Electronic Table of Contents

Table of Contents
Preliminaries
City Charter
Chapter 1 - General
Chapter 2 - Administration
Chapter 3 - Advertising
Chapter 4 - Alcoholic Beverages
Chapter 5 - Animals
Chapter 6 - Reserved
Chapter 7 - Businesses
Chapter 8 - Civil Emergencies
Chapter 9 - Code Enforcement
Chapter 10 - Emergency Services
Chapter 11 - Environment
Chapter 12 - Reserved
Chapter 13 - Fire Prevention and Protection
Chapter 14 - Housing
Chapter 15 - Miscellaneous Offenses
Chapter 16 - Motor Vehicles and Traffic
Chapter 17 - Parks and Recreation
Chapter 18 - Reserved
Chapter 19 - Planning and Development
Chapter 20 - Solid Waste
Chapter 21 - Streets and Public Places
Chapter 22 - Taxation and Finance
Chapter 23 - Utilities
Chapter 24 - Reserved
Chapter 25 - Vehicles for Hire
Appendix A - Retirement and Disability
Appendix B - Fee Schedule
Code Comparative Table - 1967 Code
Code Comparative Table - 1978 Code
Code Comparative Table, Ordinances
State Law Reference Table
Charter Index
Code Index

Back to Electronic Table of Contents

Back to Electronic Table of Contents

Table of Contents

PART I CHARTER....17
PREAMBLE....17
ARTICLE I. POWERS OF THE CITY....17
Sec. 1.01. Powers of the city....17
Sec. 1.02. Construction....17
ARTICLE II. CITY COMMISSION....17
Sec. 2.01. City commission....17
Sec. 2.02. Eligibility. 17
Sec. 2.03. Mayor....18
Sec.2.04. Vice-mayor....18
Sec. 2.05. Salaries and expenses....18
Sec. 2.06. General powers and duties....19
Sec. 2.07. Prohibitions....20
Sec. 2.08. Vacancies, forfeitures of office, filling of vacancies....20
Sec. 2.09. Appointments....21
Sec. 2.10. Investigations....21
Sec. 2.11. Procedure....21
Sec. 2.12. Actions requiring an ordinance or a referendum....21
Sec. 2.13. Authentication and recording, codification, printing....22
ARTICLE III. CITY MANAGER....22
Sec. 3.01. Appointment, qualifications, compensation....22
Sec. 3.02. Removal....22
Sec. 3.03. Assistant city managers and acting city manager....23
Sec. 3.04. Powers and duties of the city manager....23
ARTICLE IV. ADMINISTRATIVE DEPARTMENTS....24
Sec. 4.01. General provisions....24
Sec. 4.02. Personnel system....24
Sec. 4.03. City clerk....25
Sec. 4.04. Legal officer....25
ARTICLE V. FINANCIAL MANAGEMENT....25
Sec. 5.01. Budget....25
Sec. 5.02. Amendments to the budget after adoption....26
Sec. 5.03. Capital Improvement program....26
Sec. 5.04. Public records....26
Sec. 5.05. Administration of budget....26
Sec. 5.06. Debt....27
Sec. 5.07 Independent financial audit....27
ARTICLE VI. LAND USE, DEVELOPMENT AND PLANNING....27
Sec. 6.01. Land Use, Development, and Planning....27
Sec. 6.02. Board of adjustment....27
ARTICLE VII. NOMINATIONS AND ELECTIONS....28
Sec. 7.01. City elections....28

Back to Electronic Table of Contents

Sec. 7.02. Nominations....28
Sec. 7.03. Regular elections....28
ARTICLE VIII. INITIATIVE AND REFERENDUM....29
Sec. 8.01. General authority....29
Sec. 8.02. Commencement of proceedings; petitioners' committee....29
Sec. 8.03. Petitions....30
Sec. 8.04. Procedure for verification....30
Sec. 8.05. Referendum petitions; suspension of effect of ordinance....30
Sec. 8.06. Action on petitions....30
Sec. 8.07. Results of election....31
ARTICLE IX. GENERAL PROVISIONS....31
Sec. 9.01. Prohibitions....31
Sec. 9.02. Charter amendment....32
Sec. 9.03. Requirements for publication....32
Sec. 9.04. Severability....32
Sec. 9.05. Headings and subheadings....32
Sec. 9.06. Appointments....32
Sec. 9.07. Employee election provision....32
Sec. 9.08 Appendix....32
Sec. 9.09. Corporate boundary. *....33
Sec. 9.10. Definition of "days"....33
ARTICLE X. TRANSITIONAL PROVISIONS....33
Sec. 10.01. Officers and employees....33
Sec. 10.02. Departments and offices. 34
Sec. 10.03. Pending matters....34
Sec. 10.04. Ordinances and other laws....34
Sec. 10.05. City commission....34
Sec. 10.06. Reserved....34
Sec. 10.07. Effective date....34
APPENDIX....35
Chapter 1 GENERAL PROVISIONS....37
Sec. 1-1. Designation and citation of Code....37
Sec. 1-2. Definitions and rules of construction....37
Sec. 1-3. Catchlines of sections....39
Sec. 1-4. Effect of repeal of ordinances....39
Sec. 1-5. Severability of parts of Code....40
Sec. 1-6. Amendments to Code....40
Sec. 1-7. References to chapters, articles and sections....41
Sec. 1-8. History notes....41
Sec. 1-9. References and editor's notes....41
Sec. 1-10. Provisions deemed continuation of existing Code and ordinances....41
Sec. 1-11. Code does not affect prior offenses, penalties, contracts, rights....41
Sec. 1-12. Miscellaneous ordinances not affected by Code....41

Back to Electronic Table of Contents

Sec. 1-13. Supplementation of Code....42
Sec. 1-14. Altering Code....43
Sec. 1-15. General penalty: continuing violations....43
Chapter 2 ADMINISTRATION....44
ARTICLE I. IN GENERAL....44
Sec. 2-1. Official flower and tree of city established....44
Secs. 2-2--2-20. Reserved....44
ARTICLE II. CITY COMMISSION*....44
Sec. 2-21. Compensation of the mayor....44
Sec. 2-22. Compensation of city commissioners....45
Secs. 2-23--2-47. Reserved....45
ARTICLE III. OFFICERS AND EMPLOYEES*....45
Sec. 2-48. Oath required for city officers....45
Sec. 2-49. Compensation of officers and employees....45
Sec. 2-50. Indemnification of city employees....46
Sec. 2-51. Police officers and firefighters pension plan adopted by reference; effective date....47
Secs. 2-52--2-75. Reserved....47
ARTICLE IV. PUBLIC RECORDS*....47
Secs. 2-76--2-93. Reserved....47
Sec. 2-94. Title and purpose....47
Sec. 2-95. Definitions....48
Sec. 2-96. Ownership of records....49
Sec. 2-97. General duties of officers and employees with respect to records....49
Sec. 2-98. Duties of city clerk with respect to records....49
Sec. 2-99. Departmental records....50
Secs. 2-100--2-126. Reserved....51
ARTICLE V. PROCUREMENTS....51
Sec. 2-127. Purpose....51
Sec. 2-128. Application....51
Sec. 2-129. Definitions....51
Sec. 2-130. Public access to procurement information....53
Sec. 2-131. Bulletin board....53
Sec. 2-132. Purchasing--Authority and duties....53
Sec. 2-133. Same--Delegations to other city employees....54
Sec. 2-134. Authority to debar or suspend....54
Sec. 2-135. Cost principles regulations required....55
Secs. 2-136--2-153. Reserved....55
Sec. 2-154. Competitive purchasing....55
Sec. 2-155. Contracting for professional services....57
Sec. 2-156. Purchase limits....57
Sec. 2-157. Exemptions from competitive purchasing procedures....57
Sec. 2-158. Required submissions relating to change orders or contract modification…58

