemnification agreement
- 98.10 Insurance requirements
- 98.11 City services and equipment use fees
- 98.12 Cleanup charge
- 98.13 Revocation of permit
- 98.14 Inspection required

- 98.99 Violation; penalty

§ 98.01 DEFINITIONS.

For the purposes of this chapter, the following words shall have the meanings indicated unless their context clearly requires otherwise.

APPLICANT. Any person or organization that seeks a special event permit from the city to conduct, organize, or sponsor an event governed by this section. An applicant must be 18 years of age or older.

ATHLETIC EVENT. An occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public street, sidewalk, alley or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. **ATHLETIC EVENTS** include bicycle and foot races, bike-a-thons, walk-a-thons, and other organized walks.

CITY ADMINISTRATOR. The City Administrator in consultation with police and relevant department heads.

MOTORCADE. Any organized procession containing ten or more vehicles, except funeral processions, upon a public street, sidewalk, alley or other public right-of-way.

PARADE. Any march or procession consisting of people, animals, bicycles, vehicles or combination thereof, except funeral processions, on any public street, sidewalk, alley or other public right-of-way, which obstructs, delays or interferes

with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

SPECIAL EVENT. Any parade, fair, show, festival, carnival, tent sale, rally, block party, filming of movie, video or television show, motorcade, run, bike-a-thon, race, walk, athletic event, or other attended entertainment or celebration that is to be held, in whole or in part, upon publicly owned property or public right-of-way, or if held wholly upon private property, but will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the special event. **SPECIAL EVENT** shall also mean any activity to be held, in whole or in part, upon publicly owned or controlled property or public rights-of-way, where merchandise or services are offered for sale, whether by for profit or nonprofit organizations. Events held at the Civic Center pursuant to a rental arrangement under § 33.14 of the City Code shall not be considered **SPECIAL EVENTS**.

(Ord. 697, passed 7-10-2018)

§ 98.02 PERMIT REQUIRED.

(A) Any person or organization desiring to conduct or organize a special event in the city shall first obtain a special event permit from the City Administrator.

(B) Any applicant who desires to conduct or organize a special event shall submit a complete application for a special event permit, including a site plan depicting existing facilities and proposed temporary facilities and activities, as soon as possible prior to the scheduled start of the special event, but shall submit such application at least 60 days prior to the scheduled start of the special event.

(1) If the special event will have minimal impact on city resources and will not vary from occurrence to occurrence, multiple occurrences within the same calendar year may be included in a single application.

(2) The City Administrator may, at his or her discretion, and in consideration of traffic circulation, security, safety, parking, or all of these, deny the issuance of a special event permit in the event two or more such events are proposed to occur on the same day.

(a) In the event such aforementioned determination is made, application approval preference shall be granted to an exempt organization under § 501(c) of the Internal Revenue Code of 1986.

(b) In the event two or more exempt organizations under § 501(c) of the Internal Revenue Code of 1986 propose to conduct a special event on the same day, preference will be given to the exempt organization that first completed an application.

(C) The City Administrator shall review the application for completeness and notify the applicant of any incomplete items within five working days of the receipt of the application.

(1) The City Administrator shall approve, approve with modifications or conditions, or deny the application within ten working days of receipt of a complete application.

(2) The City Administrator may deny the issuance of a special event permit to an applicant based on the considerations detailed by § 98.05.

(3) A decision of the City Administrator to deny an application under this division shall be subject to appeal to the City Council.

(D) The required permit must be displayed at the site in a conspicuous location for the duration of the function.

(Ord. 697, passed 7-10-2018) Penalty, see § 98.99

§ 98.03 PERMIT NOT REQUIRED (EXEMPTIONS).

A special event permit is not required for the following:

(A) Funeral and wedding processions and ceremonies. This exemption does not apply to associated parties, celebrations, or activities that are not part of the ceremony;

(B) Parades involving a total of 50 or fewer pedestrians marching along a parade route restricted to marching on sidewalks or non-paved areas of right-of-way, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.

(C) Special events sponsored in whole by the city;

(D) Gatherings of 50 or fewer people in a city park or the beach, unless merchandise or services are offered for sale.

(Ord. 697, passed 7-10-2018)

§ 98.04 PERMIT FEE.

The application for a special event permit shall be accompanied by a permit fee of \$100. A reduced fee of \$25 applies to organizations qualified under § 501(c) of the Internal Revenue Code. The City Special Events Committee and the City Community Development Council are exempt from a permit fee.

(Ord. 697, passed 7-10-2018)

§ 98.05 PERMIT DENIAL.

The City Administrator may deny an application for a special event permit if he or she determines, from a consideration of the application, or other pertinent information, that:

- (A) Information contained in the application, or supplemental information requested from the applicant, is found to be false, misleading or nonexistent in any material detail, or the applicant has evaded or suppressed any material fact; or
- (B) The proposed event would not comply with all other applicable city ordinances or the proposed event would be unlawful or constitute a public nuisance; or
- (C) The applicant fails to complete the application form after having been notified of the additional information or documents required; or
- (D) The applicant refuses to agree, to abide or comply with all of the conditions and terms of this chapter and the permit; or
- (E) It is found that the purpose of the special event is principally devoted to the advertising of a commercial product or service; or
- (F) The time, route, hours, location and size of the special event will unnecessarily disrupt the movement of traffic within the area; or
- (G) The special event is of a size or nature that requires the diversion of so great a number of police officers of the city to properly police the event, site and contiguous areas, that allowing the special event would unreasonably deny police protection to the remainder of the city and its residents; or
- (H) Another special event permit application has already been received, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Police Department or another city department is unable to meet the needs for police and other city services for both events; or
- (I) The location of the special event would cause undue hardship for adjacent businesses or residents; or
- (J) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit; or
- (K) The applicant has not paid the city in full for any amount due, based on another special event held in the city or any other charge or fee invoiced by the city to applicant that has not been appealed by the applicant.

(Ord. 697, passed 7-10-2018)

§ 98.06 CONDITIONS.

The City Administrator may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons and property and the control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include, but are not limited to:

- (A) Alteration of the date, time, route or location of the event proposed on the event application;
- (B) Elimination of an activity that cannot be mitigated to a point as to ensure public safety and welfare, or that causes undue liability to the city;
- (C) Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- (D) Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way;
- (E) Requirements for the use of traffic cones or barricades;
- (F) Requirements for the use of city personnel and equipment;
- (G) Requirements for the provision of first aid or sanitary facilities;
- (H) Requirements for the use of event oversight or security and providing notice of permit conditions to event participants;
- (I) Requirements to provide notice to surrounding property owners;
- (J) Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures and decorated vehicles for safety;
- (K) Compliance with animal protection ordinances and laws;
- (L) Requirement for the use of garbage containers, cleanup and restoration of city property;
- (M) Restrictions on the use of amplified sound;

- (N) Compliance with any relevant ordinance or law, and obtaining any legally required permit or license;
- (O) Any other restriction or requirement deemed necessary to ensure public safety and well-being;
- (P) State Department of Health approval for all food vendors.

(Ord. 697, passed 7-10-2018) Penalty, see § 98.99

§ 98.07 CONFORMANCE WITH OTHER REGULATIONS.

No event shall be conducted within the city unless in compliance with all applicable city ordinances and applicable county and state requirement, to include (a nonexclusive list):

- (A) Adequate toilet facilities shall be available at the site or be provided by the permittee at the site. Public or common use toilets must comply with the Federal ADA accessibility guidelines, which require that 5% of the total number, or no less than one toilet facility per each cluster of toilet facilities, must be accessible to guests with disabilities.
- (B) All electrical wiring must be installed in compliance with the provisions of the National Electric Code. A diagram of the electrical plan must be included with the application.
- (C) All tents and other temporary structures shall be erected in compliance with the provisions of the Standard Building Code and the Standard Fire Prevention Code.
- (D) Circus activities shall provide circus fire protection precautions and equipment adhering to the guidelines approved under NFPA 102, including specifications as necessary for fire safety equipment and operational procedures.
- (E) No tent or other temporary structure shall be situated in such a manner that it could create a traffic hazard. All tents and other temporary structures shall comply with the setback and buffer requirements of the land development regulations.
- (F) All mechanical equipment associated with amusement rides shall conform to the requirements of the Southern Building Code Congress International Standard Amusement Device Code, 1985 edition.
- (G) It shall be the responsibility of the applicant to provide for the collection of solid waste and litter. All solid waste, litter and recyclable materials shall be removed from the site following the event. For multiple-day events, the grounds shall be maintained during each day of the event, with no on-site accumulations that would cause a nuisance or pose a health hazard. All solid waste must be deposited at the appropriate county landfill by a county-approved garbage operator.
- (H) Proof of license to sell or exhibit wildlife from the applicable state agency.

(Ord. 697, passed 7-10-2018) Penalty, see § 98.99

§ 98.08 PERMIT ISSUANCE.

The City Administrator shall issue the special event permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit, as well as the sections of this chapter dealing with indemnification, insurance, fees for city services and cleanup charges, when applicable.

(Ord. 697, passed 7-10-2018)

§ 98.09 INDEMNIFICATION AGREEMENT.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement to defend the city against, and indemnify and hold harmless the city, its officers, employees and agents, where such claim arises, in whole or in part, out of the activities for which such permit is issued; except any claims arising solely out of the negligent acts or omissions of the city, its officers, employees and agents.

(Ord. 697, passed 7-10-2018) Penalty, see § 98.99

§ 98.10 INSURANCE REQUIREMENTS.

(A) *Liability coverage required.* The applicant/permittee of a special event must possess or obtain general liability insurance to protect against loss from liability for damages on account of bodily injury and property damage arising from the special event. A certificate of insurance shall be filed with the City Administrator 45 days prior to the special event, and shall name the city, its officials, employees and agents, as additional named insured. A specimen copy of the policy shall be filed ten days prior to the special event. Insurance coverage must be maintained for the duration of the event.

(B) *Minimum limits defined.* Coverage shall be no less than \$1,000,000 per occurrence for bodily injury and property damage.

(1) If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for product liability. If alcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability. The City Administrator may require additional endorsements depending upon the proposed activity.

(2) If alcoholic beverages are sold or served at the special event, an alcohol open container waiver is required by the City Council. An open container waiver may not be provided for a public street.

(C) *Waiver or reduction of required limits.* The City Administrator may waive or reduce the insurance requirements of this

chapter under the following conditions.

(1) The applicant or an officer of the permittee organization signs a verified statement that he or she believes the special event's purpose is First Amendment expression, that sales of goods or services are not a significant aspect of the special event, and that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage.

(2) The applicant or an officer of the permittee organization signs a verified statement that insurance coverage in the limits required is impossible to obtain for reasons other than excessive safety risk. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted.

(3) The City Administrator determines that the insurance limits are in excess of the reasonable risk presented by the proposed special event.

(4) In the event of division (C)(2) or (3) above occurring, the city may require lower reissued insurance coverage.

(Ord. 697, passed 7-10-2018) Penalty, see § 98.99

§ 98.11 CITY SERVICES AND EQUIPMENT USE FEES.

(A) *Prepayment of fees.* Upon approval of an application for a special event permit, the City Administrator shall provide the applicant with a statement of the estimated cost of providing city personnel and equipment. The applicant/permittee of the special event shall be required to prepay these estimated costs for city services and equipment ten days prior to the special event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, extraordinary park maintenance, and any other needed, requested or required city services, and the cost of operating city equipment to provide such services.

(B) *Fees for city services.* Fees for city services may be adjusted periodically and without amending this chapter, if based on increases to the city for the cost of employing the applicable personnel, including benefits. The initial fees for city services shall be:

Public Works Employee \$25 per hour per employee

Police Officer \$30 per hour per employee

Fire Rescue \$30 per hour per employee

(C) *Refunds or overruns.* If the actual cost for city services and equipment for the special event is less than the estimated cost, the permittee will be refunded the difference by the city within ten days after the conclusion and cleanup of the special event. If the actual cost for city services and equipment on the date(s) of the special event is greater than the estimated cost, the applicant/permittee will be billed for the difference.

(D) *Waiver of fees.*

(1) The fees for the use of city services and equipment may be waived, in part or in full, by the City Council, if in review of the application it finds that the event is of sufficient community benefit to warrant the expenditure of city funds without reimbursement by the applicant/permittee.

(2) The fees for city services and equipment may also be waived, in part or in full, by the City Administrator if the applicant/permittee signs a verified statement that the special event's purpose is First Amendment expression, that sales of goods or services are not a significant aspect of the event, and that the cost of city services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

(Ord. 697, passed 7-10-2018)

§ 98.12 CLEANUP CHARGE.

If the property used for the special event has not been properly cleaned or restored, the applicant/permittee shall be billed for the actual cost by the city for cleanup and restoration.

(A) *Required for certain special events.* The permittee of a special event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide documentation of pre-paid contracted cleanup services or a cleanup deposit prior to the issuance of a special event permit.

(B) *Refunds and overruns.* The cleanup deposit shall be returned after the special event, if the area used for and around the special event has been cleaned and restored to the same condition as existed prior to the special event.

(Ord. 697, passed 7-10-2018)

§ 98.13 REVOCATION OF PERMIT.

Any permit issued pursuant to this chapter may be summarily revoked by the City Administrator or the Mayor at any time when, by reason of disaster, public calamity, riot or other emergency, the City Administrator or Mayor determines that the

safety of the public or property requires such revocation. The City Administrator may also summarily revoke any permit issued pursuant to this chapter if he or she finds that the permit has been issued based upon false information, or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in his or her application.

(Ord. 697, passed 7-10-2018)

§ 98.14 INSPECTION REQUIRED.

Prior to the opening of the special event, the permittee shall call for an inspection to assure compliance with all permitting conditions. If the City Administrator, Building Official, or Fire Marshal shall, upon inspection, find that all permitting conditions have not been met, he or she shall notify the applicant, indicating the corrections to be made, and then he or she shall again inspect the work or apparatus. The special event may not commence until the corrections have been made.

(Ord. 697, passed 7-10-2018)

§ 98.99 VIOLATION; PENALTY.

(A) *Unlawful to organize or participate in an event without a permit.* It is unlawful for any person to organize or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued for the special event. It is unlawful for any person to participate in such an event with the knowledge that the organizer of the special event has not been issued a required, valid permit.

(B) *Unlawful to exceed scope of permit.* The special event permit authorizes the permittee to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, to allow the special event to exceed the scope permitted, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.

(C) *Violation is a misdemeanor.* Any person or organization violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, is subject to a penalty of a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. Additionally, the city may impose civil penalties as defined by the City Code.

(Ord. 697, passed 7-10-2018)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. LICENSING**
- 111. PEDDLERS AND SOLICITORS**
- 112. SEXUALLY ORIENTED BUSINESSES**
- 113. TOBACCO**
- 114. BEACH VENDING**

CHAPTER 110: LICENSING

Section

- 110.01 Levy of tax
- 110.02 Issuance of license
- 110.03 License required
- 110.04 Duties and responsibilities for compliance
- 110.05 Licensing requirement for businesses falling into more than one classification
- 110.06 Transfer of license; fee
- 110.07 Exemptions
- 110.08 Term of license; fractional-year licenses
- 110.09 Delinquent license tax; penalty
- 110.10 Display of license
- 110.11 Operating a business without a license

110.12 Enforcement; liability for costs

110.13 Furnishing false information

110.14 License tax schedule

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§ 110.01 LEVY OF TAX.

A license tax is hereby levied upon and shall be collected from every person exercising the privileges of carrying on or engaging in the business, professions or occupations hereinafter specifically enumerated in the amounts as fixed in § 110.14; each such amount, unless otherwise specifically stated, being the amount payable as a license tax for exercising such privileges of carrying on or engaging in such business, profession or occupation mentioned for each, and it shall be unlawful for any person to carry on or engage in any business, occupation or profession herein prescribed and designated without having first paid the license tax as provided herein or complied with the terms hereof.

(1998 Code, § 110.01) (Ord. 198, passed 2-10-1987)

§ 110.02 ISSUANCE OF LICENSE.

All licenses, to which shall be affixed the Seal of the city, shall be made out and issued by the City Clerk upon payment of the fee set out in this chapter. At the discretion of the City Clerk, and/or Mayor, the license applicant may be required to appear before the City Council to seek approval prior to issuance of an occupational license.

(1998 Code, § 110.02) (Ord. 198, passed 2-10-1987)

§ 110.03 LICENSE REQUIRED.

No person, firm or corporation shall maintain a business location or branch office within the city for engaging in or managing any business, profession, or occupation within the city, or carry on or engage in any business, profession or occupation within the city unless a license shall have been procured from the City Clerk.

(1998 Code, § 110.03) (Ord. 198, passed 2-10-1987)

§ 110.04 DUTIES AND RESPONSIBILITIES FOR COMPLIANCE.

(A) It shall be the duty of all officers and agents of all corporations to see that all corporations comply with the provisions of this chapter, and all officers or agents of any corporation required by this chapter to be licensed, which shall carry on or conduct any business without having made the payment and otherwise complied with the terms of this chapter, shall be subject to the same penalty or penalties imposed upon persons violating the provisions of this chapter.

(B) It shall be the duty of any individual agent, rental agent, manager or chief officer of any company, chief executive officer or resident agent of any corporation managing the operations of any business, any rentals, any sales or other businesses or occupations for another individual(s), owner(s) or stockholder(s) to acquire the appropriate license(s).

(C) The members of any firm who fail or refuse to comply with the provision of this chapter shall likewise be subject to the same penalty or penalties imposed upon persons violating the provisions hereof.

(D) In the absence of any owner, proprietor, manager or agent, any person operating or in charge of any business being conducted without the requirements of this chapter having been complied with, shall be subject to the same penalty or penalties imposed upon persons violating provisions of this chapter.

(1998 Code, § 110.04) (Ord. 198, passed 2-10-1987)

§ 110.05 LICENSING REQUIREMENT FOR BUSINESSES FALLING INTO MORE THAN ONE CLASSIFICATION.

When any occupation, business or profession shall fall into more than one of the classifications contained in this chapter such occupation, business or profession shall not be required to obtain a separate license provided that the classifications are part of commonly accepted services or business operations. Any dispute will be referred to the City Council. (1998 Code, § 110.05) (Ord. 198, passed 2-10-1987)

§ 110.06 TRANSFER OF LICENSE; FEE.

(A) All business licenses may be transferred to a new owner when there is a bona fide sale of the business and upon payment of a transfer fee of \$3 and presentation to the City Clerk of evidence of the sale of the original license.

(B) Any license may be transferred from one location to another location within the city upon payment of a transfer fee of \$3 accompanied by a written request and presentation of the original license to the City Clerk.