Back to Electronic Table of Contents

Secs. 2-159--2-184. Reserved....59
Sec. 2-185. Quality assurance, inspection and testing....59
Sec. 2-186. Authorization to dispose of surplus supplies and property....59
Sec. 2-187. Transfer of excess and surplus supplies....59
Sec. 2-188. Disposition of surplus supplies and property....59
Sec. 2-189. Auctions....59
Sec. 2-190. Posted prices....59
Sec. 2-191. Trade-in....60
Sec. 2-192. Surplus property....60
Secs. 2-193--2-222. Reserved....60
Sec. 2-223. Bid protests....60
Sec. 2-224. Contract claims....60
Sec. 2-225. Authority of the city manager to settle bid protests....61
Sec. 2-226. Remedies for solicitation or awards in violation of law....61
Secs. 2-227--2-245. Reserved....62
Sec. 2-246. Cooperative purchasing authorized....62
Sec. 2-247. Sale, acquisition or use of supplies by other public entities....62
Sec. 2-248. Cooperative use of supplies, services and facilities....62
Sec. 2-249. Cooperative purchasing contract awards ("piggybacking")....62
Secs. 2-250--2-276. Reserved....62
Sec. 2-277. Criminal penalties....63
Sec. 2-278. Employee conflict of interest....63
Sec. 2-279. Gratuities and kickbacks....63
Sec. 2-280. Prohibition against contingent fees....63
Sec. 2-281. Contemporaneous employment prohibited....64
Sec. 2-282. Waivers from contemporaneous employment prohibition and other conflicts of interest....64
Sec. 2-283. Use of confidential information....64
Sec. 2-284. Sanctions....64
Sec. 2-285. Recovery of value transferred or received in breach of ethical standards....65
Sec. 2-286. Fraud, collusion, etc., by officers or employees....65
Sec. 2-287. Collusion by contractors....65
Secs. 2-288--2-306. Reserved....65
ARTICLE VI. ELECTIONS*....65
Sec. 2-307. Municipal general elections....65
Sec. 2-308. Procedure for filling vacancy in candidacy caused by death, withdrawal or removal from ballot of a qualified candidate....67
Sec. 2-309. Early voting....68
Secs. 2-310--2-336. Reserved....68
ARTICLE VII. PROGRAMS AND SERVICES....68
Sec. 2-337. Assessing the impact of programs and services on annexation....68
Chapter 3 ADVERTISING*....69
Chapter 4 ALCOHOLIC BEVERAGES*....70

Back to Electronic Table of Contents

Chapter 5 ANIMALS....74
ARTICLE I. IN GENERAL....74
ARTICLE II. DOGS....75
Chapter 7 BUSINESSES....78
ARTICLE I. IN GENERAL....79
ARTICLE II. ADULT ENTERTAINMENT....79
DIVISION 1. GENERALLY....79
DIVISION 2. LICENSING PROVISIONS....87
DIVISION 3. EMPLOYEE PROVISIONS....96
DIVISION 4. OPERATIONAL PROVISIONS FOR ADULT USES....96
DIVISION 5. LOCATION PROVISIONS....100
DIVISION 6. PROHIBITIONS....104
DIVISION 7. MISCELLANEOUS PROVISIONS....107
ARTICLE III. SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS....108
Chapter 8 CIVIL EMERGENCIES....113
ARTICLE I. IN GENERAL....113
ARTICLE II. EMERGENCY MANAGEMENT....113
Chapter 9 CODE ENFORCEMENT*....118
ARTICLE I. IN GENERAL....119
ARTICLE II. CODE ENFORCEMENT BOARD PROCEDURE*....119
DIVISION 1. GENERALLY....119
DIVISION 2. CODE ENFORCEMENT BOARD....119
DIVISION 3. ENFORCEMENT PROCEDURE....121
ARTICLE III. CITATION ENFORCEMENT PROCEDURES*....126
ARTICLE IV. NOTICE TO APPEAR; ENFORCEMENT PROCEDURE*....130
Chapter 10 EMERGENCY SERVICES....134
ARTICLE I. IN GENERAL....134
ARTICLE II. ALARM SYSTEMS....134
Chapter 11 ENVIRONMENT....140
ARTICLE I. IN GENERAL....140
ARTICLE II. NUISANCES....141
DIVISION 1. GENERALLY....141
DIVISION 2. CLEANLINESS OF PREMISES....141
ARTICLE III. OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES....143
ARTICLE IV. NOISE....150
Chapter 12 RESERVED....156
Chapter 13 FIRE PREVENTION AND PROTECTION*....157
ARTICLE I. IN GENERAL....157
ARTICLE II. STANDARDS....157
ARTICLE III. FIRE RESCUE DEPARTMENT....159
Chapter 14 HOUSING....161
ARTICLE I. IN GENERAL....161
ARTICLE II. FAIR HOUSING....161

Back to Electronic Table of Contents

Chapter 15 MISCELLANEOUS OFFENSES....168
Chapter 16 MOTOR VEHICLES AND TRAFFIC*....169
ARTICLE I. IN GENERAL....169
ARTICLE II. SPECIFIC STREET REGULATIONS....170
DIVISION 1. GENERALLY....170
DIVISION 2. SPEED LIMITS*....170
ARTICLE III. STOPPING, STANDING AND PARKING....171
ARTICLE IV. PARADES; PROCESSIONS; OVERSIZED VEHICLES; SOUND TRUCKS 174
ARTICLE V. ENFORCEMENT....174
ARTICLE VI. TRUCK ROUTES....177
Chapter 17 PARKS AND RECREATION*....180
Chapter 18 RESERVED....193
Chapter 19 PLANNING AND DEVELOPMENT*....194
ARTICLE I. IN GENERAL....194
ARTICLE II. TREES AND SHRUBS....197
Chapter 20 SOLID WASTE....198
ARTICLE I. IN GENERAL....198
ARTICLE II. COLLECTION REGULATIONS, FEES AND CHARGES....204
ARTICLE III. PLACEMENT OF WASTE....211
ARTICLE IV. UNLAWFUL STORAGE, ACCUMULATION, DUMPING AND DISPOSAL. 213
ARTICLE V. RECYCLING....214
Chapter 21 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES....216
ARTICLE I. IN GENERAL....216
ARTICLE II. STREETS....216
ARTICLE III. LIBRARY....217
ARTICLE IV. RIGHT-OF-WAY UTILIZATION....218
DIVISION 1. GENERALLY....218
DIVISION 2. COMMUNICATIONS FACILITIES....218
Chapter 22 TAXATION AND FINANCE*....229
ARTICLE I. IN GENERAL....229
ARTICLE II. SPECIAL ASSESSMENT PROCEDURES*....230
ARTICLE III. MUNICIPAL PUBLIC SERVICE TAX*....233
ARTICLE IV. INSURANCE PREMIUM TAX*....236
ARTICLE V. BUSINESS TAX RECEIPTS....237
Chapter 23 UTILITIES....281
ARTICLE I. IN GENERAL....282
ARTICLE II. SEWERS....283
DIVISION 1. GENERALLY....283
DIVISION 2. CONNECTIONS....284
DIVISION 3. RATES AND CHARGES....286
DIVISION 4. INDUSTRIAL PRETREATMENT PROGRAM....299
ARTICLE III. STORMWATER UTILITY....329

Back to Electronic Table of Contents

ARTICLE IV. PRIVATELY OWNED COLLECTION AND TRANSMISSION SYSTEMS...334
ARTICLE V. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) REGULATIONS 349
ARTICLE VI. WATER CONSERVATION....354
Chapter 24 RESERVED....356
Chapter 25 VEHICLES FOR HIRE....357
ARTICLE I. IN GENERAL....357
ARTICLE II. PUBLIC CONVEYANCES....358
DIVISION 1. GENERALLY....358
DIVISION 2. BUSINESS TAX RECEIPT....361
DIVISION 3. INSURANCE....364
DIVISION 4. PUBLIC CONVEYANCE OPERATOR'S PERMIT....364
DIVISION 5. RATES....368
APPENDIX A RETIREMENT PLAN AND DISABILITY PLAN FOR GENERAL EMPLOYEES 369
ARTICLE I. RETIREMENT PLAN FOR GENERAL EMPLOYEES*....371
DIVISION 1. PURPOSE OF PLAN AND TRUST....373
DIVISION 2. DEFINITIONS....374
DIVISION 3. ALTERNATIVE METHODS OF DETERMINING ELIGIBILITY AND VESTING SERVICE....378
DIVISION 4. PARTICIPATION....380
DIVISION 5. ACCOUNTS....381
DIVISION 6. CONTRIBUTIONS....382
DIVISION 7. ALLOCATIONS....383
DIVISION 8. LIMITATIONS ON ALLOCATIONS....384
DIVISION 9. INVESTMENTS....388
DIVISION 10. INSURANCE POLICIES....390
DIVISION 11. BENEFITS AND DISTRIBUTIONS....391
DIVISION 12. PLAN ADMINISTRATION....398
DIVISION 13. TRUSTEE....399
DIVISION 14. AMENDMENT, MERGER, AND TERMINATION....403
DIVISION 15. DOMESTIC RELATIONS ORDER....403
DIVISION 16. MISCELLANEOUS....403
ARTICLE II. DISABILITY INCOME PLAN FOR GENERAL EMPLOYEES*....406
DIVISION 1. DEFINITIONS....408
DIVISION 2. PARTICIPATION....410
DIVISION 3. DISABILITY INCOME BENEFITS....411
DIVISION 4. BOARD OF TRUSTEES AND FUND....412
DIVISION 5. TERMINATION AND AMENDMENT OF THE PLAN....416
DIVISION 6. CLAIMS PROCEDURES....416
DIVISION 7. MISCELLANEOUS....420
APPENDIX B FEE SCHEDULE*....421
Section 1. In General....421

Back to Electronic Table of Contents

Section 2. All Departments....421
Section 3. Administration Department....423
Sec. 5. Fire Department....430
Sec. 6. Library Department....431
Sec. 7. Finance Department....435
Sec. 8. Police Department....436
Sec. 9. Reserved....437
Sec. 10. Recreation, Parks and Arts Department....437
CODE COMPARATIVE TABLE, 1967 CODE....461
CODE COMPARATIVE TABLE, 1978 CODE....464
....474
CODE COMPARATIVE TABLE, ORDINANCES 474
STATE LAW REFERENCE TABLE....485
CHARTER INDEX 496
CODE INDEX 511

CODE OF ORDINANCES
CITY OF
LARGO, FLORIDA

Published by Order of the City Commission

M	MUNICIPAL CODE CORPORATION
CC	Tallahassee, Florida 2008

Back to Electronic Table of Contents

OFFICIALS
of the
CITY OF
LARGO, FLORIDA

Woody Brown
Mayor

Michael Smith	Samantha Fenger
Curtis A. Holmes	Donna Holck
Jamie Robinson	John Carroll

City Commission

Norton Craig
City Manager

Henry P. Schubert
Michael Staffopoulos
Assistant City Managers

Alan S. Zimmet
City Attorney

Mary Staffopoulos
Assistant City Attorney

Diane L. Bruner
City Clerk

Back to Electronic Table of Contents

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Largo, Florida.

Source materials used in the preparation of the Code were the 1978 Code and ordinances subsequently adopted by the city commission. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1978 Code and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
CHARTER COMPARATIVE TABLE	CHTCT:1
CODE	CD1:1

Back to Electronic Table of Contents

CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments
This publication was under the direct supervision of Alyce A. Whitson, Code Attorney, and Robert MacNaughton, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Diane Bruner, City Clerk, Tammi E. Bach, Assistant City Attorney, and Alan S. Zimmet, City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Back to Electronic Table of Contents

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All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Largo, Florida. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Largo, Florida.

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Back to Electronic Table of Contents

ORDINANCE NO. 2010-27

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF LARGO, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Largo Code of Ordinances provides for the general laws of the City; and

WHEREAS, it is in the best interest of the City to review the Code of Ordinances in its entirety from time to time to ensure compliance with state statutes and other applicable regulations; and

WHEREAS, the services of Municipal Code Corporation were retained to provide a legal review of the Code of Ordinances, editorial services and to work in conjunction with City staff; and

WHEREAS, the City Commission wishes to adopt the new Code of Ordinances which restates and replaces the existing Code of Ordinances.

NOW, THEREFORE, THE CITY OF LARGO HEREBY ORDAINS:

Section 1. That the Code entitled "Code of Ordinances, City of Largo, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 25, each inclusive, is adopted.

Section 2. That all ordinances of a general and permanent nature enacted on or before February 16, 2010, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. That the repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. That whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is required or the failure to do any act is declared to be unlawful where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding $500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment in the discretion of a court of competent jurisdiction. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or nor such penalty is reenacted in the amendatory ordinance. In addition to the penalties hereinabove provided any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance or violation which may be abated by the city, as may be punished as otherwise provided by law or this Code. Each day that such condition continues shall be regarded as a new and separate offense. In addition to the penalties prescribed above, the city may pursue other remedies such as injunctive relief, administrative adjudication, code enforcement, civil action, and revocation of licenses or permits.

Section 5. That additions or amendments to the Code when passed in such form as to indicate the intention of the City Commission to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Back to Electronic Table of Contents

Section 6. That ordinances adopted after February 16, 2010 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. That it is the intention of the Largo City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 8. That this Ordinance shall take effect immediately upon its final passage and adoption.

APPROVED ON FIRST READING February 2, 2010

PASSED AND ADOPTED ON
SECOND AND FINAL READING February 16, 2010

ATTEST:

_____
Mayor

_____
City Clerk

REVIEWED AND APPROVED:

_____
City Attorney

Back to Electronic Table of Contents

PART I CHARTER

PREAMBLE

We the people of the City of Largo, under the constitution and laws of the state of Florida, in order to secure the benefits of local self-government and to provide for an honest and accountable commission-manager form of government, do hereby adopt this charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

ARTICLE I. POWERS OF THE CITY

Sec. 1.01. Powers of the city.

The City of Largo shall have all powers possible for a city to have under the constitution and laws of the State of Florida as fully and completely as though they were enumerated in detail under this charter.

Sec. 1.02. Construction.

The powers of the City of Largo under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general powers stated in this article.

ARTICLE II. CITY COMMISSION

Sec. 2.01. City commission.

There shall be established a city commission to be composed of seven (7) members, including the mayor, all of whom shall be elected at large by the registered voters of the City of Largo for terms of four (4) years.

Sec. 2.02. Eligibility.

(a) Except as specifically restricted by this charter, any registered voter having continuously resided in the city for one (1) year immediately prior to the date when he or she would take office if elected shall be eligible to be a member of the city commission. Any registered voter whose residence was annexed into the city during the year immediately prior to the date when he or she would take office if elected and who has resided continuously at that residence for one (1) year immediately prior to the date when he or she would take office if elected shall be eligible to be a member of the city commission.

(b) A member of the city commission must maintain his or her residency within the city throughout his or her term.

Back to Electronic Table of Contents

Sec. 2.03. Mayor.

The mayor shall be elected at large for a term of four (4) years. The mayor shall be a voting member of the city commission and preside at meetings of the city commission, appoint the members of commission committees and perform other duties specified by the commission. The mayor or his or her designee shall represent the city commission in intergovernmental relationships. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. However, the mayor shall have no administrative duties. As the representative of the city commission the mayor shall exercise general supervision over the city manager and all other persons working for the city but not under the control of the city manager and may examine into the condition of their offices and the books, records and papers therein, and the manner of conducting their official business.