(1998 Code, § 110.06) (Ord. 198, passed 2-10-1987)

§ 110.07 EXEMPTIONS.

The City Council may, upon application, waive any license required by this chapter where the applicant for such license is a non-profit, charitable or religious organization which has its principal place of business in the city. Any disabled veteran shall be exempt from the application of the provisions of this chapter, upon presentation to the City Clerk of his or her state and/or county exemption certificate. This exemption is limited to one business or occupation. (1998 Code, § 110.07) (Ord. 198, passed 2-10-1987)

§ 110.08 TERM OF LICENSE; FRACTIONAL-YEAR LICENSES.

All licenses shall be sold beginning September 1 each year and shall be due and payable on October 1 of each year and shall expire on September 30 of the succeeding year. Licenses issued after April 1, to expire on September 30, shall be issued upon payment of one-half the annual fee. No other fractional year licenses shall be issued.

(1998 Code, § 110.08) (Ord. 198, passed 2-10-1987)

§ 110.09 DELINQUENT LICENSE TAX; PENALTY.

(A) Those licenses not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of 10% of the license fee for the month of October, plus an additional 5% penalty of the license fee for each month of delinquency thereafter until paid.

(B) After being more than three months delinquent, the licensee shall be punished as provided by §§110.12 and 110.99 of this chapter.

(1998 Code, § 110.09) (Ord. 198, passed 2-10-1987) Penalty, see § 110.99

§ 110.10 DISPLAY OF LICENSE.

Every person holding a license issued hereunder shall exhibit the same when called upon to do so by any authorized officer of the city, and all such licenses shall be conspicuously displayed at all times.

(1998 Code, § 110.10) (Ord. 198, passed 2-10-1987) Penalty, see § 110.99

§ 110.11 OPERATING A BUSINESS WITHOUT A LICENSE.

Any person engaging in or managing any business, occupation or profession without first obtaining the occupational license required hereunder shall be subject to a penalty of 25% of the license determined to be due, in addition to any other penalty provided by law or ordinance.

(1998 Code, § 110.11) (Ord. 198, passed 2-10-1987) Penalty, see § 110.99

§ 110.12 ENFORCEMENT; LIABILITY FOR COSTS.

The payment of license taxes levied by this chapter may be enforced by any legal procedures authorized by law. Any person failing to adhere to the provisions contained herein shall be liable for all attorney fees and costs for enforcement.

(1998 Code, § 110.12) (Ord. 198, passed 2-10-1987)

§ 110.13 FURNISHING FALSE INFORMATION.

Any person required by the provisions of this chapter to furnish information, who shall furnish false information, shall be punished as provided in § 10.99 of this chapter.

(1998 Code, § 110.13) (Ord. 198, passed 2-10-1987)

§ 110.14 LICENSE TAX SCHEDULE.

The following classifications of businesses, occupations and professions shall be subject to an occupational license tax in the amounts hereinafter set forth:

<i>Business, Occupation or Profession</i>	<i>Tax</i>
<i>Business, Occupation or Profession</i>	<i>Tax</i>
Abstract companies	
Person or persons, firms, corporations or associations preparing abstracts and charging a fee therefor or giving legal advice with same, per year	\$62.50
Accounting firms	\$62.50
Accountants, bookkeeping and tax form service	\$62.50
Certified Public Accountant	\$62.50
Adding machines	

To include calculators, computers and other business machines, agents, representatives or dealers, where principal business includes repairs and sales, per year (general office supplies, sales and service)	\$30
Advertising agents or agency	
Agents, each person	\$12.50
Firms or corporations	\$62.50
Signs, billboards or other structures advertising other than property owner's own business or property (temporary real estate signs of three feet by four feet or less excluded) per year, per sign	\$6
Signs, electrical or mechanical advertising other than licensed agency's own business, per year, per sign	\$12.50
Agencies	
Agencies for sale of stocks and bonds	\$62.50
Each agent, salesperson or solicitor	\$12.50
Debt collection agency	\$62.50
Each agent	\$12.50
Insurance	\$62.50
Each agent, salesperson or solicitor	\$12.50
Real estate	\$62.50
Each agent, salesperson or solicitor	\$12.50
Travel	\$62.50
Animal boarding	\$18
Antiques	
Sales and repair, including used furniture	\$30
Apartment houses or rental houses	
Each apartment or house, per year	\$4
Appliance repairs and/or sales and services	\$37.50
Architects	\$62.50
Arts and crafts	\$18
Attorney	
Individual practice of law or law office located in the city	\$62.50
Audio equipment repair (see "electronics")	
Auctioneering	
No license issued to firm, but in each case to one person named who shall personally do the auctioneering, per year	\$37.50
Auctions	
For each 30-day period	\$37.50
Automobile	
Automotive parts sales	\$37.50
Automotive machine shop	\$30
Car wash (including self-service)	\$18
Garage repairs to automobiles, but not to include sale of gasoline and wrecker service	\$25
Paint and body shop	\$30
Rentals	\$37.50
Sale of automobiles	
New cars	\$125.00
Used cars	\$37.50
Trim shop (upholstery manufacturing and/or repair)	\$25
Wrecker service	\$25
Bakery products	
Doughnut and coffee shop or shops which produce bakery goods	\$12.50
Banks	

Banking institutions, savings and loans	\$125
Barber shop	
First chair	\$12.50
For each additional chair (in use or not)	\$6
Beauty shop	
Each additional operator	\$6
First operator	\$12.50
Bicycle, scooter, motorcycle (only one license required)	
Sales, service or repairs	\$18
Boats	
Boat builder	\$62.50
Boat repair (including motors)	\$25
Boat sales (new or used)	\$25
Boat trim: upholstery, tops, van tops	\$25
Charter boat, each	\$62.50
Commercial boats (fishing, shell-fishing and the like)	\$62.50
Sail boat rentals	\$25
Bonding companies or persons, firms or corporations engaging in making bonds for profit	\$62.50
Book agents	
Including magazines, periodicals and the like (note: permit must be obtained from Police Department prior to issuance of license)	\$25
Boots, shoes	
Dealers	\$25
Makers and repairers	\$30
Bowling alleys	
For each alley	\$12.50
Brokers	
Dealing in stocks, bonds and other securities, other than bankers (see "agencies")	
Handling or clearing shipments of merchandise on consignment	\$37.50
Merchandise agents or manufacturers representatives, carrying no stock	\$37.50
Building and loan association or agents thereof	\$125
Building maintenance materials	
Sales of	\$62.50
Cabinet shop	
Manufacture and sales (including custom built furniture)	\$30
Carpet	
Carpet cleaning	\$18.00
Carpet sales	\$30
Civil engineer (and/or surveyor)	\$62.50
Coin operated devices (excluding postage stamp machines and \$0.50 and \$0.10 devices and any charitable organization device)	
Each game machine, pin ball and others (except pool tables)	\$6
Music boxes, each	\$12.50
Pool tables, each	\$12.50
Clothing sales	
Dress shop and men's shop	\$62.50
Communications equipment (see "electronics")	
Contractors (see F.S. Ch. 489 and the City Building Code)	
Building contractor	\$50
Carpeting and floor covering	

Contractor	\$37.50
Class A air conditioning contractor	\$62.50
Class B air conditioning contractor	\$50.00
Class C air conditioning contractor	\$37.50
Commercial pool contractor	\$37.50
Concrete, masonry and asphalt contractor	\$37.50
Electrical contractor	\$37.50
Exterminating contractor	\$30
General contractor	\$62.50
Insulation contractor (including drywall)	\$30
Landscaping, land-clearing, tree surgery and related services	\$37.50
Mechanical contractor	\$37.50
Painting contractor	\$37.50
Plumbing contractor	\$37.50
Residential contractor	\$37.50
Residential pool contractor	\$37.50
Roofing contractor	\$37.50
Sheet metal contractor	\$37.50
Siding contractor	\$30
Swimming pool servicing contractor	\$30
Welding contractor (when not in conjunction with automotive or boat repair business)	\$30
Convenience store	\$62.50
Curb market	
Fruit and vegetables	\$25
Dance halls (see "night clubs")	
Dance studios	\$30
Day care centers, child care nurseries, and/or nursing homes	\$62.50
Decorators, interior	\$30
Doctors, dentists, physicians or surgeons	
Chiropractors, therapist, naturopath and acupuncturists	\$62.50
Dentist	\$62.50
Doctor; M.D.	\$62.50
Optical dispensary, alone or in conjunction with other business, where lenses are ground, prepared and fitted according to prescription and glasses repaired	\$62.50
Optometrist and/or oculist	\$62.50
Osteopath	\$62.50
Veterinarian	\$62.50
Divers	
Equipment sales, service, rental and school	\$37.50
Dress shop (see "clothing sales")	
Dry cleaning pickup station	
Alone or in conjunction with other licensed business	\$12.50
Drug stores	\$62.50
Electronics	
Including sales and service	\$37.50
T.V. and radio repair	\$30
Electrical companies	\$250
Electricians (see "contractors")	
Exterminator (see "contractors")	
Equipment rental	

Hand tools and household equipment	\$25
Heavy equipment, including hand tools and household equipment	\$62.50
Feed, seed, fertilizer and the like	\$37.50
Film or photograph	
Developing or finishing, local company, principal business	\$30
Finance companies	
Firms or corporations liquidating accounts other than their own, whether purchased or not	\$62.50
Florist	\$18
Food stores	\$62.50
Furniture	
New and/or used furniture sales	\$62.50
Repairs, including upholstery	\$18
Garbage collectors (trash and junk haulers)	\$62.50
Gas, natural companies	\$250
Gasoline stations (dispensing gasoline, gasohol, kerosene fuel oil, lubricating oil and related petroleum products) (retail)	\$62.50
Gasoline distributors	\$62.50
Gem shop	\$62.50
Golf	
Carpet (putt-putt golf)	\$30
Driving range	\$37.50
Miniature	\$37.50
Guns	
Dealer in guns and/or ammunition	\$18
Hardware	\$62.50
Health or medical center	\$62.50
Health studio (see F.S. Ch. 205)	\$62.50
Heating fuel	
Distributor: liquid or bottled gas, kerosene and/or fuel oil	\$125
Liquid, bottled or tank gas service	\$18
Hotels, motels	
Per room (per year)	\$4
Ice sales (see "vending agencies")	
Insurance (see "agencies")	
Jeweler	\$62.50
Launderette	
Self-service coin type	\$62.50
Land and development companies	
When not paying real estate, broker, contractor or builder license	\$62.50
Lawyer (see "attorney")	
Liquor sales	
Beer and wine	\$62.50
Lounge	\$125
Package	\$185
Live entertainment	\$37.50
Locksmith	\$25
Manufacturing and/or assembly plants	
1 to 10 employees	\$50
11 to 25 employees	\$62.50
Over 25 employees	\$125
Marinas	\$62.50

Marine supplies	\$18
Mattress making	\$30
Martial arts	
School of, including Karate, Jujitsu, Judo and the like	\$30
Medium, fortune teller, palmist and the like	\$250
Merchants	
Those engaged in the sale of goods, wares and merchandise not otherwise specifically covered	\$62.50
Mobile home repairs (only)	\$37.50
Mobile home sales	
Including campers, service parts, accessories and repairs for trailers	\$100
Money lenders	
Short loan companies and all persons, firms or corporations, except banks or bankers whose business includes or consists of taking, buying or selling assignment of wages or salaries, earned in the future, by any person, firm or corporation, per year	\$125
Night clubs	
Amusement centers, or other places where dancing is permitted, or entertainments given whether a charge therefor is made or not. In addition to other licenses applicable and as otherwise provided, per year	\$125
Where meals are served in connection, see "restaurants"	
Nurseries	
Landscapers and the like	\$18
Office buildings, or others having offices or spaces to rent	
For each office space, room, reception room or other space, per year	\$6
Office equipment	
Sales and equipment	\$30
Pawn broker (note: this license allows the sale only of property which has been pledged as security for a loan); see "merchants license" and "guns" for sale of other merchandise carried in stock for sale. Also see "coin vending devices"	
Anyone who lends money on the security of personal property pledged in his or her keeping	\$62.50
Peddlers (see Chapter 111)	
Pet shops, aquariums and the like	\$30
Pin ball machines (see "coin operated machines")	
Print shop	\$37.50
Radio and/or TV repair shop (see "electronics")	
Rentals	
Any rental merchandise or service not otherwise covered	\$18
Restaurants	
Cafés, including drive-ins, oyster bars and lunch counters	
1 to 12 seats	\$37.50
13 to 40 seats	\$50
Over 40 seats	\$62.50
Septic tank	
Builders	\$25
Cleaners	\$25
Sign painters	\$30
Small engine repairs	\$30
Storage warehouses	
Mini-warehouse (0 to 10 units), per unit, per year	\$6
Mini-warehouse (11 units and above), per year	\$62.50

Storage warehouses less than 1,200 square feet	\$30
Storage warehouses above 1,200 square feet	\$62.50
Skating rinks	
License required for sale of food. See also "coin operated devices"	
Stripping shop	\$30
Taxi cabs	
Per unit	\$18
Taxidermist	\$18
Telephone companies	\$250
Trailer parks or campgrounds	
3 to 5 trailer spaces or campsites, per year	\$25
6 to 15 trailer spaces or campsites, per year	\$37.50
16 and over trailer spaces or campsites, per year	\$62.50
Tree and limb removal (see "contractor")	
Television	
Cable TV service	\$125
Sales, service and repair (see "electronics")	
Upholsterers (see "furniture")	
Variety store	\$62.50
Vending machine dealers (coin operated devices and the like)	\$62.50
Wastewater, sewage collection or transmission systems	\$250
Each dwelling unit or other structure	\$60
Well drillers	\$25
Window and screen repairs	\$18
Miscellaneous note: any person engaged in a lawful business, occupation or profession wholly or in part within the city where not otherwise provided for in this chapter	\$37.50

(1998 Code, § 110.14) (Ord. 198, passed 2-10-1987; Ord. 348, passed 12-9-1997)

§ 110.99 PENALTY.

Any person who shall fail to secure a license as provided in this chapter and to pay, at the time of application therefor, all fees, charges and taxes incident thereto, may be punished by a fine not exceeding \$25, and each day of continuing violation shall constitute a separate offense.

(1998 Code, § 110.99) (Ord. 198, passed 2-10-1987)

CHAPTER 111: PEDDLERS AND SOLICITORS

Section

- 111.01 Peddler licensing required
- 111.02 Fee
- 111.03 Canvassing or soliciting
- 111.04 Exceptions
- 111.05 Allowable peddling locations
- 111.06 Violation

§ 111.01 PEDDLER LICENSING REQUIRED.

It shall be unlawful for any person to engage in business as a peddler without first obtaining a city peddler's license. The registrant shall give his or her complete identification, his or her signature, the name of his or her employer, the nature of the products or services in which he or she intends to peddle, written permission from the property owner where the peddling will occur.

(Ord. 581, passed 10-11-2011) Penalty, see § 10.99

§ 111.02 FEE.

Each registrant shall pay to the City Clerk a licensing fee of \$50 for the period expiring six months after the date of said licensing, or \$15 for a two-day license. No city license shall be issued involving the sale of retail food products, neither temporary nor permanent without prior approval by the State Department of Agriculture.

(Ord. 581, passed 10-11-2011)

§ 111.03 CANVASSING OR SOLICITING.

No person shall solicit or canvass within the corporate limits of the city.

(Ord. 581, passed 10-11-2011) Penalty, see § 10.99

§ 111.04 EXCEPTIONS.

The provisions of this chapter shall not apply to the following:

- (A) Sales made to permanent merchants by commercial dealers selling in the usual course of business;
- (B) Solicitations or sales made by charitable institutions;
- (C) Canvassing or soliciting for political reasons concerning federal, state, county or local elections; or
- (D) Youth-oriented organizations such as Girl Scouts, Boy Scouts, school-related fund raisers and the like.

(Ord. 581, passed 10-11-2011)

§ 111.05 ALLOWABLE PEDDLING LOCATIONS.

(A) Peddling is allowed in two specific zoning categories: General Commercial and Tourist Commercial. The peddler must coordinate and obtain written permission from an existing or established business owner located in the zoning categories previously mentioned.

(B) Peddling from vacant property is not allowed. Any peddling which is proposed from a location on the beach also requires City Council approval.

(Ord. 581, passed 10-11-2011) Penalty, see § 10.99

§ 111.06 VIOLATION.

Any person or persons violating this chapter is guilty of a misdemeanor of the second degree, punishable as provided by state statutes.

(Ord. 581, passed 10-11-2011) Penalty, see § 10.99

CHAPTER 112: SEXUALLY ORIENTED BUSINESSES

Section

- 112.01 Definitions
- 112.02 Declaration of businesses
- 112.03 Regulation
- 112.04 Tourism corridors
- 112.05 Distance limitation
- 112.06 Application to new churches, schools and public parks
- 112.07 Sign requirements
- 112.08 Chapter not independently authorizing use

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOK, VIDEO OR NOVELTY STORE. A commercial establishment or place of business having more than an insubstantial or incidental portion of its stock in trade, or more than an insubstantial or incidental segment or section of its premises devoted to the sale or display of sexually oriented products. **INSUBSTANTIAL OR INCIDENTAL** means not more

than 5% of its stock in trade of books, videos or novelty items; or not more than 5% of the store's segment or section of its premises devoted to the sale or display of books, videos or novelties.

ADULT CLUB. Any place of business or commercial establishment which offers three or more days in any 60-day period live entertainment including: exhibition of any portion of the entertainer's buttocks or any simulation thereof; if female, exhibition of any portion of the entertainer's breast below the top of the areola or any simulation thereof; or dancing with employees or independent contractors in exchange for compensation.

ADULT MOTION PICTURE THEATER. A commercial establishment or place of business operating in whole or in part within an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein.

CHURCH. A church, temple or other structure used on a permanent basis primarily for public worship.

SEXUALLY ORIENTED BUSINESS. Such sexually oriented business as shall be included in this chapter, as amended from time to time.

SEXUALLY ORIENTED PRODUCTS.

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or

(2) Instruments, devices or paraphernalia, which depict or simulate "specified anatomical areas" or are intended or designed for use in connection with "specified sexual activities".

SPECIFIED ANATOMICAL AREAS.

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region;

(b) Buttock; and

(c) Female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, public region, buttock or female breast; and

(4) Sadism or masochism, including bondage and discipline.

(Ord. 494, passed 8-9-2005)

§ 112.02 DECLARATION OF BUSINESSES.

The following businesses are declared to be sexually oriented businesses:

(A) Adult book, video or novelty store;

(B) Adult motion picture theater; and

(C) Adult club.