Sec.2.04. Vice-mayor.

A vice-mayor shall be appointed by the mayor from among the current city commission and shall be approved by the city commission. The vice-mayor shall exercise the powers and perform the duties of mayor during the mayor's temporary absence or disability. The vice-mayor shall be appointed at the city commission meeting when the oath of office is administered to newly elected members of the city commission, provided however, in any year when there are no newly elected members, the vice-mayor shall be appointed at the first regular city commission meeting in November. The vice-mayor shall serve a one (1) year term, or until a replacement is appointed, whichever occurs later. Within thirty (30) days of a vacancy in the office of vice-mayor, a vice-mayor shall be appointed and shall serve for the remainder of the term.

Sec. 2.05. Salaries and expenses.

The mayor shall be paid a yearly salary of $21,409.18 and the city commissioners shall be paid a yearly salary of $14,274.00. The salaries of the mayor and city commissioners shall increase each year at the same percentage as the salaries of the management employees of the City. Provided, however no increase in the mayor's and commissioners' salaries shall exceed three percent (3%) in any one (1) year. The city commission may adopt a resolution providing for no increase to the mayor's and commissioners' salaries or adopting an increase that is less than that given to the management employees of the City, in any given year.

The mayor and the other members of the city commission shall further be eligible to participate in any health, hospital, life or other insurance programs available to the general employees of the City of Largo.

Sec. 2.06. General powers and duties.

(a) All powers of the City of Largo shall be vested in the city commission except as otherwise provided by law or the provisions of this charter, and the city commission shall provide for the exercise thereof and for all duties and obligations imposed upon the city by law. The city commission shall have the power, by ordinance, to levy and collect all taxes. As used in this charter, the term "tax" shall include special assessments, and the city commission shall have the power to levy and collect special assessments of every class and kind and to have same imposed as a lien upon the affected property. There shall, however, be no increase in millage except as provided under the constitution and laws of the State of Florida at the time such increase is proposed.

(b) The mayor or a city commissioner shall report to the city commission all violations or neglect of duty or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any elected or appointed official that may come to his or her knowledge.

(c) The city commission shall make provisions to secure the general health, safety and welfare of the City of Largo and its citizens.

Back to Electronic Table of Contents

(d) The foregoing enumeration of certain powers and duties does not in any way exclude any and all powers of the city as granted by the constitution and laws of the State of Florida.

Sec. 2.07. Prohibitions.

(a) *Appointments and removals.* Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any city officer or employee whom the city manager or any of his or her subordinates is empowered to appoint, but the city commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment or removal of such officer or employee.

(b) *Interference with administration.* The city commission and its members shall deal with the city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city commission nor its members shall give orders to any such officer or employee, either publicly or privately. Provided, however, the members of the city commission may conduct inquiries of city officers or employees with the approval of the city commission, and may conduct investigations as provided in Section 2.10.

Sec. 2.08. Vacancies, forfeitures of office, filling of vacancies.

(a) *Vacancies.* The office of a member of the city commission shall become vacant upon the death, resignation or removal from office of such member in any manner authorized by law.

(b) *Forfeitures of office.* A member of the city commission shall be removed from office and forfeit same if said member:

(1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;

(2) Violates any express prohibition of this charter;

(3) Is convicted of a felony or other crime involving moral turpitude; or

(4) Fails to attend three (3) consecutive regular meetings of the city commission without being excused by the city commission.

(c) *Filling of vacancies.* By a majority vote of its remaining members, the city commission shall appoint a qualified person to fill any vacancy on the city commission and such person shall serve until his or her successor is elected as provided for herein. If the vacancy is in the mayor's position, the city commission may appoint one of its remaining members as mayor. Such vacancy shall be subsequently filled by the voters for the remainder of the unexpired term, if any, at the next regular city election which is held more than ninety (90) days following the occurrence of the vacancy. If at any time the membership of the city commission is reduced to less than four (4), the remaining members may by a majority action appoint additional members to raise the membership to that level.

(d) *Judge of qualifications.* The city commission shall be the judge of the qualifications of its members, of the grounds for forfeiture of their office and, for that purpose, shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member of the city commission charged with conduct constituting grounds for forfeiture of the office held by such member shall be entitled to a public hearing on demand, and notice of such hearing shall be published at least one (1) week in advance of the hearing. Decisions made by the city commission under this section shall be subject to review by the courts.

Back to Electronic Table of Contents

Sec. 2.09. Appointments.

The city commission shall also be empowered to appoint special consultants, including attorneys, architects and auditors when deemed advisable or necessary.

Sec. 2.10. Investigations.

Upon a vote of a majority of the city commission, the city commission may make investigations into the affairs of the city and conduct of any city department or office, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city commission shall be guilty of a misdemeanor and punishable by a fine of not more than two hundred [dollars] ($200.00) or by imprisonment for not more than thirty (30) days or both.

Sec. 2.11. Procedure.

(a) *Meetings.* The city commission shall meet at least twice in every month in the city hall commission chamber or such other designated place within the city as the city commission may prescribe by rule. Special meetings or work sessions may be held on the call of the mayor or four (4) or more members of the city commission and, whenever practicable, upon no less than twenty-four (24) hours, notice to each member. All meetings shall be open to the public, except as provided by law.

(b) *Rules.* The city commission shall determine its own rules and order of business.

(c) *Voting.* Voting, except on procedural motions, shall be by roll call and ayes and nays shall be recorded. Four (4) members of the city commission shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city commission. No action of the city commission except as otherwise provided in the preceding sentence or by section 2.08, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the commission.

Sec. 2.12. Actions requiring an ordinance or a referendum.

(a) In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, the following acts of the city commission shall be by ordinance, or by adoption of the budget where specifically permitted below:

(1) Establish or abolish any city department or office, other than the police and fire departments, by ordinance or by the adoption of the budget.

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

(3) Grant, renew or extend a franchise.

(4) Convey any real property owned by the city. "Convey" for purposes of this section shall include the sale, exchange, trade or other such disposition of real property.

(5) Lease of any real property owned by the city.

(b) In addition to other acts required by law or specific provision of this charter to be approved by

Back to Electronic Table of Contents

referendum, the following acts of the city commission shall be approved by referendum:

(1) Convey fee simple title to any real property owned by the city, which without dividing or otherwise reducing the area of said property at or prior to such transaction exceeds one and one-half (1 1/2) acres in area.

(2) The lease of real property owned by the city by fee simple title for a term greater than five (5) years.

(3) The abolishment of either the police department or the fire department.

Sec. 2.13. Authentication and recording, codification, printing.

(a) *Authentication and recording.* The mayor and the city clerk shall authenticate by his or her signature and record in full all ordinances and resolutions adopted by the city commission in a properly indexed form. The compilation of city ordinances shall be known and cited officially as the Largo City Code. Copies of the code shall be available at the city library and city hall for free public reference and made available for purchase at a reasonable price as determined by the city commission.

ARTICLE III. CITY MANAGER

Sec. 3.01. Appointment, qualifications, compensation.

The city commission shall, by a vote of not less than five (5) of its members, appoint a city manager and fix his compensation. At the discretion of the city commission, the city manager may be hired for either an indefinite or a fixed term. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but shall reside in the city while in office. The commission may enter into a written employment agreement with the city manager, provided that no term of the agreement shall be inconsistent with this charter.

Sec. 3.02. Removal.

The city commission may remove the city manager from office in accordance with the following procedures:

(1) A preliminary resolution for removal of the city manager shall be adopted by affirmative vote of five (5) or more members of the city commission. The resolution shall state the reason or reasons for removal and may suspend the city manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the city manager within five (5) days after its passage and adoption.