(Ord. 494, passed 8-9-2005)

§ 112.03 REGULATION.

No sexually oriented business may be located on any land within the city, other than as described within this chapter.

(Ord. 494, passed 8-9-2005)

§ 112.04 TOURISM CORRIDORS.

TOURISM CORRIDORS shall mean the following areas or roads within the city:

(A) Highway 98;

(B) 15th Street;

(C) Canal Parkway;

(D) 7th Street;

(E) South 37th Street; and

(F) Shopping center located between N. 30th Street and N. 32nd Street

(Ord. 494, passed 8-9-2005)

§ 112.05 DISTANCE LIMITATION.

(A) No sexually oriented business shall be located nearer than 1,500 feet radial spacing to the same or any other sexually oriented business nor nearer than 1,500 feet to a:

- (1) Church;
- (2) Public, private or parochial elementary, middle or high school;
- (3) Public park; or

(4) Areas designated residential on the land use map of the city, nor nearer than 500 feet to the nearest right of way line of any tourism corridor, or within 500 feet of the mean high water mark of the Gulf of Mexico.

(B) Such distance shall be measured by radial spacing as follows: in the case of another sexually oriented business or a church, by measuring from the nearest corner of the applicant's business to the nearest corner of the church or existing sexually oriented business, excluding projections, caves or overhangs; in the case of a school, park, residential-designated property, or right-of-way of any tourism corridor, by measuring from the nearest corner of the applicant's building, excluding projections, eaves or overhangs to the nearest point of the school grounds, park, property designated residential or right-of-way of any tourism corridor or for areas designated residential on the land use map of the city.

(Ord. 494, passed 8-9-2005)

§ 112.06 APPLICATION TO NEW CHURCHES, SCHOOLS AND PUBLIC PARKS.

Where a sexually oriented business is located in conformity with the provisions of this chapter, the subsequent locating of a church, school or public park within 1,500 feet of such existing sexually oriented business shall not be construed to cause such sexually oriented business to be in violation of this chapter.

(Ord. 494, passed 8-9-2005)

§ 112.07 SIGN REQUIREMENTS.

All sexually oriented businesses shall comply with the following sign requirement.

- (A) All signs shall be flat wall signs.
- (B) All signs must conform to the city LDR and applicable sign ordinances.

(C) No sexually oriented product or pictures of a sexually oriented product or entertainer on the premises shall be displayed in window areas or any area where they can be viewed from a sidewalk or a public street.

(Ord. 494, passed 8-9-2005)

§ 112.08 CHAPTER NOT INDEPENDENTLY AUTHORIZING USE.

Nothing in this chapter shall be construed to permit the establishment or maintenance of any sexually oriented business not otherwise permitted the laws and ordinances of the city.

(Ord. 494, passed 8-9-2005)

CHAPTER 113: TOBACCO

Section

- 113.01 Recitals
- 113.02 Intent
- 113.03 Definitions
- 113.04 Product promotion; placement of products
- 113.05 Exceptions
- 113.06 Enforcement
- 113.07 Territory embraced
- 113.08 Effective date

§ 113.01 RECITALS.

The recitals in the ordinance codified herein are true and correct and incorporated herein by reference as findings of fact and conclusions of law.

(Ord. 435, passed 4-8-2003)

§ 113.02 INTENT.

This chapter is intended to prevent the sale or delivery of tobacco products to persons under the age of 18 by regulating the commercial marketing and placement of such products. This chapter shall not be interpreted or construed to prohibit the sale or delivery of tobacco products which are otherwise lawful or regulated pursuant to F.S. Ch. 569.

(Ord. 435, passed 4-8-2003)

§ 113.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OPEN DISPLAY UNIT. A case, rack, shelf, counter, table, desk, kiosk, booth, stand or other surface which allows direct public access to the placed therein.

RESTRICTED ACCESS AREA. An area reasonably physically confined with access designated by the vendor as limited to the vendor.

SELF-SERVICE TOBACCO MERCHANDISING. Open display of tobacco products and point-of-sale tobacco related promotional products that the public has access to without the intervention of the vendor.

SNACK. Includes, but is not limited to, items such as chips, crackers, cookies, ice cream, beef jerky, popcorn, pretzels and the like.

SPECIALTY TOBACCO STORE. An establishment primarily in the business of selling cigars and pipe tobacco.

TOBACCO PRODUCT. Loose tobacco leaves, and products made from tobacco leaves, in whole or in part, which can be used for smoking, sniffing or chewing, including but not limited to cigarettes, cigars, pipe tobacco, snuff or smokeless tobacco, and chewing tobacco. **TOBACCO PRODUCT** also includes cigarette wrappers. This would also include "bidis" or "beedies" which is a tobacco product wrapped in temburni or tendu leaf or other product.

TOBACCO PRODUCT PROMOTION. Includes any advertisement, the display of any logo, brand name, character, graphic or designs that are trademarks of a particular brand of tobacco product. **TOBACCO PRODUCT PROMOTION** does not include any public service messages sponsored by a federal, state or local government entity or by a non-profit entity, designed to communicate the hazards of smoking or to encourage minors to refrain from using or buying tobacco products.

VENDING MACHINE. Any mechanical, electrical or electronic device that, on the insertion of money, tokens or other form of payment, dispenses tobacco products automatically or by operation of a lockout device as defined in F.S. § 569.12.

VENDOR. Individual, sole proprietorship, joint venture, corporation, partnership, cooperative association or other legal entity licensed as a dealer in tobacco products pursuant to F.S. Ch. 569, and any employee or agent of said dealer.

VENDOR-ASSISTED SALE. The customer has no physical access to tobacco products without the assistance of the vendor or employee.

(Ord. 435, passed 4-8-2003)

§ 113.04 PRODUCT PROMOTION; PLACEMENT OF PRODUCTS.

No vendor shall place tobacco products in an open display unit unless such unit is located in a restricted access area.

(Ord. 435, passed 4-8-2003) Penalty, see § 10.99

§ 113.05 EXCEPTIONS.

The provisions of this chapter shall not apply to the following:

- (A) An establishment that prohibits persons under 18 years of age on the premises; and
- (B) Specialty tobacco stores.

(Ord. 435, passed 4-8-2003)

§ 113.06 ENFORCEMENT.

The provisions of this chapter shall be enforced by any procedure permitted by F.S. Ch. 162, or other applicable state law.

(Ord. 435, passed 4-8-2003)

§ 113.07 TERRITORY EMBRACED.

The provisions of this chapter shall apply to all areas of the city.

(Ord. 435, passed 4-8-2003)

§ 113.08 EFFECTIVE DATE.

This chapter shall take effect upon its being filed with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of the State of Florida.

(Ord. 435, passed 4-8-2003)

CHAPTER 114: BEACH VENDING

Section

- 114.01 Definitions
- 114.02 Soliciting, canvassing, selling and renting on beach prohibited
- 114.03 Beach vending permit approval process
- 114.04 Vehicles on the beach
- 114.05 Permissible locations
- 114.06 Permissible operators
- 114.07 Permissible activities
- 114.08 Insurance requirements
- 114.09 Limited exemption from "Leave No Trace" requirement

Cross-reference:

Beach regulations, see Chapter 97

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEACH. That area of unconsolidated material that extends landward from the mean low-water line of the Gulf of Mexico, to the frontal dune, or where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward.

BEACH VENDING PERMIT. An annual permit granted pursuant to this chapter to allow business activities that are otherwise prohibited under § 114.02.

(Ord. 688, passed 4-11-18)

§ 114.02 SOLICITING, CANVASSING, SELLING AND RENTING ON BEACH PROHIBITED.

(A) (1) No person shall sell or rent, or solicit or canvass for the sale or rental of merchandise, services, goods or property of any kind or character in, upon or from the beach without a beach vending permit.

(2) This prohibition includes providing goods or services on the beach in a way that involves even the occasional presence on the beach of a person affiliated with the business, such as to drop off or pick up items or to provide maintenance.

(B) This prohibition does not apply to, and a beach vending permit is not required for, a transaction or service that occurs in part on the beach, if all of the following are true:

(1) The transaction is initiated and prearranged by the customer from a business representative who is not located on the beach, a public beach access, or a public parking lot;

(2) The transaction or service does not involve the use of a motor vehicle on the beach, either as part of the activity or for delivery, retrieval, or maintenance related to the activity; and

(3) The transaction or service does not involve placing a collection bin or any unattended item on the beach.

(Ord. 688, passed 4-11-18)

§ 114.03 BEACH VENDING PERMIT APPROVAL PROCESS.

(A) Applications for a beach vending permit must be made in writing to the City Administrator and provide all information

needed to determine if all requirements of this chapter are met.

(1) Applicants are required to use the city application form, but may include additional information.

(2) Applications may include a request to operate one or more ATVs on the beach in the area covered by the permit, but only if vehicular access to the beach exists within 100 feet from the permitted area. Such requests may be approved as part of the beach vending permit if they are otherwise consistent with the city's ordinances governing driving on the beach.

(B) Beach vending permits expire at the end of the calendar year in which they are granted, and only apply to the location and activities specified in the application.

(C) Additional locations require new applications for additional beach vending permits.

(1) A \$50 application fee is required for each beach vending permit.

(2) More than one beach vending permit may apply to a single location if the all owners of the qualifying upland parcel provide written consent.

(D) The city may suspend or revoke a beach vending permit due to violations of the beach vending permit or applicable laws, including city ordinances.

(E) Decisions regarding applications are made by the City Administrator or his or her designee.

(F) An applicant may appeal any denial to the City Council, which may approve the application upon determining that it meets the requirements of this chapter.

(Ord. 688, passed 4-11-18)

§ 114.04 VEHICLES ON THE BEACH.

(A) The only types of vehicles allowed on the beach pursuant to a beach vending permit are ATVs, which are defined by F.S. § 317.003 as, "any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons."

(B) ATVs must be operated consistent with Florida law.

(C) ATVs may only be operated within the permitted area and directly to and from the beach access approved in the permit holder's application.

(D) Any violation of Florida law related to the use of an ATV in conjunction with activities under the beach vending permit, or any violation of the requirements of this section, shall be grounds for revoking a beach vending permit.

(Ord. 688, passed 4-11-18; Ord. 740, passed 12-10-2019)

§ 114.05 PERMISSIBLE LOCATIONS.

(A) Beach vending permits may only be granted for beach locations that are part of or immediately behind (e.g., not across the street from) a parcel of property that meets all of the following conditions:

(1) The parcel is zoned General Commercial or Tourist Commercial;

(2) The parcel is the location of a hotel, motel, restaurant, tavern, or bar that currently operates validly under city and state law; if such use discontinues for more than seven consecutive days (such as for going out of business or seasonal closure), the beach vending permit is automatically suspended and will go back into effect when the hotel, motel, restaurant, tavern, or bar reopens for continuous long-term operations; and

(3) The location is not on beach deeded to the city or another public agency.

(B) The goods permitted by this chapter to be placed upon the beach for rental or sale shall be displayed, or stored or placed so as to avoid being an obstacle to emergency and other permitted vehicles.

(Ord. 688, passed 4-11-18)

Editor's note:

Ord. 740, passed December 10, 2019, provides that, for the remainder of the 2019 calendar year and the entirety of 2020 and 2021, the city waives the above division (A)(2) of this § 114.05 for the locations that were eligible on October 9, 2018 to sponsor a beach vending permit. Those locations are 719 US-98 (the location of Toucans), 903 US-98 (the location of the Beuna Vista Motel), 1701 US-98 (the location of the El Govenor Motel); and 2105 US-98 (the location of the Driftwood Inn). Beach protection and restoration construction projects will be ongoing for many months, so as a condition of permit issuance, all holders of beach vending permits must comply with any temporary closure of a portion of the beach and any directives of the city relating to safety generally or construction on any portion of the beach near the location covered by the beach vending permit. Such directives may include a requirement to temporarily remove all beach vendor property from the beach or to adjust activities to avoid damage to newly constructed projects on the beach.

§ 114.06 PERMISSIBLE OPERATORS.

The following parties may be granted a beach vending permit or conduct activities pursuant to a beach vending permit:

- (A) The owner of the qualifying upland parcel;
- (B) The lessee operator of the hotel, motel, restaurant, tavern, or bar located on the qualifying upland parcel;
- (C) A third party who has written permission from either of the two above parties to conduct business on the beach that is on or behind the qualifying parcel.

(Ord. 688, passed 4-11-18)

§ 114.07 PERMISSIBLE ACTIVITIES.

(A) The holder of a beach vending permit may solicit, sell, or rent the following goods or services at the location covered by a beach vending permit:

- (1) Umbrellas;
- (2) Hobie Cats, Sunfish, Prindles and similar sailboats;
- (3) Jet skis and other motor-driven floating devices;
- (4) Cabanas;
- (5) Aqua cycles (same as water cycles);
- (6) Floats and surfboards;
- (7) Chairs;
- (8) Parasail rides, kite rides, and watersled rides;
- (9) Sailboards (but not kite boards);
- (10) Kayaks, canoes and similar hand-paddled boats;
- (11) Beach photography, including photographs subsequently purchased and delivered off the beach.

(B) The purpose of allowing these activities pursuant to a beach vending permit is to reasonably permit the solicitation and immediate sale or rental of certain goods and services that serve a public need to certain commercially oriented locations of the beach, and that are not themselves a nuisance or detriment, without unreasonably interfering with the flow, recreation, enjoyment and privacy of persons otherwise upon the beach.

(C) Wooden lounge-style chairs are prohibited on the beach, except that a single row of wooden lounge chairs may be placed in each licensed area equidistant from the mean high water line and the seawall or the toe of the sand dune, or, if neither exists, then the paved surface adjoining the beach. The location of the row of chairs may be adjusted, if approved in writing in advance by the City Administrator.

(Ord. 688, passed 4-11-18; Ord. 740, passed 12-10-2019)

§ 114.08 INSURANCE REQUIREMENTS.

(A) All holders of beach vending permits must maintain general commercial liability insurance, naming the City of Mexico Beach as an additional insured, in the minimum amount of \$100,000 per occurrence and \$300,000 in the aggregate.

(B) Each motor-driven floating device and each combination tow boat and parasail, kite, watersled ride, and each shuttle craft, hydro-flyer and its shuttle craft of the like pulled by a tow boat, rented, leased or hired within the city shall be insured against bodily injury and property damage in an amount not less than \$250,000 per occurrence with \$1,000,000 aggregate, or such insurance as is required by the State of Florida, whichever provides the greater limits and protection of the public.

(C) Additionally, if the beach vending permit provides for the public to rent, ride, or participate in any of the foregoing activities, the general commercial liability insurance requirement is increased to \$250,000 per occurrence and \$1,000,000 in the aggregate, or such insurance as is required by the State of Florida, whichever provides the greater limits and protection of the public.

(D) The city shall not issue a beach vending permit until the applicant has provided certificates of insurance to the city, showing compliance with these requirements and naming the city as an additional insured.

(E) In the event that any required insurance is canceled, the beach vending permit shall automatically be suspended.

(Ord. 688, passed 4-11-18)

§ 114.09 LIMITED EXEMPTION FROM “LEAVE NO TRACE” REQUIREMENT.

(A) Booths and storage boxes used by a holder of a beach vending permit to conduct business or store items are exempt from the city's “Leave No Trace” requirement, if they are located immediately next to a seawall or the toe of the sand dune or, if neither exists, then immediately next to a paved surface adjoining the beach.

(B) Wooden loungers may be left unattended on the beach overnight within the area covered by the beach vending permit only as provided by § 114.07.

(C) In addition, it is not a violation of the “Leave No Trace” ordinance for a holder of a beach vending permit to leave other items and equipment unattended on the beach overnight within the area covered by the beach vending permit if:

(1) They are typical for the type of business activities approved under the beach vending permit; and

(2) They are moved landward to the seawall or the toe of the sand dune or, if neither exists, then immediately next to a paved surface adjoining the beach.

(Ord. 688, passed 4-11-18; Ord. 740, passed 12-10-2019)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL PROVISIONS

131. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

132. SEXUAL OFFENDERS AND PREDATORS

CHAPTER 130: GENERAL PROVISIONS

Section

130.01 Misdemeanors under state law adopted as municipal offenses

§ 130.01 MISDEMEANORS UNDER STATE LAW ADOPTED AS MUNICIPAL OFFENSES.

(A) All offenses under the laws of the state which are classified as misdemeanors are hereby adopted by reference and made a municipal offense against the ordinances of the city.

(B) Persons, firms or corporations found guilty of violating any of the several misdemeanors shall be punished as provided by law.

(1998 Code, § 130.01) (Ord. 185, passed 6-10-1986) Penalty, see § 10.99

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

131.01 Public nudity prohibited

131.99 Penalty

§ 131.01 PUBLIC NUDITY PROHIBITED.

(A) No person shall knowingly or intentionally appear nude in a public place.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUDE. The showing of any portion of the male or female genitals, pubic area, vulva or anus with less than a fully opaque and obvious covering; the showing of any portion of the female breast with less than a fully opaque and obvious covering of the entire nipple and areola; or the showing of the covered male genitals in a discerningly turgid state. A simulation of the body part required to be covered, or that which creates the illusion of nudity, shall not qualify as a fully opaque covering.

PUBLIC PLACE. Any location frequented by the public, or where the public is present, or likely to be present, or where a person may reasonably be expected to be observed by the public, but excludes public restrooms, bathing and locker room facilities, and those places in which nudity or exposure is necessarily expected outside of the home. By way of example and not limitation, a bar, lounge, restaurant, café or theater open to the public is a **PUBLIC PLACE**.

(Prior Code, § 132.02) (Ord. 302, passed 2-14-1995) Penalty, see § 131.99

§ 131.99 PENALTY.

Any person, or persons, violating § 131.01 is guilty of a misdemeanor of the second degree, punishable as provided by state statute.

(Prior Code, § 132.99) (Ord. 302, passed 2-14-1995)

CHAPTER 132: SEXUAL OFFENDERS AND PREDATORS

Section

132.01 Findings and intent

132.02 Definitions

132.03 Sexual offender and sexual predator residence prohibition

132.04 Property owners prohibited from renting real property to certain sexual offenders and predators

132.99 Penalty

§ 132.01 FINDINGS AND INTENT.

(A) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators and present an extreme threat to public safety.

(1) Sexual offenders are likely to use physical violence to repeat their offenses, and most sexual offenders commit many offenses, and have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes.

(2) This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(B) It is the intent of this chapter to promote, protect and improve the health, safety and welfare of the city's citizens by creating areas around locations where children regularly congregate in concentrated numbers, where certain sexual offenders and sexual predators are prohibited from establishing a temporary or permanent residence.

(Ord. 515, passed 5-9-2006)

§ 132.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERMANENT RESIDENCE. A place where a person abides, lodges or resides for five or more consecutive days.

TEMPORARY RESIDENCE. A place where a person abides, lodges or resides for a period not to exceed five days collectively during a calendar year.

(Ord. 515, passed 5-9-2006; Ord. 573, passed 11-10-2009)

§ 132.03 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION.

(A) It is unlawful for any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071 or 847.0145, or the equivalence of such statutes from other states, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to establish a permanent residence or temporary residence within 2,500 feet of any school, designated public school bus stop, day care center, park, playground or other place where children regularly congregate.

(B) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest property line of a school, designated public school bus stop, daycare center, park, playground or other place where children regularly congregate.

(C) Exceptions: a person residing within 2,500 feet of any school, designated public school bus stop, daycare center, park, playground or other place where children regularly congregate does not commit a violation of this section if any of the following apply:

(1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to F.S. §§ 775.21, 943.0435 or 944.607, prior to the adopted and effective date of this chapter;

(2) The person was a minor when he or she committed the offense and was not convicted as an adult;

(3) The person is a minor;

(4) The school, designated public school bus stop or day care center was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to F.S. §§ 775.21,

943.0435 or 944.607; or

(5) The person has received a pardon and provides the city with certified copies of such pardon.

(Ord. 515, passed 5-9-2006) Penalty, see § 132.99

§ 132.04 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND PREDATORS.

(A) It is unlawful to let or rent any place or structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this section, if such place, structure or part thereof, trailer or other conveyance, is located within 2,500 feet of any school, designated public school bus stop, day care center, park, playground or other place where children regularly congregate.

(B) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions and procedures as provided in this code, including the provisions that allow the city to seek relief as otherwise provided by law.

(Ord. 515, passed 5-9-2006) Penalty, see § 132.99

§ 132.99 PENALTY.

A person who violates § 132.03 shall be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not exceed \$1,000 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.

(Ord. 515, passed 5-9-2006)

TITLE XV: LAND USAGE

Chapter

150. GENERAL PROVISIONS

151. BUILDING REGULATIONS

152. [RESERVED]

153. COMPREHENSIVE PLAN

CHAPTER 150: GENERAL PROVISIONS

Section

150.01 Division of platted property

150.02 Sign placements, removal and prohibition

150.03 Mexico Beach Shopping Center

150.04 Travel trailers, motor homes, mobile campers and recreational vehicles

150.99 Penalty

§ 150.01 DIVISION OF PLATTED PROPERTY.

(A) It shall be required that any division of platted property located within the city must meet all requirements as stated in the subdivision regulations in §§ 154.125 et seq. and § VIII, Future Land Use Element of the Comprehensive Plan and all amendments thereto.

(B) All requests for division of platted property must be presented to the Planning and Zoning Board and the City Council for approval or disapproval.

(C) Any request for division of platted property must be made to the City Administrator at least one week prior to the regular scheduled meeting to ensure that the request is placed on the agenda.

(D) Any application for division of platted property or rezoning of property will require a sign advertising the subdivision be placed on the property specifying the dates and times of the public hearings regarding the request. Additionally, all adjacent homeowners shall be notified by certified mail to provide adequate time to attend any public hearings regarding the

application for the subdivision.

(E) Any person or persons violating this section will be denied a development order and is guilty of a misdemeanor of the second degree, punishable as provided by state statutes.

(Ord. 381, passed 10-10-2000; Ord. 544, passed 6-12-2007) Penalty, see § 150.99

§ 150.02 SIGN PLACEMENTS, REMOVAL AND PROHIBITION.

(A) *Public lands.* The placement of any sign or signs of any nature, including political signs, except by local, state or federal governments, or their respective agencies, on any public lands, tracts or parcels shall be prohibited. Public lands, tracts or parcels, or portions thereof, shall include, but not be limited to, all rights-of-way, known public easements, parks, piers, public roads and public waterways.

(B) *Vacant lands.* The placement of any sign or signs of any nature, including political signs, except by local, state or federal governments, or their respective agencies, on any vacant land shall be prohibited. Vacant land shall be defined as any lot, parcel or tract of land without a properly approved structure erected on such land. Roads, streets, bridges and other infrastructure or utility improvements shall not be considered a "structure" for purposes of this section. Properly approved and erected real estate signs advertising the vacant property on which such signs are erected shall be permitted and shall not violate this section.

(C) *Removal.* All political signs erected during a campaign season shall be removed within seven days following the date of conclusion of the general, special or run-off election whereby the contest pertaining to the sign in question has been concluded or if the candidate withdraws his or her candidacy. All candidates are encouraged, but not required, to refrain from placement of any campaign signs until 45 days before the general or special election in which he or she is a qualified candidate.

(D) *Applicable lands.* This section shall apply to all real property and lands within the jurisdiction of the city, and as may be expanded by law.

(Ord. 432, passed 3-11-2003) Penalty, see § 150.99

§ 150.03 MEXICO BEACH SHOPPING CENTER.

(A) The geographical boundaries of the "Mexico Beach Shopping Center" are defined to encompass the area bordered on the south by U.S. Highway 98, bordered on the east by 30th Street, bordered on the west by 32nd Street, and having its northernmost border being the north property line of the parcel with Parcel ID #04519-000-000 and shall be delineated on the map attached to this section, and hereafter known as "Attachment A".

(B) (1) The following business (with Parcel number) are included in the "Mexico Beach Shopping Center":

- (a) Fish House (Parcel ID #04525-000-000);
- (b) Ace Hardware (Parcel ID #04527-000-000);
- (c) Mango Marley's (Parcel ID #04524-000-000);
- (d) Beach Walk (Parcel ID #04524-020-000);
- (e) Neon Palm (Parcel ID #04523-000-000);
- (f) Parker Realty (Parcel ID #04129-010-000);
- (g) Laundromat (Parcel ID #04529-000-000);
- (h) Civic Center (Parcel ID #04521-000-000);
- (i) Cathey's Construction (Parcel ID #04518-000-000); and
- (j) Vacant Lot (Parcel ID #04517-010-000).

(2) Due to the unique and historic nature of the shopping center area in the city, the City Council recognizes all the buildings as non-conforming structures and hereby grants a parking variance to each of these establishments permitting the use of city-owned spaces to meet their parking requirements.

(C) Future development/change/modification shall be subject to the following requirements and the approval of the City Council.

(1) Further building or property change that may require additional parking will only be allowed in cases where the business can provide the necessary parking on land adjacent to or included in the shopping center. This parking must be owned by the business.

(2) In the event of natural disaster, or any event which destroys any part of the building, rebuilding will be restricted to the same square footage that existed pre-disaster/event. Any originally-platted but undeveloped lot(s) may be developed, either alone or in conjunction with adjacent lots, in accordance with the City of Mexico Beach Land Development Regulations and/or any pertinent ordinances, and their square footage not be restricted or count against the allowable square footage of the adjacent, previously-developed lots.

(3) Should the owner of any other parcels of land wish to be included in the shopping center, it must be adjacent to the shopping center and responsible for adhering to, and complying with the requirements of the City Comprehensive Plan and Land Development Regulations.

(4) Should any of the facilities in the shopping center be sold, transferred and the like, they will still be included in the shopping center with parking calculated at one parking space required for each 300 feet of gross floor space; however, if the new business expands and requires additional parking, the new business will be required to provide the additional parking due to the expansion in addition to the original parking requirements.

(5) No residential units are permitted within the shopping center.

(Ord. 540, passed 7-10-2007; Ord. 834, passed 2-27-2024)

§ 150.04 TRAVEL TRAILERS, MOTOR HOMES, MOBILE CAMPERS AND RECREATIONAL VEHICLES.

The use and occupancy of travel trailers, motor homes, mobile campers and recreational vehicles in the city should be regulated in order to promote the health, safety and welfare of the people of the city, and that the following holds true.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OCCUPY. Sleeping overnight in or occupying a recreational vehicle, as defined herein, in any location or at any site longer than 12 hours.

RECREATIONAL VEHICLES. Herein-after identified as **RVs**, shall be defined as a powered or non-powered wheeled vehicle containing or accompanied by toilet facilities, and/or cooking facilities, and shall include travel trailers, motor homes and mobile campers, and “pop-up” campers.

(B) RVs may be used and occupied as office and equipment storage facilities at the construction site of any properly permitted construction of a commercial building.

(C) RVs may be used and occupied within a RV park.

(D) Self-contained toilets or sewage connections in or accompanying RVs shall not be connected or dumped in the city, except to a sewer connection or licensed dumping station adequate for the disposal of same. Such connections or direct connections to the city’s water system shall not be allowed for RVs that are being stored pursuant to division (F) below and connecting the city’s sewer or water system under the circumstance shall be an immediate violation of the City Code.

(E) Storage of RVs for personal use and not for compensation shall be permitted on a parcel that has an occupied dwelling unit provided that the RV is not occupied. Storage of an RV on a vacant parcel is not allowed.

(F) Except as provided herein, it shall be a misdemeanor of the second degree to occupy, live in, dwell in, or reside in any travel trailer in the city, and each day of such occupation shall be a separate offense.

(Ord. 559, passed 7-8-2008; Ord. 760, passed 4-13-2021; Ord. 778, passed 1-11-2022) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating any of the provisions of §150.02 shall, upon conviction thereof, for each such offense, be guilty of a misdemeanor and subject to a fine not exceed \$500 per offense or imprisonment of up to 30 days, or by both fine and imprisonment in the discretion of the court.

(Ord. 432, passed 3-11-2003)

CHAPTER 151: BUILDING REGULATIONS

Section

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GENERAL PROVISIONS

§ 151.001 CODES ADOPTED.

- (A) The following Codes are hereby adopted as an essential part of the City Building Department:
- (1) The most current edition of the State Building Code and all future updates and editions made thereto.
 - (2) The most current edition of the Standard Unsafe Building Abatement Code and all future updates and editions thereto.
 - (3) The most current edition of the Standard Amusement Device Code and all future updates and editions thereto.
 - (4) The most current edition of the Standard Excavation and Grading Code and all future updates and editions thereto.
 - (5) The most current edition of the Standard Housing Code and all future updates and editions thereto.
- (B) These adopted Codes shall be enforced, at the option of the city, by city official(s) hired or appointed; or by appointed county official(s); or by contract with an appointed agency or professional group authorized and trained to perform such enforcement measures; or a combination of any of these alternatives.
- (Ord. 443, passed 7-8-2003)

MUNICIPAL SERVICES IMPACT FEE; NEW DEVELOPMENT

§ 151.015 LEGISLATIVE FINDINGS.

- (A) The state, through the enactment of F.S. § 163.3202(3), encourages the city to enact impact fees to meet the capital

facilities needs created by new development.

(B) The imposition of impact fees is one of the preferred methods of ensuring that new development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. Allocation of a proportionate share of costs promotes and protects the public health, safety and general welfare of the residents of the city.

(C) Each of the types of land uses described in the schedule of impact fees hereof shall create demands for the acquisition of, or expansion of, municipal services facilities and the construction of municipal services capital improvements.

(D) The report entitled "City of Mexico Beach, Municipal Services Impact Fee Study", dated February 22, 2005, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional municipal recreational, police and fire/rescue services capital facilities in the city.

(Ord. 483, passed 3-8-2005)

§ 151.016 AUTHORITY.

The City Council is authorized to enact this Ordinance pursuant to Article VIII, § 2(b) of the Florida Constitution and F.S § 166.021.

(Ord. 483, passed 3-8-2005)

§ 151.017 APPLICABILITY.

This subchapter shall apply within the incorporated area of the city, including those areas that are to be or have been annexed into the city.

(Ord. 483, passed 3-8-2005)

§ 151.018 INTENT AND PURPOSE.

The purpose of this subchapter 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 municipal services facilities and municipal services capital improvements within the city.

(Ord. 483, passed 3-8-2005)

§ 151.019 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BED AND BREAKFAST INN. A family home structure, with more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the industry.

BUILDING. Any structure, whether temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind. This term shall include tents, trailers, mobile homes or any vehicles serving in any way the function of a **BUILDING**. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintenance during the term of a building permit.

BUILDING PERMIT. An official document or certificate issued by the authority having jurisdiction authorizing the commencement of construction of any building or parts thereof; the term also includes construction plan approval for new mobile home development and new recreational vehicle spaces.

COMPREHENSIVE PLAN. The Comprehensive Plan of the City of Mexico Beach adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

DWELLING UNIT. A separate housing unit constituting or located within a residential structure.

ENCUMBERED. In reference to funds for capital improvements, means funds committed in the capital improvements program for a specified improvement on a specified time schedule.

HOTEL. Any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

IMPACT FEE STATEMENT. The document issued to an applicant prior to the issuance of a building permit containing the calculation of the impact fees imposed on construction under § 151.022.

LAND. The earth, water and air above, below or on the surface, and includes any improvements or structures customarily regarded as land.

MOTEL. Any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, off-street parking for each unit, a central office on the property with specified hours of operation, a bathroom or

connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

NONRESIDENTIAL STRUCTURE. Any building which encloses space for the occupancy by persons or their activities (other than residential dwellings and buildings which are accessory to residential dwellings) including, but not limited to, professional buildings, commercial buildings, hotels, motels, rentals, industrial buildings, warehouse, public assembly buildings or institutional buildings except public schools and government buildings. A building accessory to a residential dwelling is a subordinate building, the use of which is incidental to that of a principal, residential structure.

PUBLIC FACILITIES. The buildings, structures, equipment and facilities as may be necessary to meet the need for recreation, police and fire/rescue facilities, which are created by new development including those costs incidental to the above.

PUBLIC LODGING ESTABLISHMENT. A hotel, motel, resort condominium, rooming house or bed and breakfast inn, each as defined in this subchapter.

RESIDENTIAL STRUCTURE. Each single-family dwelling unit and each dwelling unit of a condominium, duplex, triplex, mobile home, modular housing, manufactured home, apartment or multiple dwelling structure designated as a complete, separate housing unit for one or more persons, and utilized or designed or intended to be utilized for human habitation either temporarily or permanently.

RESORT CONDOMINIUM. Any unit or group of units in a condominium, cooperative or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or one calendar month.

ROOMING HOUSE. Any public lodging establishment that may not be classified as a hotel, motel, resort condominium, or bed and breakfast inn. A **ROOMING HOUSE** includes, but is not limited to, a boardinghouse.

SCHEDULE OF IMPACT FEES. The schedule of fees incorporated in § 151.022.

SQUARE FOOTAGE. The gross area measured in feet from the exterior faces of exterior walls or other exterior boundaries of the building or structure.

UNIT. A combination of one or more bedrooms and bathrooms held out to the public as a single habitable unit or recognized as a single habitable unit in the community in which it is situated.

(F.S. § 509.242) (Ord. 483, passed 3-8-2005)

§ 151.020 PAYMENT OF MUNICIPAL SERVICES IMPACT FEES.

(A) Any persons who seeks to develop land within the city, by applying for a building permit is hereby required to pay a municipal services impact fee in the manner and amount set forth in the schedule of impact fees. Including any previous or outstanding building permits that have been issued and have not received a CA/CO from the city. The municipal services impact fee shall be the sum of the applicable recreational services impact fee, the police services impact fee and the fire/rescue services impact fee.

(B) No building permit requiring payment of a municipal services impact fee pursuant to this subchapter shall be issued unless and until municipal services impact fee herein required has been paid either concurrently with or subsequent to the filing of a complete application for such.

(C) No extension of a building permit issued prior to March 8, 2005, or the effective date of any applicable amendment to this subchapter, for any activity requiring payment of an impact fee pursuant to the schedule of impact fees shall be granted unless and until the municipal services impact fee herein required has been paid.

(D) In the event a building permit is amended after issuance, the applicant shall pay the municipal services impact fee in effect at the time the amended building permit is issued with credit be given for the previous fees paid.

(Ord. 483, passed 3-8-2005)

§ 151.021 DEDICATION OF LAND.

The City Council may permit a developer, in lieu of payment of municipal services impact fees, to convey land by warranty deed, or dedicated land on a recorded plat, of suitable size, dimension, topography and general character to serve as a municipal services capital facility, or a substantial portion thereof, which will meet municipal services needs created by the new development.

(Ord. 483, passed 3-8-2005)

§ 151.022 MUNICIPAL SERVICES IMPACT FEE SCHEDULE.

(A) *Schedule of impact fees.*

(1) The municipal services impact fee shall be the sum of the recreational services impact fee, the police services impact fee and the fire/rescue services impact fee calculated using the following schedules:

Recreational Services Impact Fee Schedule	
Public lodging establishments	\$816/lodging unit
Residential structure	\$900/dwelling unit

Police Services Impact Fee Schedule	
Nonresidential structure	\$0.30/square foot
Residential structure	\$103/dwelling unit

Fire/Rescue Impact Fee Schedule	
Nonresidential structure	\$0.20/square foot
Residential structure	\$202/dwelling unit

(2) Unspecified uses: if the type of development activity that a building permit is applied for is not specified on the schedule of impact fees, the City Administrator or designee shall determine the appropriate fee by considering demographic or other documentation, whichever is available.

(3) Change in use or density: In the case of change of use, redevelopment or expansion or modification of an existing use on a site, which requires the issuance of a building permit, the municipal services impact fee shall be based upon the net increase in the municipal services impact fee for the new use as compared to the most intense previous use on or after March 8, 2005, or the effective date of any applicable amendments to this subchapter.

(B) *Alternative for developer fee study.* If a fee payer opts not to have the municipal services impact fee determined according to the schedule of impact fees, then the fee payer shall prepare and submit to the City Administrator or designee, an independent fee calculation study for the land development activity for which a building permit is sought. The independent fee calculation study shall follow the methodologies and formats used in the "City of Mexico Beach, Municipal Services Impact Fee Study", dated February 22, 2005, prepared by Public Resources Management Group, Inc. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Administrator or designee shall consider the documentation submitted by the fee payer but is not required to accept such documentation if it is deemed to be inaccurate or not reliable. The City Administrator or designee may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay the municipal services impact fees based upon the schedule of impact fees. If an acceptable independent fee calculation study is presented, the City Administrator or designee may adjust the municipal services impact fee as appropriate to the particular development. Determinations made by the City Administrator or designee, pursuant to this paragraph may be appealed to the City Council by the fee payer providing a written request with the City Administrator or designee, within ten days of the City Administrator's or designee's determination.

(Ord. 483, passed 3-8-2005)

§ 151.023 TRUST FUNDS ESTABLISHED.

(A) There are hereby established three non-lapsing trust funds, to wit: the Recreational Services Impact Fee Trust Fund, the Police Services Impact Trust Fund and the Fire/Rescue Services Impact Trust Fund.