(2) Within five (5) days after a copy of the resolution is delivered to the city manager, he or she may file with the city commission a written request for a public hearing. This hearing shall be held at a meeting of the city commission not less than fifteen (15) days nor more than thirty (30) days after the request is filed. The city manager may file with the city commission a written reply not later than five (5) days before the hearing.

(3) A final resolution of removal, which may be made effective immediately, may be adopted by the city commission by a vote of not less than five (5) of its members, after five (5) days from the date the copy of the preliminary resolution was delivered to the city manager, if a public hearing has not been requested, or at any time following the public hearing if one has been held pursuant thereto. The city manager shall continue to receive a salary until the effective date of the final resolution of removal.

Back to Electronic Table of Contents

Sec. 3.03. Assistant city managers and acting city manager.

The city manager shall appoint assistant city managers, subject to the approval of the city commission. The assistant city managers shall be appointed solely on the basis of their executive and administrative qualifications. They need not be a resident of the city or state at the time of their appointment but may reside outside the city while in office only with the approval of the city commission. The duties of assistant city managers designated by the City Manager, shall include but not be limited to the exercise of the powers and performance of the duties of the city manager during his absence or disability. By letter filed with the city clerk, the city manager shall promptly designate, subject to approval of the city commission, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during the absence or disability of the city manager and assistant city managers.

(Ord. No. 79-92, § 3, 1-22-80, app. at ref. 3-4-80)

Sec. 3.04. Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city commission for the administration of all city affairs placed in his or her charge by or under this charter, and shall have the following powers and duties:

(1) Appoint and, when deemed necessary for the good of the city, shall suspend or remove any city employee or appointive administrative officer provided for, by or under this charter, except where appointive authority is vested in the mayor or city commission, or otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department or office.

(2) Direct and supervise the administration of all departments and offices of the city, except as otherwise provided by this charter or by law.

(3) Attend all city commission meetings and shall have the right to participate in discussion but may not vote.

(4) See that all laws, provisions of this charter and acts of the city commission which are subject to enforcement by him or her or by officers subject to his or her direction and supervision are faithfully executed.

(5) Prepare and submit the proposed annual budget and proposed capital program to the city commission.

(6) Submit to the city commission and make available to the public a complete report of the finances and administrative activities of the city as of the end of each fiscal year. A summary of such financial report shall be published.

(7) Make such other reports as the city commission may require concerning the operation of city departments and offices subject to the direction and supervision of the city manager.

(8) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as deemed desirable.

(9) Make recommendations to the commission concerning the affairs of the city and facilitate the work of the commission in developing policy.

(10) Provide staff support services for the mayor and commission members.

Back to Electronic Table of Contents

(11) Assist the commission to develop long term goals for the city and strategies to implement these goals.

(12) Encourage and provide staff support for regional and intergovernmental cooperation.

(13) Promote partnerships among commission, staff, and citizens in developing public policy and building a sense of community.

(14) Perform such other duties as are specified in this charter or as may be required by the city commission.

(15) Execute on behalf of the City grant applications, grant agreements approved by the commission, other agreements approved by the commission, agreements for the purchase of goods or services within the City Manager's spending authority, as provided by the City Code, agreements that do not otherwise involve the expenditure of funds and/or do not require the approval of the commission, and other agreements and documents of the City as authorized by the charter, the commission or law.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Sec. 4.01. General provisions.

The city manager, with the approval of the city commission and in accordance with the provisions of this charter, may establish, combine or discontinue departments or offices of the city in addition to those created by this charter, in accordance with the provisions of this charter, and may prescribe the functions of all departments and offices except that no function assigned by this charter to a particular department or office may be discontinued or assigned to any other department or office unless permitted by this charter.

(Ord. No. 79-92, § 4, 1-22-80, app. at ref. 3-4-80)

Sec. 4.02. Personnel system.

(a) *Merit Principle.* All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness.

(b) *Merit System.* Consistent with all applicable federal and state laws, the city commission shall provide for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to the effective administration of the city's employees, including but not limited to classification and pay plans, examinations, force reductions, removals, working conditions, provisional and exempt appointments, in-service training, and grievances.

(c) *Personnel advisory board.* There is hereby created the personnel advisory board, which shall be advisory to the city manager, composed of five (5) members. Two (2) members and two (2) alternates shall be appointed by the city commission, one member and one alternate shall be appointed by the city manager, and two (2) members and two (2) alternates shall be elected at large by the full-time city employees. Alternates shall serve in the absence of the member for whom he or she is an elected or appointed alternate. The members to be elected by the city employees shall be city employees who do not hold the position of department head or above. The terms of office for members of the personnel advisory board shall be for two (2) years. The personnel advisory board shall consider the appeal filed by any city employee from a disciplinary action, and make findings and recommendations to the city manager.

Back to Electronic Table of Contents

(d) *Appeal procedure.* All full-time city employees shall have the right to appeal any disciplinary decision of a department head to the personnel advisory board, which said appeal shall be in writing and filed in the manner prescribed by the personnel rules and regulations. No supervisor or department head shall delay, hinder or interfere with the filing of such appeal.

Sec. 4.03. City clerk.

There shall be a city clerk appointed and removed by the city manager, subject to approval of the city commission.

Sec. 4.04. Legal officer.

There shall be a legal officer appointed by the city manager, subject to approval of and removal by the city commission, who shall serve as legal advisor to the city commission, the city manager and all city departments and offices. The city commission may direct the legal officer to provide legal advice or legal representation to the city commission on specific matters identified by the city commission. The legal officer shall also represent the city in legal proceedings and shall perform any other duties prescribed by this charter or by ordinance. The legal officer shall be under the day-to-day supervision of the city manager.

ARTICLE V. FINANCIAL MANAGEMENT

Sec. 5.01. Budget.

(a) *Budget.* The proposed budget prepared and submitted by the city manager shall provide a complete proposed 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 city commission may require. It shall begin with a clear general summary of its contents; shall show all estimated resources, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and actual and estimated expenditures of the preceding fiscal year. It shall indicate proposed operating and proposed capital expenditures during the ensuing fiscal year by departments and funds. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

(b) *Budget message.* The city manager's budget message shall outline the proposed financial policies of the city for the fiscal year, describe the important new or revised features of the proposed budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the city manager deems desirable or as requested by the city commission.

Sec. 5.02. Amendments to the budget after adoption.

(a) *Supplemental appropriations.* The city commission by ordinance may make supplemental appropriations during the fiscal year.

(b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the city commission may make emergency appropriations by ordinance. An emergency ordinance may authorize the issuance of debt, which may be renewed.

(c) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city

Back to Electronic Table of Contents

manager that the resources available will be insufficient to meet the amount appropriated, same shall be reported to the city commission without delay. Such report shall indicate the estimated amount of the deficit, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The city commission 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 appropriations.

(d) *Transfer of appropriations.* At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance within a department or office. The city commission may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or fund to another.

Sec. 5.03. Capital Improvement program.

(a) *Submission to city commission.* The city manager shall prepare and submit to the city commission a five (5) year proposed capital improvement program not later than April 1 of each year.

(b) *Contents.* The capital improvement program shall include: a clear general summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates; method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the projects to be constructed or acquired.

(c) *Adoption.* The city commission shall adopt the capital improvement program by resolution at a public hearing with or without amendment on or before the 1st day of June of each year.

Sec. 5.04. Public records.

Copies of the budget and the capital improvement program as proposed and adopted shall be placed in the city's library and city clerk's office for free public reference, be made available for purchase by the public at a price as established by ordinance by the city commission, and be available on the City's website.

Sec. 5.05. Administration of budget.

(a) *Payments and obligations prohibited.* No payment shall be made or obligation incurred unless the city manager or his/her designee first ensures that sufficient funds will be available to meet the obligation when it becomes due and payable. Any payment or obligation authorized in violation of this charter shall be void and any payment so made illegal; such action shall be cause for termination of any employee or official who knowingly authorized or made such payment or incurred such obligation, and such person shall also be liable to the city for any amount so paid.

(b) *Exception for bonds or obligations authorized by ordinance.* However, nothing in this section prevents the authorization of payments or contracts for capital improvements financed in whole or part by the issuance of bonds, or the making of contracts or leases that provide for payments beyond the end of the fiscal year, provided that such actions are approved by ordinance. However, contracts or leases that provide for payment beyond the end of the fiscal year, but that are subject to a fiscal non-funding clause that allows the Commission to terminate the contract or lease if funds are not appropriated, shall not require approval by ordinance.

Sec. 5.06. Debt.

The city commission shall have the power to authorize by ordinance, the issuance of debt payable from general revenues or otherwise as provided by law.

Back to Electronic Table of Contents

Sec. 5.07 Independent financial audit.

The city commission shall provide for an independent annual financial audit of all city finances and may provide for such more frequent financial or operational audits as it deems necessary. Such financial audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. If the State of Florida makes such an audit, the city commission may accept it as satisfying the requirements of this section.

ARTICLE VI. LAND USE, DEVELOPMENT AND PLANNING

Sec. 6.01. Land Use, Development, and Planning

(a) Consistent with all applicable federal and state laws with respect to land use, development, and planning, the city commission shall:

(1) Designate a department to carry out the planning function, formulate and recommend changes to the city's comprehensive plan and such decision-making responsibilities as may be specified by ordinance;

(2) Establish a board to be the city's land use planning board which shall make recommendations to the city commission on planning matters and shall have decision-making and other responsibilities as may be specified by ordinance.

(b) The designated department, the city manager, and the mayor and commission shall seek to act in cooperation with other jurisdictions and organizations to promote integrated approaches to regional issues.

Sec. 6.02. Board of adjustment.

The city commission shall sit as a board of adjustment and shall establish standards and procedures to hear and determine appeals from land use, development and planning decisions, decisions on variances and such other matters as may be provided by the city commission or by law.

ARTICLE VII. NOMINATIONS AND ELECTIONS

Sec. 7.01. City elections.

(*a) Regular election.* The regular city election shall be held on the first Tuesday after the first Monday in November of each even numbered year.

(b) *Registered voters.* All residents of the City of Largo legally registered under the constitution and laws of the State of Florida to vote in the city shall be registered voters of the city within the meaning of this charter.

(c) *Conduct of elections.* Except as otherwise provided by this charter, the provisions of the election laws of the State of Florida shall apply to elections held pursuant hereto. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of challenge, the city commission shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter.

(Ord. No. 83-45, § 1, 9-6-83)

Back to Electronic Table of Contents

Sec. 7.02. Nominations.

(a) *Petitions.* Candidates for election for mayor and city commission shall be nominated by petitions signed by registered voters of the City of Largo not less in number than two hundred (200). The petitions will be available 45 days before the start of the qualifying period set by the City Commission. The form of the petitions shall be prescribed by the city commission, and shall include sufficient information to allow the Supervisor of Elections to verify the petitions, the date of signing, the name of the candidate and the office and seat number for which the candidate is being nominated. The city clerk shall record the exact time when the petitions are filed.

(b) *Qualification Period.* The city commission shall establish by ordinance a 15 day qualification period for each election.

(c) *Procedure after filing.* Within seven (7) business days after the filing of the nominating petitions with the city clerk or his/her designee, the city clerk or his/her designee shall notify the candidate in writing whether or not the petitions satisfied the requirements prescribed by this charter. For any petitions found to be insufficient, the city clerk or his/her designee shall notify the candidate of any petitions found to be insufficient. New petitions may be filed within the permitted time for filing petitions.

Sec. 7.03. Regular elections.

(a) *Composition of city commission.* The city commission shall be composed of members occupying seats numbered one (1) through six (6) inclusive and a mayor. All members of the city commission shall be elected at large by the registered voters of the City of Largo. The election for seats 1, 2, 5 and 6 will be held at the 2014 regular election, and every four (4) years thereafter. The election for the mayor and seats 3 and 4 will be held at the 2016 regular election, and every four (4) years thereafter.

(b) *Commission ballots.* The names of all candidates as nominated for the city commission, except those who have withdrawn, died or become ineligible, shall be placed on the ballot in accordance with this section. Candidates for mayor shall be grouped at the top of the ballot. Candidates for seats on the city commission shall be grouped according to the seat number for which they are candidates. Within those groups, names shall be placed on the ballot by lot and without party designation or symbol. If two (2) or more candidates for the same seat or office have the same name or names so similar as to be likely to cause confusion, their residence addresses shall also be placed with their names on the ballot. No candidate may seek election to more than one elective city office in any given election.

(c) *Determination of election results.* Every voter shall be entitled to vote for one (1) candidate for each office or seat to be filled. The candidate receiving the greater or greatest number of the votes cast for his or her office or seat shall be declared elected. All ties in the election shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities.

(d) *Canvassing board.* The members of the city commission who are not candidates with opposition for mayor or any seat on the city commission in the election being canvassed, shall serve as the canvassing board and shall meet not later than one (1) day after a city election for the purpose of certifying the results of the election. However, the Pinellas County canvassing board may canvass a city election when approved by the City Commission.

(e) *Commencement of term of office.* Within five (5) days after the results of the election have been certified, the oath of office shall be administered to the newly elected members of the city commission, at which time their respective terms of office shall commence.

Back to Electronic Table of Contents

ARTICLE VIII. INITIATIVE AND REFERENDUM

Sec. 8.01. General authority.

(a) *Initiative.* The registered voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital improvement program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees or if prohibited by law.

(b) *Referendum.* The registered voters of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital improvement program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes or if prohibited by law.

Sec. 8.02. Commencement of proceedings; petitioners' committee.

Affidavit. Any seven (7) registered 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 present residence address, 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. Upon the filing of a circulator's affidavit in proper form and content, the effective date of the ordinance sought to be reconsidered, if said ordinance is appropriate for referendum under Section 8.01(b), shall be suspended for a period of forty-five (45) days from the final date of adoption.

Sec. 8.03. Petitions.

(a) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to at least five percent (5%) of the total number of registered 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 and shall be followed by the address. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed, or the ordinance sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes 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 forty-five (45) days after final adoption by the city commission of the ordinance sought to be reconsidered.

Sec. 8.04. Procedure for verification.

(a) *Verification.* Verification of petitions filed for initiative and referendum shall follow the same procedure

Back to Electronic Table of Contents

as city commission candidates.

(b) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 8.05. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is final determination of insufficiency of the petition, or

(2) The petitioners' committee withdraws the petition, or

(3) The commission repeals the ordinance, or

(4) Thirty (30) days have elapsed after the city commission certifies the results of the referendum election.

Sec. 8.06. Action on petitions.

(a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed 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 forty-five (45) days nor later than six (6) months from the date of the final commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the city commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city commission 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 forty-fifth (45th) day preceding the day scheduled for a vote of the city by the filing with the city clerk of a request for withdrawal signed by at least three-fourths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 8.07. Results of election.

(a) *Initiative.* If a majority of the registered voters 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 city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Back to Electronic Table of Contents

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.01. Prohibitions.

(a) *Activities prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or office because of race, sex, age, national origin, or political or religious opinions or affiliations.

(2) No person shall intentionally and knowingly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties.* Any person who by himself or herself or with others intentionally and knowingly violates any of the provisions of paragraphs (1) through (3) inclusive shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than sixty (60) days or both. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his or her office or position.

Sec. 9.02. Charter amendment.