(B) Municipal services impact fees collected pursuant to this subchapter shall be segregated into either the Recreational Services Impact Fee Trust Fund, the Police Services Impact Fee Trust Fund or the Fire/Rescue Services Impact Fee Trust Fund, as applicable, and the three trust funds shall not be commingled.

(C) Funds withdrawn from either the Recreational Services Impact Fee Trust Fund, the Police Services Impact Fee Trust Fund or the Fire/Rescue Services Impact Fee Trust Fund shall be used in accordance with the provisions of this subchapter.

(Ord. 483, passed 3-8-2005)

§ 151.024 USE OF FUNDS.

(A) Funds collected for the recreational services impact fees, or lands dedicated pursuant to §151.021 for that purpose, shall be used solely for the purpose of acquiring or expanding recreational services capital facilities under the jurisdiction of the city. In the event that bonds or similar debt instruments are issued for advance provision of recreational services capital facilities for which municipal services impact fees may be expended, recreational services impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the proceeds of the bonds (and a pro rata share of the cost of issuance) are expended upon recreational services capital facilities.

(B) Funds collected for the police services impact fees, or lands dedicated pursuant to §151.021 for that purpose, shall

be used solely for the purpose of acquiring or expanding police services capital facilities under the jurisdiction of the city. In the event that bonds or similar debt instruments are issued for advance provision of police services capital facilities for which municipal services impact fees may be expended, police services impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the proceeds of the bonds (and a pro rata share of the cost of issuance) are expended upon police services capital facilities.

(C) Funds collected for the fire/rescue services impact fees, or lands dedicated pursuant to §151.021 for that purpose, shall be used solely for the purpose of acquiring or expanding fire/rescue services capital facilities under the jurisdiction of the city. In the event that bonds or similar debt instruments are issued for advance provision of fire/rescue services capital facilities for which municipal services impact fees may be expended, fire/rescue services impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the proceeds of the bonds (and a pro rata share of the cost of issuance) are expended upon fire/rescue services capital facilities.

(D) At least once each fiscal year, the City Administrator shall present to the City Council a proposed capital improvement program for recreational services, police services and fire/rescue services facilities, assigning funds, including any accrued interest, from the applicable Impact Fee Trust Fund to specific recreational services, police services or fire/rescue services improvements projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal year shall be retained in the same Impact Fee Trust Fund until, the next fiscal year.

(E) Funds may be used to provide refunds in the manner set forth in §151.025.

(F) All administrative costs associated with providing municipal services capital improvements shall be eligible for the appropriation of impact fees collected by the city; however, administrative costs shall not exceed 5% of the total amount expended or encumbered by the city.

(Ord. 483, passed 3-8-2005)

§ 151.025 REFUND OF FEES PAID.

(A) *Expired building permit.* If a building permit expires or is canceled without construction commencing, then the fee payer shall be entitled to a refund, without interest, of the impact fee paid except that the city shall retain 5% of the fee to offset a portion of the costs of collection and refund. The fee payer shall submit an application for such a refund to the City Administrator or designee within 30 days of the expiration of the order or permit, or thereafter waive any right to a refund.

(B) *Funds not expended.* Any funds not expended or encumbered by the end of the calendar quarter immediately following seven years from the date the municipal impact fees were paid shall, upon application of the then current landowner, be returned to such landowner, without interest, provided that the landowner submits an application for a refund to the City Administrator or designee within 180 days of the expiration of the seven-year period.

(Ord. 483, passed 3-8-2005)

§ 151.026 EXEMPTIONS AND CREDITS.

(A) *Exemptions.*

(1) The following shall be exempted from payment of the impact fees:

- (a) Alterations of an existing Building where no additional residential density is created and where the use is not changed;
- (b) The construction of an accessory building or structure not increasing the demand for services of the parent parcel;
- (c) The replacement of a destroyed or partially destroyed building or structure on the same site with a new building or structure of the same size and use; and
- (d) Installation of a replacement mobile home on the same site, where a mobile home legally existed on such site on or prior to March 8, 2005.

(2) Any claim of exemption must be made no later than the time of the application for a building permit. Any claim not so made shall be deemed waived.

(B) *Credits.*

(1) A developer may obtain credit against all or a portion of municipal service impact fees otherwise due or to become due by offering to dedicate needed land or construct needed capital improvements, or both. The offer of the developer shall specifically accompany a request for a municipal services impact fee credit. If the City Administrator, or a designee, accepts such an offer the credit shall be determined and provided in the following manner:

- (a) Credit for dedication of land. Credit for the dedication of land shall be based upon the following as determined by the city;
- (b) The most recent assessed value of the land by the County Property Appraiser;
- (c) By better evidence of value, such as a contract for sale or recorded deed; or
- (d) By fair market value established by private appraisers acceptable to the city.

(2) Credit for the dedication of municipal services or land shall be provided when the property has been conveyed by warranty deed or dedicated on a recorded plat, at no charge to, and accepted by the city in a manner satisfactory to the City Council.

(3) Credit for construction of capital improvements. Applicants for credit for construction of municipal services capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Administrator, or a designee. The City Administrator, or a designee, shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Administrator, or a designee, determines that such estimates submitted by the applicant are either unreliable or inaccurate.

(4) Credit due upon completion of construction. Except as provided in division (B)(5) below, credit against impact fees otherwise due shall not be provided until the construction is completed and accepted by the city; and a suitable maintenance and warranty bond is received and approved by the city.

(5) Bonding future improvements. Credit may be provided before completion of specified municipal services capital improvements if adequate assurances are given by the applicant that the provisions of division (B)(3) above shall be met and the fee payer posts security, as provided below, for the costs of such construction. Security for the costs of construction in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the city and approved by the City Attorney. If the municipal service construction project shall not be constructed within one year of the acceptance of the offer to construct by the City Administrator or designee, the amount of the security shall be increased for each year of the life of the security. In the event the municipal services construction is not completed so as to provide the required facilities at the time of the impact of the development occurs, the city shall draw on the security and provide for the required improvements.

(6) Claim for credit. Any claim for credit shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(7) Credits not transferable. Credits shall not be transferable from one project or development to another.

(8) Appeal of credit determinations. Determinations made by the City Administrator, or a designee, pursuant to this section may be appealed to the City Council by filing a written request with the City Administrator, or a designee, within ten days of the City Administrator's determination.

(Ord. 483, passed 3-8-2005)

§ 151.027 LIABILITY.

(A) *Personal liability.* Any person securing a building permit, and any person performing activities for which a building permit is required, and all owners of the land upon which such activities are performed, shall be jointly and severally liable for the municipal services impact fee imposed by this subchapter. In addition to any other remedy provided by law, the city may proceed in a court of competent jurisdiction to collect such fee from any or all of such persons as provided by law. The term **PERSON** means any natural person, corporation, limited liability company, partnership, firm or other business organization.

(B) *Lien against property.*

(1) Failure to dedicate land to pay an impact fee when determined by the city as required to satisfy the impact of development shall result in the amount due becoming a lien against the property, as provided herein.

(2) The city shall provide a written notice of the impact fee due by:

- (a) Personal service;
- (b) Certified United States mail; or
- (c) Federal express or other equivalent overnight letter delivery company.

(3) Upon failure to pay the impact within 30 days of the date of the notice, a notice of lien shall be served by:

- (a) Personal service;
- (b) Certified United States mail; or
- (c) Federal express or other equivalent overnight letter delivery company, advising the property owner that the city shall file a claim of lien against the property in question.

(4) Once recorded, the claim of lien may be foreclosed as provided for in F.S. Ch. 170, Ch. 173 or any other applicable law. The lien for unpaid impact fees shall be coequal with a lien for state, county, special district and municipal taxes and superior in right to all other liens and encumbrances, including mortgages and judgment liens.

(Ord. 483, passed 3-8-2005)

BUILDING STANDARDS; BUILDING DEPARTMENT

§ 151.040 MEMBERS; APPOINTMENT; TERMS.

(A) The Building Contractors Examining Board of the city shall consist of five members as follows:

- (1) An electrician who is engaged in the profession and who holds a valid electrician's certificate in the city;
- (2) An air-conditioning mechanic who is engaged in the profession and who holds a valid air conditioner mechanic's certificate in the city;
- (3) A plumber who is engaged in the profession and who holds a valid plumbers certificate in the city;
- (4) A member from the field of general construction; and
- (5) A qualified elector in the city, not from the field of general construction or any profession regulated by this subchapter.

(B) The Board shall be appointed by the City Council as follows:

- (1) The first and second members shall be appointed for a term of two years for the first term;
- (2) The third and fourth members shall be appointed for a term of two years for the first term; and
- (3) The fifth member shall be appointed for a term of one year for the first term.

(C) Terms shall expire and new appointments shall be effective on October 1, 2003 provided that all members shall serve until their successors are duly qualified and appointed.

(Ord. 450, passed 9-9-2003)

§ 151.041 CHAIRPERSON; SECRETARY; QUORUM.

(A) The members of the Building Contractors Examining Board shall vote to determine who shall act as Chairperson. The City Administrator, cleric or his or her designated representative, shall serve as Secretary to the Board.

(B) (1) Any three members shall constitute a quorum with an elected Chairperson Pro Tem in the absence of the regular Chairperson.

- (2) The Chairperson shall hold that position for one year unless his or her term expires.

(Ord. 450, passed 9-9-2003)

§ 151.042 MEETINGS.

(A) Meetings of the Building Contractors Examining Board shall be held at such times as the Board may by rule, from time to time, establish. Special meetings of the Board may be called by the Chairperson or three members of the Board at other times and places.

(B) Administrative hearings may be held upon a request of the City Administrator to hear evidence in regard to written complaints against any contractor.

(Ord. 450, passed 9-9-2003)

§ 151.043 RECORDS.

The Building Contractors Examining Board shall keep in the office of the Department of Development and Planning a separate book of each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the Board in revocation or suspension proceedings, and the signatures of the members of the Board participating in any action.

(Ord. 450, passed 9-9-2003)

§ 151.044 POWERS AND DUTIES.

(A) The Contractors Examining and Mediation Board shall have the power to develop tests and conduct testing to determine the qualifications of applicants for various types of contractors' and superintendents' licenses and certificates of competency for those professions and occupations for which the City Beach Examination Board and/or the Florida Construction Industry Licensing Board do not test, certify or quality. Such certificates of competency issued by the Board shall be applicable only to the performance of construction and contact-related services within the corporate limits of the city and shall be issued after the applicant has satisfactorily completed the examination process required by the Board. The Board, through the examination process, shall determine the type of certificate or license for which an applicant is qualified.

(B) The Board shall hold hearings to determine if a license or certificate issued by the Board, by the City Examining Board, or by the State Construction Industry Licensing Board, should be suspended or revoked for any violation of this subchapter, the city code of ordinances, or the State Building Code. After a hearing and upon finding a probable cause that a violation has been committed, the Board shall be empowered to fix the length of time for such suspension or revocation of the license or certificate or shall make a recommendation as indicated in division (H)(3) below. Any decision or recommendation of the Board may be appealed in writing to the City Council within 30 days of the Board's decision.

(C) The Board, upon a finding of probable cause that a violation of this subchapter, the city's code of ordinances, or the State Building Code has been committed, shall be empowered to make a recommendation to the State Construction Industry Licensing Board that license and certificate of competency of the firm, contractor or superintendent be revoked or suspended.

(D) The Board shall be empowered to appoint an employee from the Building Codes or Zoning Department to conduct an investigation of any complaints made against the licensed contractor or superintendent and shall determine whether to file administrative action or direct the investigator to file a complaint for prosecution of the violation against the firm, contractor or superintendent.

(E) The Board may call upon members of the industry to assist and advise them.

(F) The Board shall have jurisdiction to conduct investigations of all firms, contractors and super-intendents licensed by it, as well as authority to review and recommend administrative action, after findings of probable cause that violations have been committed, of all contractors, superintendents and trades.

(G) The Secretary of the Contractors Examining and Mediation Board may, upon their own motion, or shall upon sworn complaint in writing of any person, investigate, or cause to be investigated by a special investigator appointed by the Board, the charges against any contractor or superintendent qualified by the Board, the City Examination Board, or by the State Construction Industry Licensing Board, and shall submit a written report to the Board. Upon the filing of bankruptcy by or against a qualified contractor under this subchapter, or if a qualified contractor fails to keep in force with insurance policy as required, the Secretary of the Board shall immediately suspend the certificate of competency and report the matter to the Contractors Examining and Mediation Board for revocation action.

(H) The Contractors Examining and Mediation Board, upon receipt of such reports, shall decide if the report makes a prima facie showing of a violation of this subchapter and if so, shall take one or both of the following actions:

(1) Instruct the Secretary to send, by registered mail, a letter to the qualified contractor or superintendent to their last known address, as shown by the Board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the section of this subchapter alleged to be violated, and notifying the qualified contractor or superintendent to appear before the Board at a time and place fixed, not sooner than 20 days from the mailing of the registered letter, to show cause why his or her certificate of competency should not be further suspended or revoked;

(2) Instruct the investigator or complainant to file a sworn affidavit for the arrest of the qualified contractor or superintendent if they have violated any of the provisions of this subchapter; and

(3) The administrative hearing provided for in division (H)(1) above shall be open to the public.

(a) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(b) The hearings need not to be conducted according to technical rules related to evidence and witnesses. They shall however be conducted in accordance with accepted parliamentary procedures related to motions, votes and decisions. Fundamental due process shall be observed and shall govern all meetings. Any evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence. Hearsay may not be used for the purpose of supplementing or examining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, irrelevant and unduly repetitious evidence shall be excluded.

(c) Each party shall have these rights: to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and rebut the evidence against him or her.

(d) A written decision shall be made by the Contractors Examining and Mediation Board by a majority of the Board within five days of the close of the hearing. The decision shall be one or more of the following:

1. Not guilty;

2. Fine;

3. Suspension of a certificate of competency, stating why;

4. Revocation of a certificate of competency, naming an effective date; and/or

5. Recommendation of suspension or revocation of a certificate of competency or license to the State Construction Industry Licensing Board.

(Ord. 450, passed 9-9-2003)

§ 151.045 RULES, REGULATIONS.

The Contractors Examining and Mediation Board may make such rules and regulations as are consistent with the general policies of this subchapter as it may deem necessary to carry out the provisions on this subchapter, including the power to administer oaths and subpoena witnesses in the manner provided for subpoenaing witnesses in the court, but all such rules

shall be approved by resolution of the City Council before such rules shall have any force or effect.

(Ord. 450, passed 9-9-2003)

§ 151.046 CONTRACTOR OR SUPERINTENDENT.

(A) The procedures in this section have been developed to qualify those specialized professionals for whom the City Examining Board and/or the State Construction Industry Licensing Board may not test, certify or qualify.

(B) A contractor or superintendent's certificate of competency shall be obtained in the following manner.

(1) Any person required or desiring to be qualified as a contractor or superintendent shall make application on a form prescribed by the Contractors Examining and Mediation Board at the office of the secretary of such Board in the Building and Zoning Department. The application shall be retained by the Board, together with all supporting papers.

(2) Should the applicant be a firm, the application shall be executed by the president or one legally qualified to act for the firm, shall show his or her authority to so act on the application and shall name on the authorized agent on behalf of the firm showing his or her authority:

(a) To act for the firm in all matters in any manner connecting with the contracting business;

(b) To supervise the construction under the occupational license issued to the firm;

(c) To take the qualifying examination for the firm, unless holding a current certificate of competency of the class and type necessary; and

(d) The firm shall be qualified only through the qualifications of such agents taking the examination, or through an agent currently qualified, and if the agent (qualifier) shall serve his or her affiliation with such firm, the certificate of competency held by such firm shall be automatically cancelled. Any agent (qualifier) shall be restricted to work of the firm he or she is currently qualifying.

(3) No applicant shall be considered unless the applicant gives all information required on the form, which shall be included:

(a) A statement of the applicant's proposed contracting business;

(b) The type of certificate being applied for;

(c) Name, residence and business address for the applicant;

(d) If the applicant is a firm, the name and business address of the firm and the name and residence of all directors and officers of the firm and their interest therein, and the name and residence of all the applicants qualified representative, and information contained above; if the applicant is a corporation, a certificate of incorporation;

(e) A sworn financial statement of the applicant, a credit report, and an agreement authorizing the secretary of the Contractors Examining and Mediation Board to obtain from any source dealing with the applicant, even though confidential, such additional information concerning the applicants financial condition as the secretary deems necessary. Superintendents are exempted from the application of this division (B)(2);

(f) A sworn list of all businesses owned, operated or managed by the applicant or in which the applicant has had an interest of any kind during the past five years, and the address of these businesses. Superintendents are exempted from the application of this division (B)(2);

(g) A receipt from the Board, showing that a fee of \$50 for the examination and/or qualification of the applicant have been paid;

(h) Three letters of recommendation from a reputable business or professional person, not related by blood or marriage to the applicant, of this county, or the county of the applicants last business venture, vouching for the applicant's reputation as to honesty, integrity, and good character; and

(i) A sworn statement, stating under an oath that the applicant has not been convicted of a misdemeanor or felony during the past ten years, and that they are not presently charged with committing a felony or misdemeanor. If this is not the case, the applicant shall specify the details of the conviction charges.

(4) The Secretary of the Board shall notify the applicant of the next regular examination and shall notify the Board of the application prior to its next regular meeting and make such additional investigation as may be directed by the Board.

(5) The Contractors Examining and Mediation Board shall prescribe the type of examinations of the applicant to show his or her degree of experience; his or her knowledge of building, safety, health and lien laws of the county, state and federal governments as may be applicable; his or her knowledge of rudimentary administrative principles of the contracting business for which the application is being made.

(6) The Contractors Examining and Mediation Board shall not issue or renew a certificate of competency unless, by majority vote of the Board members present, the Board finds:

(a) That the applicant, or if the applicant is a firm then the qualified representative, has made a passing grade of 72% on the written or verbal examination and has the necessary experience for the type of certificate applied for;

(b) That the applicant is financially able to engage in the contracting business for which the certificate is requested. They shall establish, in its rules and regulations, uniform but separate standards for each contractor's category to guide it in determining an applicant's financial qualifications; and

(c) The applicant, and each member of the firm, possesses a reputation for honesty, integrity and a good character, and is not under present removal of civil rights due to a felony conviction and never has been convicted of a felony which directly relates to the subject matter for which the certificate of competency is to be issued. This shall be determined by the Board by the information contained in the letter of recommendation submitted by the applicant and any other statement submitted to or obtained by the Contractors Examining and Mediation Board or its investigators. The lack of honesty, integrity or good character may be established by competent evidence that:

1. An applicant has committed an act within the past ten years, which, if committed or done by a license contractor, it would be grounds for suspension or revocation of a contractor's license;
2. An applicant has committed an act within the past ten years involving dishonesty, fraud, deceit or lack of integrity whereby the applicant has been benefitted or whereby another has sustained some injury;
3. An applicant has, in the past ten years, refused to pay valid bills of persons or firms or if the applicant or any officer of the business has been adjudicated bankrupt within such time. If the applicant shall be a firm, then the qualifying agent of the applicant shall be considered to be an officer of the firm for the purposes of this section; and/or
4. An applicant has been convicted of a felony and is presently removed of his civil rights or the applicant has previously been convicted of a felony, which directly relates to the subject matter of this subchapter.

(Ord. 450, passed 9-9-2003)

§ 151.047 PREREQUISITE FOR OCCUPATIONAL LICENSES.

Whenever a license is required of any contractor, subcontractor, superintendent, master or journeymen, no such occupational licenses shall be issued unless the applicant shall first procure from the City Examining Board and/or the State Construction Industry Licensing Board a current certificate of competency and shall present a copy to the License Division.

(Ord. 450, passed 9-9-2003)

§ 151.048 ANNUAL RENEWAL FEES.

Certificates of competency of qualified contractors, subcontractor's, and specialty contractors shall be subject to the annual renewal fees along with required information described below:

- (A) Bay County contractors: \$50;
- (B) Non-Bay County resident: \$150;
- (C) Non-Florida resident: \$300;
- (D) Journeymen: \$25;
- (E) Inactive status: half of regular fee;
- (F) Contractors not regulated by F.S. Ch. 489: \$65;
- (G) State certified contractors are exempt from renewal fees, but shall pay an administration fee due during the month of September each year. The fee amount required is \$25; and
- (H) Required information on all contractors: proof of residency, certificate of liability insurance, workers compensation certificate or exemption, current state registration, and a check or money order for any required fee.

(Ord. 450, passed 9-9-2003)

§ 151.049 UNLAWFUL ACTS OR OMISSIONS.

It shall be unlawful for any city contractor, licensed individually or as a firm contractor, officer, director or qualified representative of a firm contractor or superintendent to commit any one or more of the following acts or omissions:

- (A) To contract or does any work outside of the scope of operations as set out in the state legal definition of the particular type of contractor or superintendent for whom they are qualified;
- (B) Abandon without legal excuse a construction project or operation in which they are engaged or under contract as a contractor or superintendent;
- (C) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever;
- (D) To depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his or her duly authorized representative;
- (E) Disregard or violate, in the performance of their contracting business, any of the building, safety, health insurance or

workers' compensation, laws or state laws and ordinances;

(F) Misrepresent any material fact in their application and supporting papers in obtaining a license under this subchapter;

(G) Fail to fulfill his or her contractual obligation through inability to pay all creditors for materials furnished or work or services performed in the operation of his or her business for which they are licensed hereunder;

(H) Fail to display their business name and license number as required by F.S. Ch. 489 or fail to display them upon their vehicles in a conspicuous location. This also pertains to any and all city registered contractors within any category;

(I) Intentionally evade or violate any of the provisions of this subchapter, which may be evidenced by, but not limited to, one or more of the following acts:

(1) Aiding or abetting any person not holding a certificate of competency to evade or violate any of the provisions of this subchapter;

(2) Allowing a certificate to be used by an unauthorized person;

(3) Obtain a permit for any work in which the certificate holder does not actually supervise, direct and control the construction or installation covered by such permits;

(4) Subcontract any work to any person, corporation, or firm not holding a certificate of competency for work involved in the subcontract; and/or

(5) Fail to obtain a permit prior to commencement of any job.

(J) Do any fraudulent act as a certificate holder by which another is substantially injured;

(K) Provide false information or facts to the Board or Building Department Division for anything; and/or

(L) Fail to cooperate in any investigation by not giving a sworn statement of facts.

(Ord. 450, passed 9-9-2003) Penalty, see § 151.999

§ 151.050 UNLAWFUL TO ENGAGE.

It shall be unlawful for any person or business to engage in any business or act in any capacity of any covered occupations listed within the city code or F.S. Ch. 489 within the city without having been duly registered or certified under the provisions hereof.

(Ord. 450, passed 9-9-2003) Penalty, see § 151.999

§ 151.051 CERTIFICATES OF COMPETENCY; REQUIRED TO DO BUSINESS.

(A) It shall be unlawful for any person to engage in the business or act in the capacity of a contractor, subcontractor, master, qualifying agent, journeyman, maintenance personnel, installer or tradesman in any of the classifications set forth in the code within the incorporated area of the city without having made application for, as set forth in this section, and there having been issued, as set forth in this division (A), a current valid certificate of competency or eligibility. Nothing in this section shall be construed to mean that there cannot be workers in some trades who are not qualified or certified within the definitions herein set forth if such workers are employed by and under the supervision of a contractor qualified in the trade concerned and working with a master or journeyman on the job site, if the trade concerned requires masters and journeyman. Workers are not qualified and certified within the definitions herein set forth can work as day laborer for a builder in any trade not requiring a masters, journeyman or installers license.

(B) The scopes of work for each person holding certificates of competency shall be limited to work describe in the classification for which a certificate of competency is held, and the standards established, including examination, for the obtaining of any particular certificate of competency shall cover the entire scope of the work involved in the particular classification concerned. The possessing of a current valid certificate of competency and a current occupational license pursuant thereto as a contractor or subcontractor in any classification shall include the right to contact and obtain permits for all work included in the scope of the work described in the classification and such contractor or subcontractors shall be issued permits for such work by the administrative agency concerned. Nothing in this section shall be misconstrued to prohibit the work included under one classification from also being included under another classification, if so set forth in this subchapter in the scope of the work of classification concerned and whether on private or public property, shall have no bearing unless specified otherwise.

(C) The provisions of this section shall not apply to contractors bidding on or performing public works for municipal, county, state or federal government, or other public body.

(D) Any person not possessing a current certificate of competency and holding himself or herself out to be a contractor or superintendent shall be subject to the provisions and penalties of the city code of ordinances, and such representations shall be prima facie evidence in court or any other proceeding authorized by this subchapter that the person purported to have the capacity to act as a contractor or superintendent.

(Ord. 450, passed 9-9-2003) Penalty, see § 151.999

§ 151.052 RECIPROCITY.

(A) *Generally.* The county requesting reciprocity shall submit a letter of affidavit reflecting the facts that the individual was certified by examination, to include the trade, experience requirement, date of certification, passing score (72%), status of certification, any disciplinary actions and that their county will in turn accept reciprocity from the city.

(B) *Board requirement.* The City Board shall review applicants of reciprocity and shall give a finding or recommendation to the Building Official prior to the acceptance of any applicant for reciprocity.

(Ord. 450, passed 9-9-2003)

§ 151.053 CONTRACTOR'S LICENSE FEES.

Any contractor holding a license issued in another city or county that meets or exceeds the licensing requirements of the city shall pay a fee for registration and a fee for a card. A fee shall be charged to renew the card in each successive year. If the card is not renewed and kept current, upon application for issuance of a card, the contractor shall be required to pay the registration fee as a penalty in addition to the renewal fee. State certified contractors shall only be required to obtain an occupational license. All the fees in this section may be established by resolution of the City Council.

(Ord. 450, passed 9-9-2003)

§ 151.054 BOND REQUIRED FOR CONTRACTORS.

To be established by resolution of the City Council.

(Ord. 450, passed 9-9-2003)

§ 151.055 LIABILITY INSURANCE REQUIRED.

(A) In order to protect property owners in the city, contractors doing business in the city shall be required to carry bodily injury and property damage insurance in the amounts shown below or that which is required of contractors by the state, whichever is greater: \$50,000; bodily injury and \$25,000; property damage. These amounts apply to all contractors except for those regulated under F.S. Ch. 489.

(B) Such liability insurance shall be issued by an insurance company licensed to do business in the state, shall name the city as an additional insured by endorsement and shall provide a ten-day notice of cancellation or reduction in coverage to the Building Department of the city. Evidence of insurance complying with this section shall be provided by a copy of the policy or by a certificate of insurance stating the company name; an agent or agency name; policy number; an inception and expiration date; limits of liability; that coverage is provided for the hold harmless agreement executed by the contractor; that the city is named as an additional insured by endorsement; and that the ten-day notice of cancellation or reduction in coverage will be provided.

(C) A contractor listed in division (A) above who presently carries liability insurance in the amounts stated for work performed in the county or the state is not required to carry additional amounts of insurance required by the section.

(D) Persons engaged in occupations relating to any type construction, repair, modification, demolition or other services in connection with any type maintenance and upkeep of buildings, equipment and facilities within the city are required to provide up to date proof of insurance or a surety bond in the amounts shown in division (A) above prior to issuance of necessary permits to proceed with work.

(Ord. 450, passed 9-9-2003)

§ 151.056 FALSIFICATION AS GROUNDS FOR DENIAL OF CERTIFICATES.

Any falsification on an application or examination under this subchapter shall be reason to deny the applicant a certificate of competency in the city.

(Ord. 450, passed 9-9-2003)

§ 151.057 RECORDS.

The Director of Building and Zoning shall keep a record of the name and address of each applicant for a certificate of competency and the date of filing the application, and shall maintain a master list of qualified certificate holders furnished by the Building Official.

(Ord. 450, passed 9-9-2003)

§ 151.058 REGISTRATION OF OUT-OF-TOWN SERVICE CONTRACTORS, SPECIALTY CONTRACTORS AND CONSTRUCTION INDUSTRY CONTRACTORS; JOB PERMIT REQUIRED.

(A) All service contractors, specialty contractors and construction industry contractors whose business location is other than in the city, and who are not currently licensed to operate in the city, shall register with the city prior to commencement of any work in the city. Upon presentation of a valid occupational license from the county or another municipality within the county, together with a copy of his or her liability insurance policy and evidence of state registration or certification, the city shall issue such contractors a registration certificate in such form as is prescribed, to be valid from the date of purchase through September 30 of the current fiscal year. The city fee requirements shall be met prior to issuance.

(B) All service contractors, specialty contractors, and construction industry contractors shall obtain a city license or registration certificate as set forth in the division prior to commencement of any work in the city. Prior to the issuance of a city license or registration certificate, each contractor and/or homeowner contractor shall execute a hold harmless agreement holding the city and its officers, agents, employees or assigns, both individually and collectively, harmless from any liability caused by the contractor or his or her agents, employees or assigns. This hold harmless agreement will be on a form provided by the city.

(C) Certification and registration by the State Construction Industry Licensing Board shall be required for general contractors, building contractors, residential building contractors, electrical contractors, plumbing contractors, mechanical contractors, swimming pool contractors, sheet metal contractors, and roofing contractor and any others as may be required.

(D) The Building Official shall review all plans, specifications and work proposals for compliance with existing laws and ordinances.

(E) Upon proper credentials, a contractor may obtain a job permit.

(F) An annual registration fee for all persons required to be registered with the city.

(G) All registration permits shall be sold by the City Administrator or his or her authorized representative, beginning September 1 of each year, shall be due and payable on October 1 of each year and shall expire on September 30 of the succeeding year. Those registrations not renewed by October 1, shall be considered delinquent and are subject to a delinquency penalty of 10% for the month of October, plus an additional penalty of 5% for each month of delinquency there after until paid; however, the total delinquency penalty shall not exceed 25% of the registration fee. Any person engaging in the construction industry, as defined in this section, who requires registration with the city, shall be subject to a penalty of 25% of the registration fee determined to be due, in addition to any other penalty provided by law or ordinance.

(Ord. 450, passed 9-9-2003)

§ 151.059 ELECTRICAL CONTRACTOR QUALIFICATIONS.

(A) A person shall be deemed qualified in the business of electrical contracting if he or she has passed a block proctored examination with a passing grade of 72% as master electrician, possesses a county license and shall be registered with the State Department of Business and Professional Regulation; or be certified by the state.

(B) Such persons deemed qualified shall purchase a city occupational license for such trade. If such persons meet these qualifications and are licensed in another municipality in the county, a fee will be charged for city registration for issuance of a card of competency and which shall be renewed annually for a fee as long as card is kept up to date. Such fees are established by resolution of the City Council; state certified electrical contractors are only required to obtain an occupational license.

(Ord. 450, passed 9-9-2003)

§ 151.060 CONTRACTOR QUALIFICATIONS.

A person shall be deemed qualified to engage in the business of any of the listed trades when they have passed a block proctored examination with a passing grade of 72% and/or possess a certificate of competency from any other city in the county and shall be registered by the state or be certified with the state. Such persons deemed qualified shall purchase a city occupational license for such trade or be certified by the Board by way of qualifications set forth in this section. If such persons meet the qualifications and are licensed in another local municipality, fees as set by resolution of the City Council and will be charged for registration and for issuance of a card of competency; then an annual charge as long as the card is kept up to date. Exception: The trades not listed in F.S. Ch. 489 are not required to take a block exam unless the Board requires it under a resolution of such. An approved competency card is still required.

(Ord. 450, passed 9-9-2003)

§ 151.061 CERTIFICATES OF COMPETENCY AND OTHER TRADES.

(A) Reference F.S. Ch. 489 and others. The following trades shall meet requirements set forth by the City Building Department:

- (1) Alarm Contractor;
- (2) Alarm Contractor II;
- (3) Building Contractor;
- (4) Cabinet Contractor;
- (5) Drywall Contractor;
- (6) Electrical Contractor;
- (7) Electrical Sign Contractor;
- (8) Excavation Contractor;

- (9) Flooring Contractor;
- (10) Framing/Carpentry Contractor;
- (11) General Contractor;
- (12) HVAC (Class A) Contractor;
- (13) HVAC (Class B) Contractor;
- (14) HVAC (Class C) Contractor;
- (15) Insulation/Fireplace Contractor;
- (16) Landscape Contractor;
- (17) Limited Contractor;
- (18) Limited Energy Systems Contractor;
- (19) Marine Contractor;
- (20) Masonry/Stucco/Concrete Contractor;
- (21) Mechanical Contractor;
- (22) Plumbing Contractor;
- (23) Residential Contractor;
- (24) Roofing Contractor;
- (25) Sheet Metal Contractor;
- (26) Sign Contractor- (non-electrical);
- (27) Solar Water Heating Contractor;
- (28) Specialty Contractor (any specified by the city);
- (29) Storm Shutter Contractor;
- (30) Surveyor Contractor;
- (31) Swimming Pool/Spa Contractor;
- (32) Swimming Pool/Spa Service Contractor;
- (33) Tree Contractor;
- (34) Trim Contractor;
- (35) Underground Utilities Contractor;
- (36) Water Filtration/Softener and Conditioning Service Contractor; and
- (37) Window and Door Contractor.

(B) Upon ascertaining that the applicant for registration has satisfied all the requirements set forth for the following license:

- (1) Master Electrician;
- (2) Master Plumber including Gas;
- (3) Journeyman Electrician; and/or
- (4) Journeyman Plumber.

(Ord. 450, passed 9-9-2003)

§ 151.062 CERTIFICATE.

The Building Official shall refuse to issue a license to any person engaged in the business of electrical, plumbing and mechanical or gas construction and installation, unless such persons hold a valid, un-revoked or un-suspended certificate of competency, or has in his or her regular employ a person who holds such certificates. The Building Official shall also refuse to issue to any partnership a license to engage in such business, unless such partnership has in its regular employ, or as a member, a person who holds such certificates. The Building Official shall also refuse a license to any corporation, which does not have in its regular employ a person who holds a certificate. Each license shall stand suspended during any period in which the conditions requisite to issuance of a license do not obtain.

(Ord. 450, passed 9-9-2003)

§ 151.063 PERMITS REQUIRED.

(A) No electrical wiring or extension of circuits shall be installed within or on any building or structure nor shall any alteration, repair or addition be made in any such existing wiring, devices, or equipment without first securing a permit from the Building Official, except as provided in divisions (B) and (C) below.

(B) No permit shall be required for minor repairs, such as repairing flush and snap switches, replacing fuses or circuit breakers, and changing lamp sockets and receptacles.

(C) No permit shall be required for the installation and wiring, devices or equipment for telephone, cable television or any work installed by a public utility subject to regulation as such by the State Public Service Commission or an agency of the United States.

(D) A permit for electrical construction shall be obtained from the Building Official by the person installing the work, this shall occur prior to the commencement of work.

(E) The permit when issued shall be for such installation as is described in the permit, and no deviation shall be made from the installation so described without the written approval of the Building Official.

(Ord. 450, passed 9-9-2003)

§ 151.064 PERMITS; EXCEPTION.

(A) The construction, alteration, renovation or repair of a building, structure, pool, dock, fence, tree removal, parking area and the like, shall not be permitted or commenced within the city before a building permit has been obtained from the proper authorities.

(B) A permit shall not be required to be obtained pursuant to division (A) above for the following types of building activities:

- (1) Interior and exterior painting, including roof painting and wallpapering and done by a registered contractor;
- (2) Sheetrock repair, not replacement;
- (3) Exterior landscaping modifications, which are not affected by another city code and done by a registered contractor;
- (4) Replacement of floor coverings if done by a registered contractor;
- (5) Replacement of appliances, including window air conditioners, unless an electrical connection is required other than by a common wall plug; and
- (6) Permits shall be required for all other activities, which are otherwise required by the appropriate codes.

(Ord. 450, passed 9-9-2003)

§ 151.065 FEES.

All fees for general and electrical permits shall be adopted by or amended by a resolution of the City Council.

(Ord. 450, passed 9-9-2003)

§ 151.066 COMPUTATION FOR WORK WITHOUT A PERMIT.

(A) Permit fees shall be in accordance with the schedules enumerated in this subchapter, except where work without a permit is in progress or complete; in such cases, the following schedule shall apply to all work without permits or development orders:

- (1) Where it can be determined that the current owner is responsible, four times the amount(s) shown in the regular schedules in this subchapter; and
- (2) Where it cannot be established that the current owner is responsible, double the amount(s) shown on the schedules in this subchapter (permits).

(B) All fees in division (A) above shall apply unless the owner or his or her authorized agent can produce satisfactory evidence to the Director of the Building Department that the work was performed prior to his or her ownership; in such case, the double fee amount will apply.

(Ord. 450, passed 9-9-2003)

§ 151.067 EXPIRATION OF PERMITS.

(A) Permits shall not be valid if the work is not started within 180 days after the date of issue and shall expire one year from the date issued.

(B) Expired permits and development orders may be renewed at the discretion of the Building Official after a review of the previously filed documents. A plan review fee shall be assessed for the review.