Amendments to this charter may be framed and proposed in the manner provided by law. At least once every seven (7) years, the city commission shall appoint a committee of at least seven (7) registered voters to review and recommend changes, if any, to the charter. The members of this committee shall be appointed by the entire city commission and not as provided in Section 2.03 of this charter.

Sec. 9.03. Requirements for publication.

Whenever this charter requires the publication of a document, notice, or ordinance, the same shall be printed in one (1) or more newspapers of general circulation in the city.

Sec. 9.04. Severability.

If any provision of this charter is held invalid by a court of competent jurisdiction, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid by a court of competent jurisdiction, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Sec. 9.05. Headings and subheadings.

Back to Electronic Table of Contents

The headings and subheadings as used herein are for reference purposes only and shall not be construed to limit any of the sections, paragraphs or provisions hereof.

Sec. 9.06. Appointments.

No person may serve as a member of any standing board or office of the City of Largo while that person is a member of another standing board or office of the city. A standing board or office for purposes of this provision shall be a board or office that is of continuing or perpetual existence and performs ongoing functions, as opposed to a committee, an ad hoc board or committee, a task force, or a board which will cease to exist on a specified date or does not perform an ongoing function. No employee of the City of Largo, including elected officials, may serve as a member of any board or office unless specifically authorized or permitted by this charter or the city commission. However, nothing herein shall preclude any person from accepting any appointment provided that he or she resigns his or her position prior to or simultaneously with acceptance of the new appointment.

Sec. 9.07. Employee election provision.

No employee of the City of Largo shall be permitted to continue in said employment and hold office as mayor or other member of the city commission. Any employee who seeks elected office in the City of Largo shall resign his/her office or employment effective as of a date prior to or simultaneously with the filing of his/her nominating petition as provided in section 7.02 hereof.

Sec. 9.08 Appendix.

The commission shall have prepared an appendix to this charter that shall provide a reference to state statutes, by topic and section, that relate to city operations and that the commission determines should be included for the convenience of those reviewing the charter. The appendix shall be updated at least yearly. The appendix will not be a part of the charter and may be amended without referendum approval.

Sec. 9.09. Corporate boundary. *

***Editor's note--Section 30, relative to boundaries, has been amended by chapter 72-596, Special Acts of Florida 1972, and by ordinances of annexation. The descriptions of the boundaries of the city are not included herein, but a complete description of the boundaries of the city is on file in the office of the city manager.**

The corporate limits of the city shall consist of the boundaries of the city as established by preceding Charter and Laws of Florida, Ch. 72-596, or as enlarged or contracted pursuant to law, including but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. Ch. 171, as it now exists or as it may be renumbered or amended, and any county ordinance governing annexation in Pinellas County.

All ordinances of annexation of the city heretofore adopted and as may be adopted prior to the effective date of this Charter are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the city as described in Laws of Florida, Ch. 72-596, are hereby declared to be the corporate limits of the city.

Sec. 9.10. Definition of "days".

Whenever this charter provides for some action be taken within a certain number of days, if those number

Back to Electronic Table of Contents

of days is ten or less, the reference to "days" shall be considered business days. Whenever this charter provides for some action to be taken within a certain number of days where the number of days exceeds ten, the reference to "days" shall be considered calendar days.

ARTICLE X. TRANSITIONAL PROVISIONS

Sec. 10.01. Officers and employees.

(a) *Rights and privileges preserved.* Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are elected officials or employees of the City of Largo at the time of its adoption.

(b) *Continuance of office or employment.* Except as specifically provided by this charter, if at the time this charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of the specific provision hereunder directing that he or she vacate the office or position.

(c) *Personnel system.* Any employee holding a city position at the time this charter takes full effect, who was serving in the same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in section 4.02 hereof.

Sec. 10.02. Departments and offices.

(a) *Transfer of powers.* If any city department or office is abolished by this charter, the powers and duties given it by law shall be transferred to the city department or office designated in this charter, or, if this charter makes no provision, as designated by the city commission.

(b) *Property and records.* All property, records and equipment of any department or office existing when this charter is adopted shall be transferred to the department or office assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one (1) or more departments or offices designated by the city commission in accordance with this charter.

Sec. 10.03. Pending matters.

Any and all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the appropriate city department or office under this charter.

Sec. 10.04. Ordinances and other laws.

(a) *In general.* All ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective shall remain in full force and effect until otherwise changed in accordance with this charter.

(b) *Conflicting ordinances and other laws.* Any ordinances, parts of ordinances or other laws in conflict with this charter are hereby repealed.

Back to Electronic Table of Contents

Sec. 10.05. City commission.

Section 10.05. Repealed

Sec. 10.06. Reserved.

Editor's note--Section 1 of Ord. No. 74-709, enacted May 14, 1974, abolished the municipal court which former § 10.06 pertained to. Said ordinance provided for the transferal of all pending cases to the traffic division of the County Court of Pinellas County.

Sec. 10.07. Effective date.

This charter shall become effective when approved by the voters and filed in the manner prescribed by law.

Back to Electronic Table of Contents

APPENDIX

This Appendix is intended to provide those reviewing the City Charter a convenient list of state statutes that regulate city operations and may have some bearing on charter provisions. This list is not intended to include every state statute that may be relevant to the city.

1. Chapter 50, Legal Advertisements.

2. Chapters 99-106, Election procedures, including early voting, procedure for contesting elections, registering to vote and voting, campaign finance, recall of elected officials, and participation of city employees in political campaigns.

3. Chapter 112, Part III, Code of Ethics for city officials and employees, conflicts of interest, doing business with the city and financial disclosures.

4. Chapter 119, Public records law.

5. Chapter 162, Code enforcement.

6. Chapter 163, Part II, Growth management, Land use planning.

7. Chapter 163, Part III, Community redevelopment.

8. Chapter 166, Part I, General provisions regarding municipalities, including procedures for adoption of ordinances and resolutions, charter amendments, city electors.

    a. §166.021, Municipal Home Rule Act

9. Chapter 166, Part II, Municipal borrowing.

10. Chapter 166, Part III, Municipal finance and taxation.

11. Chapter 166, Part IV, Eminent Domain

12. Chapter 170, Special assessments.

13. Chapter 171, Annexation.

14. Chapter 173, Foreclosure of municipal tax and special assessment liens.

15. Chapter 175, Firefighter pensions.

16. Chapter 180, Public works.

17. Chapter 185. Police pensions.

18. Chapter 200, Procedures for adoption of millage rate and budget.

19. Chapter 205, Occupational license, taxes

20. Chapter 206, Motor and other fuel taxes (biodiesel exemption)

Back to Electronic Table of Contents

21. Chapter 215, Bonus and severance pay of municipal employees
22. Chapter 286, Sunshine Law; public's right to be heard at meetings.
23. Chapter 316, State Uniform Traffic Control-red light camera enforcement
24. Chapter 373, Waters Resources (permitting; stormwater adaptive management plans)
25. Chapter 467, Labor organizations.
26. Chapter 760, Discrimination, civil rights.
27. Chapter 768, Sovereign immunity.
28. Chapter 823, Public nuisances.
29. Chapter 839, Offenses by public officials and employees.

Back to Electronic Table of Contents

PART II CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Designation and citation of Code.
Sec. 1-2. Definitions and rules of construction.
Sec. 1-3. Catchlines of sections.
Sec. 1-4. Effect of repeal of ordinances.
Sec. 1-5. Severability of parts of Code.
Sec. 1-6. Amendments to Code.
Sec. 1-7. References to chapters, articles and sections.
Sec. 1-8. History notes.
Sec. 1-9. References and editor's notes.
Sec. 1-10. Provisions deemed continuation of existing Code and ordinances.
Sec. 1-11. Code does not affect prior offenses, penalties, contracts, rights.
Sec. 1-12. Miscellaneous ordinances not affected by Code.
Sec. 1-13. Supplementation of Code.
Sec. 1-14. Altering Code.
Sec. 1-15. General penalty: continuing violations.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Largo, Florida," and may be so cited. Such Code shall be known and officially cited as the "Largo City Code."