(Ord. 450, passed 9-9-2003)

§ 151.068 RE-INSPECTION FEE.

A re-inspection fee established by or amended by a resolution of the City Council shall be charged or assessed to any contractor, or homeowner acting as contractor, when an inspection fails to comply with the City Building Code, and a re-inspection is required. The contractor or homeowner shall pay the fee before re-inspection.

(Ord. 450, passed 9-9-2003)

§ 151.069 INSPECTION OF WORK.

(A) All air conditioning ducts, fan vents, plumbing and other piping work must be in place, inspected and accepted on work to be concealed before the electrical wiring is inspected, and no such wiring will be considered as completed until all such ducts, vents, plumbing or piping is in place.

(B) Upon making an inspection of any electrical wiring or equipment, when the wiring or equipment is found to have been installed in a satisfactory manner and in accordance with the provisions of this subchapter, the Inspector shall place a notice at the service switch or other suitable place stating that the electrical work has been inspected. If the wiring or equipment is found not to be in accordance with the provisions of this subchapter, the Inspector shall post a certificate stating "Wiring Condemned".

(C) It shall be unlawful to conceal any electrical wiring or equipment until such wiring or equipment has been inspected and the notice posted required in division (B) above.

(D) If any electrical work or part therefore is covered before being inspected, tested and approved as provided in this subchapter, it shall be uncovered upon the order of the Inspector, and the cost of such shall be the responsibility of the contractor or the owner.

(E) When the electrical work for which a permit has been obtained is ready for inspection, notice in writing on the forms furnished at the office of the Inspector stating the location of the work, the name of the owner, the name of the electrician to whom the permit was issued and the name of the electrician doing the work shall be given to the Inspector or his or her duly authorized representatives at his or her office.

(F) As soon as possible, exclusive of Sundays and holidays, the Inspector or his duly authorized representatives will inspect and test the work in a manner necessary to satisfy the Inspector that the work has been installed in a proper and worklike manner and in accordance with the provisions of this subchapter, and with the plans and specifications previously submitted and approved.

(G) In large and/or complicated installations, the work may be inspected and tested in sections at the option of the Inspector or his or her duly authorized representatives.

(H) If, after the first visit to an installation pursuant to written notice, it is necessary to return to re-inspect any work because of a defect or because the work was not ready for the initial inspection, the Inspector will be required to return only on another written notice.

(I) After the completion of the work, a notice, the same as provided in this section, shall be given to the Inspector or his or her duly authorized representatives for a request of a final inspection. If the Inspector finds that the work has been satisfactorily done, he or she shall issue a final certificate of inspection upon the request of the electrician to whom the permit was issued. The certificate does not relieve the electrician of his or her responsibility for any defective work, which may have escaped the notice of the Inspector.

(Ord. 450, passed 9-9-2003) Penalty, see § 151.999

§ 151.070 CONCEALMENT OF INSTALLATIONS.

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person doing the installing shall notify the Inspector and such parts of the wiring installation shall not be concealed until they have been inspected by the Inspector, provided that on large installations where the concealment of parts of the proceeds continuously, the person installing system shall give the Inspector due notice, and inspection shall be made periodically during the progress of the work.

(Ord. 450, passed 9-9-2003)

§ 151.071 COMPLETION OF INSTALLATIONS AND CERTIFICATES.

(A) Upon the completion of the installation of the electrical wiring, devices and equipment, which have been authorized by issuance of a permit, it shall be the duty of the person making the installation to notify the Inspector who shall inspect the installation within a reasonable time. If the installation is found to be fully in compliance with the law and does not constitute violation, the Inspector shall issue a certificate of approval to such person for delivery to the owner authorized connection to the electrical services, the turning on the current and the use of installation. The Inspector shall send a written notice of the connection authorization to the public utility corporation furnishing the electric service.

(B) When a certificate is issued authorizing the connecting and use of temporary work, such certificates shall be issued to

expire at a stated time and shall be revocable by the Inspector at his or her discretion. A preliminary certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation, and such preliminary certificates are revocable at the discretion of the Inspector.

(C) If, upon inspection, the installation is found not to be fully in compliance with law, the Inspector shall forward or post for the person installing the installation a written notice stating the defect, which has been found to exist.

(Ord. 450, passed 9-9-2003)

§ 151.072 APPEALS FROM DECISIONS OF INSPECTOR.

When the Inspector shall condemn all or part of any installation. The owner may file an appeal in writing for review of such action with the Building Contractors Examining Board and the Board shall determine at the next scheduled meeting whether such installation complies with the law, and render its decision accordingly.

(Ord. 450, passed 9-9-2003)

§ 151.073 CONNECTIONS TO INSTALLATIONS.

(A) It shall be unlawful for any persons to make connections from a source of electrical energy to any electrical wiring, devices or equipment for the installation of which a permit is required, until a certificate of approval has been issued by the Inspector authorizing such connecting and the use of such wiring, devices or equipment.

(B) It shall be unlawful for any persons to make connections from a source of electrical energy to any electrical wiring, devices or equipment which has been disconnected or ordered to be disconnected by the Inspector or the use of which has been ordered disconnected by the Inspector until a certificate of approval has been issued by the Inspector authorizing the reconnecting and use of such wiring, devices or equipment.

(C) Tampering with meters or with conductors carrying un-metered current and the unauthorized breaking of utility company seals shall be unlawful. New service or existing service that has been altered or repaired shall not be connected until the utility company furnishing electricity has received an authorized inspection certificate.

(D) It shall be unlawful for any person to remove, alter, change, mar and/or deface any manufacture's name, trademark, symbol and/or markings on any device or equipment in any installation.

(Ord. 450, passed 9-9-2003) Penalty, see § 151.999

§ 151.074 CERTIFICATES OF APPROVAL.

(A) No certificate of approval shall be issued unless the electric light, power and heating installations are in strict conformity with the provisions of law.

(B) No certificate of approval shall be issued for any installation, which is not in strict conformity with the provisions of law.

(Ord. 450, passed 9-9-2003)

§ 151.075 CONSTRUCTION, MATERIALS AND APPLIANCES TO CONFORM TO SUBCHAPTER REGULATIONS.

(A) All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring apparatus or equipment for light, heat and power within the city shall conform to such special rules and regulations as may be embodied in this subchapter or as may be adopted as provided in this subchapter, and shall conform with approved methods of construction for safety to life or property.

(B) All construction material used in connection with the installation of any construction related trade shall conform to such special rules and regulations as may be embodied in this subchapter, or as may be adopted as provided in this division and shall conform with ASTM approved methods of construction for safety to life or property.

(Ord. 450, passed 9-9-2003)

§ 151.076 SERVICE EQUIPMENT DISCONNECTING MEANS.

(A) Each set of service entrance conductors shall be provided with a readily accessible means of disconnecting the current-carrying conductors supplied by the service from the source of supply.

(B) Main service disconnects or distribution panels shall not be located in the following locations:

- (1) Closets;
- (2) Cabinets;
- (3) Bathrooms;
- (4) Bedrooms;
- (5) Stairways; and
- (6) Stairwells.

(Ord. 450, passed 9-9-2003)

§ 151.077 GAS PIPING AND TUBING INSTALLATIONS.

(A) Gas piping and tubing shall be installed in such a manner that it will not come in contact with electrical conductors, electrical cables and electrical conduits. Exception (1): electrical devices in gas lines and at utilization equipment. Exception (2): where metallic conduits and gas lines are bonded together.

(B) Gas piping tubing installed in accessible attic spaces and under a floor spaces shall be installed in such a manner that it will be fully visible though out its full length after the building is completed. Gas lines shall not be covered by building installation and the like. Exception: vertical sections run down or up to appliances or source.

(Ord. 450, passed 9-9-2003)

§ 151.078 PERMIT, PLAN CHECKING FEES.

Fees for building permits and for checking building plans shall be as follows: permit and plan review fees as defined shall be established by a resolution of the City Council.

(Ord. 450, passed 9-9-2003)

§ 151.079 UNSAFE BUILDINGS; DECLARED ILLEGAL AND PUBLIC NUISANCE.

All dwellings, residential buildings and structures, commercial buildings and structures, and any other buildings and structures which are unsafe, unsanitary, unfit for human habitation, or no provided with adequate egress; or which constitute a fire hazard, or otherwise dangerous to human life; or which in relation to existing use constitute hazards to safety or health by reason of inadequate maintenance, dilapidation, obsolescent, abandonment, damage from fire, storm, vandalism, criminal act or other force major events, are severely in contemplation of this section deemed to be unsafe buildings are hereby declared illegal and a public nuisance and shall be abated by repair, rehabilitation, demolition, or such other acts as are necessary to abate the public nuisance.

(Ord. 450, passed 9-9-2003)

§ 151.080 INSPECTIONS.

(A) Subject to constitutional limitations, the enforcing agency is hereby authorized and directed to make inspections to determine the condition of dwelling, dwelling units, hotels, rooming houses, the premises occupied by or adjacent to such structures, including vacant lots, and the premises of business establishments located in proximity thereof.

(1) The inspecting officers of the enforcing agency are hereby authorized to enter, examine and survey, at reasonable hours, all structures and premises for which minimum standards are established by this subchapter.

(2) The owner, operator, lessee, occupant or the person in charge of every dwelling, dwelling unit, hotel and rooming house and business establishment shall give the inspecting officer free access for the purpose of making such inspection, examination and survey; and, shall supply, as correctly and promptly as possible, all information requested by the inspecting officer.

(B) Inspecting officers of the enforcing agency shall be provided with official identification and shall exhibit such identification when making an inspection.

(Ord. 450, passed 9-9-2003)

§ 151.081 UNITS UNFIT FOR HUMAN HABITATION AND THE PROCEDURE FOR CONDEMNATION DESIGNATION; PLACARD AND STOP WORK ORDER REMOVAL OR OBSTRUCTION.

The designation of dwellings, dwelling units, hotels, hotel units, rooming houses and rooming units as unfit for human habitation and the procedure for the placarding and condemnation of such unfit structures and units shall be carried out in compliance with the following requirements.

(A) The head of the enforcing division shall declare as unfit for human occupancy any dwelling, dwelling units, hotels, hotel units, rooming houses and rooming unit which is found to have any of the following defects:

(1) One, which is so dilapidated, damaged, decayed, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public;

(2) One, which lack's illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or the public; or

(3) One, which, because of its general condition or location, is unsanitary, or otherwise dangerous to the health or safety of the occupants or the public.

(B) The head of the enforcing division shall give to the owner or person in charge of any dwelling, dwelling units, hotels, hotel units, rooming houses and a rooming unit found to be unfit for human occupancy written notice or posting to the effect that such dwelling, dwelling units, hotels, hotel units, rooming houses and rooming unit found to be unfit for human occupancy and such notice shall:

- (1) Summarize the defects which serve as the basis for declaring the dwelling, dwelling units, hotels, hotel units, rooming houses and a rooming unit found to be unfit for human occupancy;
 - (2) Order the building, structure or portion thereof, to be vacated within five days and not re-occupied until a certificate of occupancy is issued by the Building Department of the city;
 - (3) Require the owner or person in charge of the building or premises, within 15 days from the date of the notice, to commence either the necessary repairs or improvements or the demolition or removal of the building structures or parts thereof;
 - (4) Stipulate that a permit as required by the Building Code be obtained prior to the start of any repairs, improvements, demolition or removal of the building or structure and that all work covered by the permit that shall be completed within 90 days from the date thereof, unless otherwise stipulated by the head of the enforcing division; and/or
 - (5) Inform the person on whom the notice is served of his or her right to apply for, within 15 days, a hearing by the Special Master.
- (C) Proper notice of such shall be by personal service upon the owner of record, if he or she shall be found. If the person addressed with such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed the equivalent of personal service.
- (D) In addition to giving the notice, the head of the enforcing agency shall placard, or cause to be placarded, dwelling, dwelling units, hotels, hotel units, rooming houses and rooming unit found to be unfit for human occupancy.
- (1) The placard shall be signed by the head of the enforcing division and posted in a conspicuous place on the premises. It shall be red in color and contain the following script:
- “These premises not fit for human occupancy and, in the opinion of the undersigned, unsafe. Notice has been given and these premises shall not be used or occupied.
- This placard shall not be removed except by an authorized representative of the Enforcing agency.”
- (2) No person, except a representative of the enforcing division, shall deface or remove the placard from any premises, which have been declared and placarded as unfit for human habitation.
- (3) The head of the enforcing agency shall order the placard removed whenever the defect or defects upon which the placarding action was based have been eliminated.
- (E) Whenever any premises are designed as an unfit for human habitation, as provided in this subchapter, enforcing division shall determine the relationship of the cost necessary to correct the violation to the value of the building.
- (1) If the cost of the corrective measures to be taken exceeds 50% of the value, based on current replacement cost less reasonable depreciation, such building shall be demolished and removed.
- (2) If the cost of the corrective measures does not exceed 50% of the value, based on current replacement cost, less reasonable depreciation, such building may be repaired, renovated or otherwise made to comply with the requirements of this subchapter.
- (F) The removal, defacement, blocking or obstruction by visual methods or otherwise of any placard or stop work order that has been posted anywhere for anything shall be a violation of city ordinance and punishable as defined in the city code.
- (Ord. 450, passed 9-9-2003)

§ 151.082 ENFORCEMENT ORDERS AND APPEALS.

- (A) Every enforcement order of the Board or the Special Master shall be final, subject to the right of any aggrieved party, including the city or the violator, to appeal a final administrative order of the Board or the Special Master to the Circuit Court of the Fourteenth Judicial Circuit of Bay County in and for city. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board or the Special Master. An appeal shall be filed within 30 days of the execution of the order to be appealed.
- (B) Every enforcement order of the Board or the Special Master shall have the force of the law, shall be in writing, shall include findings of fact and conclusions of law, and if an order of the Board, shall indicate the vote upon the order.
- (C) Every enforcement order shall be signed by the Chairperson, or in his or her absence, the Vice Chairperson, and shall be filed in the office of the City Clerk. A copy of the signed order shall be sent by certified mail, return receipt requested or, where certified mailing would not be effective, by regular mail, hand delivery by a city police officer, or Code Enforcement Officer to the violator. The filing of any order shall be made at the County Clerk's office.

(Ord. 450, passed 9-9-2003)

§ 151.083 RE-INSPECTION; UNSAFE INSTALLATIONS.

The Inspector shall periodically make a thorough re-inspection of the installation of all electrical wiring, electrical devices and electrical equipment now installed or that may hereafter be installed within the city. When the installation of any wiring

devices or equipment is found to be dangerous or unsafe condition, the person owning, using, or operating such devices or equipment shall be notified in writing or posting and shall make the necessary repairs or changes to place such wiring, devices or equipment in safe condition and have such work completed within the period specified by the Inspector in such notice. The Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to any wiring, meter, devices or equipment found to be defect until the installation of such wiring, meter, devices or equipment has been made safe as directed by him or her. The city and Inspector shall be held harmless for any loss of damages that might occur from disconnecting of electrical service at any location.

(Ord. 450, passed 9-9-2003)

§ 151.084 WIND SPEED; WIND-BORNE DEBRIS REGION.

(A) *Required ultimate design wind speed.* The ultimate design wind speed, V_{ult} , for the determination of the wind loads for Risk Category II Buildings, as defined by the Florida Building Code, shall be 140 miles per hour for all of the City of Mexico Beach.

(B) *Wind-Borne Debris Region.*

(1) *Establishment.* There is hereby established a "Wind-Borne Debris Region" as all land within the corporate limits of the city.

(2) *Purpose.* In order to assure proper methods for new construction and/or repair of existing buildings and structures, the Wind-Borne Debris Region has been established to provide an easily recognized region, wherein buildings constructed within said region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in the walls or roof by large debris, or be designed with protected openings, pursuant to Chapter 16 Florida Building Code, 2001, F.S. Ch. 553.

(Ord. 450, passed 9-9-2003; Ord. 713, passed 2-12-2019)

§ 151.085 SANITARY FACILITIES.

(A) A portable sanitary facility shall be supplied to a new construction site within the city after the initial grading has been completed and before the foundation work is begun.

(B) Such portable sanitary facility shall be maintained at the site in an inconspicuous location until after the hookup of the interior sanitary facilities the portable unit shall be kept maintained on a regular basis to avoid a public nuisance to neighboring residence or others.

(Ord. 450, passed 9-9-2003)

§ 151.086 DAMAGES TO PUBLIC AND PRIVATE PROPERTY.

Builders or persons within the city shall be held responsible for damages caused by them to public and private property in pursuit of the construction project, and shall immediately notify the city to take the necessary steps to repair or replace any damaged property.

(Ord. 450, passed 9-9-2003)

§ 151.087 RECOGNITION OF COUNTY PERMITS IN ANNEXED AREA.

(A) Whenever, on or prior to the date of annexation, a building or other construction permit has been or shall have been validly issued by the county for construction or other work to be done in the area which, subsequent to the issuance of such permits (or on the date of the issuance of such permits), was or shall have been annexed by the city, the city shall recognize as valid such permits, and all work that might have been started and completed pursuant to such permits shall be permitted to proceed to conclusion, notwithstanding the certain requirements of the city may be different from those of the county under which such permit was or shall have been issued.

(B) The extent to which such city permit shall be recognized by the city shall be the same extent only as would have been the case under city regulations.

(C) The fact that a developer or owner may have commenced a project but has or shall have secured permits for only some of the contemplated houses in such projects shall not permit any houses to be commenced beyond the exact number for which the county permit has been issued on or prior to the day of annexation.

(D) In the event a permit has been or shall have been validity issued by the county for any type of construction or work on prior to the date of annexation by the city and in connection with such work additional permits are required either under the county procedures or under the city requirements, all such additional permits, the need for same, their issuance and administration shall proceed under the county regulations; and the fact that the main or basic permit has been or shall have been issued by the county shall entitle all applicants for permits in the connection with the completion of the construction or other work on the same premises to proceed as fully as they otherwise would have done in the event annexation has not or shall not have, taken place, except that all inspections assure compliance with the requirements under the permits so issued by the county, as well as the city, shall be performed by and to the satisfaction of the Building Inspector; provided however, that nothing in this section shall be interpreted to provided any recognition for any renewal or extension of a county permit after the date of annexation as the recognition provided in this section shall apply to an original permit only.

(Ord. 450, passed 9-9-2003)

§ 151.088 GROUND DRAINAGE FOR RESIDENTIAL BUILDINGS.

(A) All residential properties in the city shall be graded or filled so that the property drains towards a permanent storm drainage, street or permanent body of water prior to construction of improvements thereon, in order to eliminate flooding due to sudden and heavy rainfall.

(B) Drainage facilities shall be designed so as to retain the first inch of runoff onsite and post development runoff shall not exceed the pre-development run off rate for a 25-year storm event, up to and including an event with a 24-hour duration. Channeling stormwater runoff directly into water bodies, coastal wetlands, living marine resource habitats and located near an estuary or estuaries systems or other water bodies within the city limits shall be designed so that the shorelines are sinuous rather than straight and so that water/land interferes are curvilinear and maximize space for growth of littoral vegetation.

(C) The developer or owner shall use swale drainage to the maximum extent possible, except where it is physically unfeasible as determined by the Public Works Director. If feasible, perforated pipe shall be used for infiltration purposes in situations where piping is necessary.

(D) If divisions (A) (B), and (C) above are strictly adhered to and approved by the city officials, then the property will be exempt from the regulation that requires gutters and downspouts.

(Ord. 450, passed 9-9-2003)

§ 151.089 CONFLICTS OF LAW.

In the event of a conflict between any of the provisions of the publications adopted by reference in this subchapter, and a provision of any technical code or standard applicable to the city or adopted by the city, or between such publications, the stricter or higher standard shall control.

(Ord. 450, passed 9-9-2003)

§ 151.090 DISCLAIMER.

The city hereby disclaims any responsibility for insuring that construction, remodeling and additions on real property meet the minimum requirements of the City Building Code in that construction permits and inspections are a matter of service to the public and not intended as a guarantee that construction under permits issued by the city meets the minimum requirements of the city's Building Code.

(Ord. 450, passed 9-9-2003)

§ 151.091 IMMUNITY FROM PROSECUTION.

The City Administrator, Director of Land Use, Code Enforcement Officer, Public Works Director, and approved wrecker staff acting under the direction of a Director or a Code Enforcement Officer are immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed in the code.

(Ord. 450, passed 9-9-2003)

§ 151.092 ENFORCEMENT; VIOLATION.

These codes shall be enforced at the option of the city, by city officials hired or appointed; or by appointed county officials; or by contract with an appointed agency or professional group authorized and trained to perform such enforcement measures; or a combination of any of these alternatives. Any person or persons violating this subchapter are subject to the maximum penalties as prescribed by law.

(Ord. 450, passed 9-9-2003)

§ 151.093 EFFECTIVE DATE.

This subchapter shall become effective immediately upon passage pertaining to all contractors, except for the provisions and contract services provided for by county builders services and the parts thereof regulating state certified and county registered contractors only. These parts shall be brought forth and effective upon a resolution by the City Council.

(Ord. 450, passed 9-9-2003)

§ 151.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates any provision of §§ 151.040 through 151.093 shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 60 days or by both such fine and imprisonment.

(Ord. 450, passed 9-9-2003)

CHAPTER 152: [RESERVED]

CHAPTER 153: COMPREHENSIVE PLAN

Section

153.01 Adopted by reference

§ 153.01 ADOPTED BY REFERENCE.

The Comprehensive Plan of the city is hereby adopted by reference and incorporated herein as fully as if set out at length herein.

(1998 Code, § 152.01) (Ord. 358, passed 6-8-1999; Ord. 511, passed 9-12-2006; Ord. 512, passed 9-12-2006; Ord. 533, passed 8-14-2007; Ord. 675, passed 11-14-2017; Ord. 698, passed 7-24-2018; Ord. 710, passed 2-5-2019; Ord. 722, passed 8-27-2019; Ord. 743, passed 5-5-2020; Ord. 806, passed 3-14-2023)

TABLE OF SPECIAL ORDINANCES

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- I. ANNEXATIONS
- II. BONDS; FINANCE
- III. FRANCHISES
- IV. REZONING
- V. VACATIONS

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
413	6-11-2002	Annexes parcels beginning at a light stake marking the northwest corner of the northwest quarter of the southwest quarter
470	4-13-2004	Annexes three parcels, beginning at a GLO concrete monument marking the southeast corner of Section 15, Township 6 South, Range 12 West
510	9-12-2006	Annexes eight parcels, including Lot 9, Block 15, and land beginning at the southeast corner of Lot 9
784	5-24-2022	Annexes a parcel of land lying and being in the northeast quarter of Section 23, Township 6 South, Range 12 West

TABLE II: BONDS; FINANCE

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
349	12-22-1997	Authorizing the city to issue public service facilities revenue bonds to fund programs to finance the cost of the acquisition, renovation, construction and equipping of public service facilities

578	3-8-2011	Adopts a five-year schedule of capital improvements for the city
694	5-22-2018	Adopts a five-year schedule of capital improvements for the city

TABLE III: FRANCHISES

Ord. No.	Date Passed	Description
Ord. No.	Date Passed	Description
16	9-2-1969	Grants franchise to Florida Power Corporation for electric franchise for a 30-year period
57	9-9-1975	Grants franchise to St. Joseph Telephone and Telegraph Company for 30 years
99	8-12-1980	Grants 20-year franchise to St. Joe Natural Gas Co., Inc.
106	1-27-1981	Grants non-exclusive franchise to Cable Vision of the city for a community television system for a 20-year term
123	8-10-1982	Amends Ord. 106, passed 1-27-1981
333	10-8-1996	Grants to Florida Power Corporation a non-exclusive electric utility franchise
380	9-12-2000	Grants 20-year franchise to St. Joe Natural Gas Co., Inc for a gas works system
387	2-13-2001	Grants non-exclusive franchise to Mediacom Southeast LLC
493	7-19-2005	Grants franchise to GTC, Inc. for telecommunications system

TABLE IV: REZONING

Ord. No.	Date Passed	Description
Ord. No.	Date Passed	Description
409	12-11-2001	A 0.172-acre parcel changed from Tourist Residential (TR) to Tourist Commercial (TC) on zoning map
414	8-6-2002	Rezones land beginning at a light stake marking the northwest corner of the northwest quarter of the southwest quarter to Residential Low Density (RLD) from Agricultural (County)
513	9-12-2006	Amends Comprehensive Plan by changing land from Agricultural, Agricultural/Timberland and Residential to Tourist Mixed Use
676	11-14-2017	Rezones property located between N. 22nd Street and 38th Street from Residential Low Density to Tourist Mixed Use

741	2- -2020	Adopts Planned Unit Development Overlay District (PUD) for the parcels of land containing approximately 554 acres located along the west side of the city on both the north and south side of Highway 98, including parcel ID Nos. 04101-010-000, 04101-030-000, 04101-031-000, 04101-040-000, 04101-050-000, 04101-060-000, and 04102-010-000.
749	10-27-2020	Rezones parcels located on Miramar Drive, S 42nd Street, S 41st Street, S 40th Street, S 39th Street, S 38th Street, S 37th Street, S 35th Street, S 32nd Street, S 29th Street, and U.S. Highway 98 between S 23rd Street and N 22nd Street from Residential High Density to Townhome District
759	3-9-2021	Rezones parcel located at 107 S 35th Street with ID No. 04618-010-000 from Residential High Density to Townhome District
766	8-10-2021	Rezones that certain parcel of land containing approximately 0.172 acres; located at 110 40th Street with parcel ID No. 04108-010-000 from High Density Residential to Townhome District
802	3-14-2023	Rezones Original Lots 1 & 7, parcel ID No. 04186-000-000 from AG-2 Agriculture/Timberland to Public/Institutional
808	4-25-2023	Zones approximately 80 acres, being Original Lots 1 & 7, parcel ID No. 04186- 000-000 as Public/Institutional
809	4-25-2023	Zones approximately 24.70 acres, being 121 22nd Street North, parcel ID No. 04127-010-000 as Public/Institutional
810	4-25-2023	Zones approximately 24.70 acres, being 121 22nd Street North, parcel ID No. 04127-000-000 as Public/Institutional

TABLE V: VACATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
472	8-10-2004	Vacates approximately 68 feet of 34th Street
690	1-9-2018	Vacates right-of-way north of US Highway 98 and south of the Mexico Beach Canal

PARALLEL REFERENCES

References to Florida Statutes

References to 1998 Code

References to Ordinances

REFERENCES TO FLORIDA STATUTES

<i>F.S. Reference</i>	<i>Code Section</i>
<i>F.S. Reference</i>	<i>Code Section</i>

Ch. 97—107	Charter, Art. V
99.012	31.16
100.361	Charter, § 6.07
101	31.22
Ch. 103	54.02
112.061	Charter, § 7.05
112.311 et seq.	Charter, § 7.04
125.69	93.06
161.053	93.02
Ch. 162	10.19, 113.06
162.22	10.99
Ch. 163	Charter, § 1.04
163.3180	30.45, 30.47
163.3180(5)(b)	30.25
163.3180(6)	30.20, 30.25
163.3180(11)	30.25
163.3180(12)	30.47, 30.51
163.3180(16)(b)	30.48
163.3187	30.25
163.3202(3)	151.015
163.3220	30.26
Ch. 166	Charter, § 1.04, 34.15
166.021	151.016
166.031	Charter, § 7.08, Charter, § 7.09
166.032	Charter, § 6.01
166.041	Charter, § 2.11
166.0415	31.01
Ch. 170	151.027
Ch. 173	151.027
180.191	52.30, 52.48
196.075	34.15
196.131	34.17
196.161	34.17
202.10 et seq.	34.01
Ch. 205	110.14
Ch. 316	70.01
316.072	70.05
316.072(3)	70.06
317.003	114.04
318.14	72.99
320.01(22)	71.01
327.02(30)	95.16
327.70	95.35
327.73	95.99
327.74	95.99
334.03	30.22
339.155	30.53
339.61—339.64	30.22
375.314	73.03
Ch. 489	110.14, 151.048, 151.049, 151.050, 151.055, 151.060, 151.061
509.242	151.019

Ch. 553	151.084
Ch. 569	113.02, 113.03
569.12	113.03
604.50	152.042
760.34	92.07
775.21	132.03
794.011	132.03
800.04	132.03
827.27	90.99
827.071	132.03
828.073	90.02
847.0145	132.03
943.0435	132.03
943.25(3)	33.10
944.607	132.03

REFERENCES TO 1998 CODE

<i>1998 Code Section</i>	<i>2015 Code Section</i>
<i>1998 Code Section</i>	<i>2015 Code Section</i>
31.15	31.01
32.01	33.01
32.02	33.02
32.03	33.03
32.05	33.04
32.06	33.05
32.08	33.06
32.09	33.07
32.10	33.08
32.11	33.09
32.12	33.10
32.13	33.11
33.01	31.15
33.02	31.16
33.03	31.17
33.04	31.18
33.05	31.19
33.06	31.20
33.07	31.21
33.08	31.22
33.09	31.23
33.10	31.24
33.11	31.25
35.01	30.01
91.01	96.01
91.02	96.02
91.03	96.03
91.04	96.04

91.05	96.05
91.06	96.06
91.07	96.07
91.08	96.08
92.01	95.01
92.02	95.02
92.03	95.03
92.35	95.15
92.36	95.16
92.37	95.17
92.38	95.18
92.39	95.19
92.40	95.20
92.41	95.21
92.99	95.99
93.01	94.01
93.02	94.02
93.03	94.03
93.04	94.04
93.05	94.05
93.06	94.06
93.07	94.07
93.08	94.08
93.99	94.99
94.01	92.01
94.02	92.02
94.03	92.03
94.04	92.04
94.05	92.05
94.06	92.06
94.07	92.07
94.08	92.08
94.09	92.09
94.10	92.10
94.11	92.11
94.99	92.99
110.01	110.01
110.02	110.02
110.03	110.03
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110.06	110.06
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110.11	110.11
110.12	110.12
110.13	110.13
110.14	110.14
110.99	110.99
130.01	130.01

152.01	153.01

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Section
Ord. No.	Date Passed	Code Section
423	- -	34.01
16	9-2-1969	TSO III
57	9-9-1975	TSO III
99	8-12-1980	TSO III
106	1-27-1981	TSO III
109	8-25-1981	33.10
123	8-10-1982	TSO III
144	12-13-1983	96.01—96.08
166	9-10-1985	95.02, 95.99
177	4-8-1986	30.01, 30.03
185	6-10-1986	130.01
188	6-10-1986	95.01
191	7-8-1986	95.03
198	2-10-1987	110.01—110.14, 110.99
274	12-13-1988	95.15
245	8-13-1991	31.01
256	12-10-1991	94.01—94.08, 94.99
274	5-11-1993	95.16—95.21, 95.99
285	12-14-1993	94.01, 94.08, 94.99
302	2-14-1995	131.01, 131.99
305	6-13-1995	31.15—31.25
308	9-12-1995	33.01—33.10
336	1-14-1996	92.01—92.11, 92.99
333	10-8-1996	TSO III
340	3-11-1997	33.11
348	12-9-1997	110.14
349	12-22-1997	TSO II
358	6-8-1999	153.01
380	9-12-2000	TSO III
381	10-10-2000	150.01
387	2-13-2001	TSO III
388	2-13-2001	90.01—90.14, 90.99
391	4-10-2001	70.01—70.10, 70.99
392	5-8-2001	33.13
398	9-11-2001	33.07
399	10-9-2001	93.01—93.08
409	12-11-2001	TSO IV
390	6-11-2002	72.01—72.12, 72.99
413	6-11-2002	TSO I
414	8-6-2002	TSO IV
425	9-9-2002	95.35, 95.36, 95.99
430	11-12-2002	34.15—34.21

431	11-12-2002	35.01
432	3-11-2003	150.02, 150.99
435	4-8-2003	113.01—113.08
443	7-8-2003	151.001
444	7-8-2003	35.01
445	8-12-2003	33.06, 33.13
446	9-9-2003	10.19, 10.99
447	9-9-2003	91.01—91.05
450	9-9-2003	151.040—151.093, 151.999
458	9-9-2003	35.01
462	10-14-2003	95.04, 95.99
468	4-13-2004	Charter, §§ 2.02, 2.03, 5.05; 31.15, 31.25
470	4-13-2004	TSO I
471	4-13-2004	52.01—52.19, 52.30—52.47, 52.99
472	8-10-2004	TSO V
483	3-8-2005	151.015—151.027
485	4-12-2005	53.01—53.03, 53.15, 53.16, 53.17
486	4-12-2005	31.40—31.43
487	5-11-2005	50.01
493	7-19-2005	TSO III
494	8-9-2005	112.01—112.08
499	9-13-2005	31.44
515	5-9-2006	132.01—132.04, 132.99
518	8-8-2006	72.07
510	9-12-2006	TSO I
511	9-12-2006	153.01
512	9-12-2006	153.01
513	9-12-2006	TSO IV
526	10-25-2006	35.01
528	12-12-2006	52.01, 52.07
529	12-12-2006	54.18
531	1-9-2007	30.45—30.54
532	1-9-2007	30.15—30.30
544	6-12-2007	150.01
546	6-12-2007	34.17
540	7-10-2007	150.03
533	8-14-2007	153.01
552	11-13-2007	35.01
555	3-11-2008	90.13
559	7-8-2008	150.04
563	9-9-2008	73.01—73.03
564	10-14-2008	95.02
569	8-11-2009	71.01—71.06, 71.99
573	11-10-2009	132.02
578	3-8-2011	TSO II
581	10-11-2011	111.01—111.06
583	10-11-2011	35.01
591	5-8-2012	35.01
596	12-11-2012	31.43, 35.01
597	2-12-2013	31.44
609	10-8-2013	51.01—51.05, 51.99
610	10-8-2013	31.02

612	12-10-2013	30.01, 30.04
616	9-9-2014	35.01
618	10-21-2014	52.07—52.09, 52.20, 52.21, 52.48
622	9-8-2015	35.01
623	10-13-2015	51.05, 51.99
625	10-13-2015	52.07—52.09, 52.20, 52.21, 52.48
631	1-12-2016	90.13
632	2-9-2016	36.01, 36.02, 36.10—36.23, 36.40—36.43, 36.60—36.68
633	3-8-2016	51.01—51.05, 51.99
634	5-10-2016	33.14
639	6-28-2016	51.03
642	8-9-2016	33.12
643	9-13-2016	51.01—51.05, 51.99
644	10-11-2016	35.01
651	11-9-2016	52.07—52.09, 52.20, 52.21, 52.37, 52.48
655	12-13-2016	71.03
658	12-13-2016	51.03
662	3-14-2017	33.13
664	2-28-2017	97.02, 97.03, 97.99
671	8-8-2017	51.03
675	11-14-2017	153.01
676	11-14-2017	TSO IV
679	9-26-2017	54.01—54.18, 54.30—54.36, 54.50—54.54, 54.70—54.82, 54.100—54.116
685	11-14-2017	52.07—52.09, 52.20, 52.21, 52.48
686	11-14-2017	51.01—51.05, 51.99
687	11-14-2017	97.01—97.03, 97.99
688	4-11-2018	114.01—114.09
689	12-12-2017	71.03—71.05, 71.99
690	1-9-2018	TSO V
694	5-22-2018	TSO II
697	7-10-2018	98.01—98.14, 98.99
698	7-24-2018	153.01
708	12-11-2018	52.07—52.09, 52.20, 52.21, 52.48
710	2-5-2019	153.01
713	2-12-2019	151.084
714	2-12-2019	30.01
722	8-27-2019	153.01
730	9-24-2019	33.07
738	11-12-2019	52.07—52.09, 52.20, 52.21, 52.48
740	12-10-2019	114.04, 114.05, 114.07, 114.09
741	2- -2020	TSO IV
743	5-5-2020	153.01
745	4-14-2020	31.02
746	5-5-2020	31.25
749	10-27-2020	TSO IV
756	11-10-2020	52.08, 52.20
759	3-9-2021	TSO IV
760	4-13-2021	150.04
763	6-22-2021	33.06, 33.12, 33.13
766	8-10-2021	TSO IV

767	9-14-2021	52.30
768	9-14-2021	51.01
774	10-26-2021	52.08, 52.20
777	12-14-2021	30.01, 30.02, 30.04
778	1-11-2022	150.04
783	5-10-2022	97.02, 97.99
784	5-24-2022	TSO I
790	8-23-2022	33.07
798	9-27-2022	35.01
799	9-27-2022	52.07—52.09, 52.20, 52.21, 52.30
800	9-27-2022	51.05
801	12-13-2022	TSO I
802	3-14-2023	TSO IV
806	3-14-2023	153.01
808	4-25-2023	TSO IV
809	4-25-2023	TSO IV
810	4-25-2023	TSO IV
817	9-26-2023	52.07—52.09, 52.20, 52.21, 52.30
818	9-26-2023	51.05
820	11-28-2023	71.04—71.06
834	2-27-2024	150.03
835	4-9-2024	51.04
836	4-9-2024	51.05