(Code 1978, § 1-1)

Charter reference(s)--Codification, § 2.13.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all other ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city commission or the context clearly requires otherwise:

Charter. The term "Charter" shall mean the Charter of the City of Largo printed as Part I of this volume.

City. The term "city" shall be construed as if the words "of Largo, Florida" followed it.

City commission, commission or *commissioners*. Whenever the term "commission," "city commission" or "commissioners" is used, it shall mean the city commission of the City of Largo.

Code. The term "Code" shall mean the "Code of Ordinances, City of Largo, Florida."

Back to Electronic Table of Contents

Charter reference(s)--Authority of city to codify ordinances, § 2.13(b).

Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

State law reference(s)--Similar provisions, Florida Rules of Civil Procedure, Rule 1.090(a).

County. The term "county" shall mean the County of Pinellas, Florida.

State law reference(s)--Boundaries of Pinellas County, F.S. § 7.52.

Delegation of authority. Whenever a section of this Code requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty, unless the terms of the section specifically provide otherwise.

F.S. The abbreviation "F.S." shall refer to the latest edition or supplement of the official statutes of the State of Florida as adopted by the state legislature.

Gender. A term importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
Joint authority. All terms giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper or *proprietor*. The terms "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

Month. The term "month" shall mean a calendar month.

Number. A term importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, departments, boards, etc. The use of the title of any officer, department, board, commission or employee shall mean such officer, department, board, commission or employee of the City of Largo, unless the context clearly indicates otherwise.

Or, and. The term "or" may be read as "and," and the term "and" may be read as "or," if the sense requires it.

Owner. The term "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The term "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" shall include every species of property except real property, as herein defined.

Back to Electronic Table of Contents

Preceding; following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" shall include real and personal property.

Public place. The term "public place" shall mean any park, cemetery, school yard or open space adjacent thereto and any lake or stream.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Shall, may. "Shall" is mandatory, and "may" is permissive.

Sidewalk. The term "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or *subscription.* The term "signature" or "subscription" include a mark when the person cannot write.

State. The term "state" shall be construed to mean the State of Florida.

Street. The term "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

Tenant or *occupant*. The term "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

Tense. Terms used in the past or present tense include the future as well as the past and present.

Written or *in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" shall mean a calendar year.

(Code 1967, § 1-2; Code 1978, § 1-2)

State law reference(s)--Definitions relating to state statutes, F.S. § 1.01.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1978, § 1-3)

Sec. 1-4. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

Back to Electronic Table of Contents

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Code 1978, § 1-4)

Sec. 1-5. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1978, § 1-5)

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the city commission.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "That section of the Code of Ordinances, City of Largo, Florida, is hereby amended to read as follows:." The new provisions may then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Largo, Florida, is hereby amended by adding a section (or article or chapter) to be numbered as follows , which said section shall read as follows:." The new section may then be set out in full as desired.

(d) When the city commission desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which said council desires to incorporate into the Code, a section in substantially the following language may be made a part of the ordinance:

> "Section . It is the intention of the city commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Largo, Florida, and the sections of this ordinance may be renumbered to accomplish such intention."

(e) All sections, articles, chapters or provisions of this Code desired to be repealed should be specifically repealed by section number or chapter number, as the case may be.

(Code 1978, § 1-6)

Back to Electronic Table of Contents

Sec. 1-7. References to chapters, articles and sections.

All references to chapter, articles, or section are to the chapters, articles and sections of this Code unless otherwise specified.

Sec. 1-8. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of the matter contained in the section.

Sec. 1-9. References and editor's notes.

References and editor's notes following certain section of this Code are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.

Sec. 1-10. Provisions deemed continuation of existing Code and ordinances.

The provisions of this Code, so far as they are in substance the same as those of the 1978 Code and ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-11. Code does not affect prior offenses, penalties, contracts, rights.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established before the effective date of this Code.

State law reference(s)--No bill of attainder, ex post facto law, or any law impairing the obligation of contracts shall ever be passed, Fla. Const. art. I, § 10.

Sec. 1-12. Miscellaneous ordinances not affected by Code.

(a) Nothing in this Code or the ordinances adopting this Code shall affect:

(1) Any ordinance promising or guaranteeing the payment of money by or for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city;

(2) Any ordinance granting any franchise or right;

(3) Any ordinance appropriating funds, levying or imposing taxes or relating to any annual budget;

(4) Any ordinance relating to rezoning, zoning map amendments or land use regulations;

(5) Any ordinance dedicating or accepting any plat or subdivision in the city or providing regulations for the same;

Back to Electronic Table of Contents

(6) Any ordinance, resolution or motion which establishes, sets or fixes any rates, charges, permit fee or license fee and any such ordinance, resolution or motion, or part thereof, is hereby recognized as continuing in full force and effect unless and until expressly amended, repealed or otherwise superseded by a later measure imposing, establishing, setting or changing the specific amount of such permit fee or license fee;

(7) Any ordinance establishing positions, classifying employees and setting salaries, or regarding personnel policies or pensions or retirement benefits, not inconsistent with this Code;

(8) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;

(9) Any ordinance calling election;

(10) Any ordinance prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on load of vehicles, or loading zones, not codified in this Code;

(11) Any ordinance establishing and prescribing the street grades of any street in the city;

(12) Any ordinance providing for local improvements and assessing taxes therefor;

(13) Any ordinance extending or contracting or otherwise relating to the boundaries of the city;

(14) Any ordinance regarding administration;

(15) Any ordinance which is temporary, although general in effect;

(16) Any ordinance which is special, although permanent in effect.

(b) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-13. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city commissioners. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the commissioners or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

Back to Electronic Table of Contents

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections to ." The inserted section numbers will indicate the sections of the Code embodying the substantive sections of the ordinance incorporated into the Code; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-14. Altering Code.

It shall be unlawful for any person, firm or corporation in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with Code in any manner whatsoever which will cause the law of the City of Largo to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-15.

(Code 1978, § 1-7)

Sec. 1-15. General penalty: continuing violations.

(a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is required or the failure to do any act is declared to be unlawful where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding $500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment in the discretion of a court of competent jurisdiction. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or nor such penalty is reenacted in the amendatory ordinance.

(b) In addition to the penalties hereinabove provided any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance or violation which may be abated by the city, as may be punished as otherwise provided by law or this Code. Each day that such condition continues shall be regarded as a new and separate offense. In addition to the penalties prescribed above, the city may pursue other remedies such as injunctive relief, administrative adjudication, code enforcement, civil action, and revocation of licenses or permits.

State law reference(s)--Penalty for violations, F.S. § 162.22.

Back to Electronic Table of Contents

Chapter 2 ADMINISTRATION

Article I. In General, §§ 2-1--2-20
Article II. City Commission, §§ 2-21--2-47
Article III. Officers and Employees, §§ 2-49--2-75
Article IV. Public Records
Division 1. Generally, §§ 2-76--2-93
Division 2. Records Management Program, §§ 2-94--2-126
Article V. Procurements
Division 1. Generally, §§ 2-127--2-153
Division 2. Source Selection, Contract and Purchase Order Formation, §§ 2-154--2-184
Division 3. Material Management, §§ 2-185--2-222
Division 4. Appeals and Remedies, §§ 2-223--2-45
Division 5. Intergovernmental Relations and Cooperative Purchasing, §§ 2-246--2-276
Division 6. Ethics in Public Contracting, §§ 2-277--2-306
Article VI. Elections, §§ 2-307--2-336
Article VII. Programs and Services, § 2-337

ARTICLE I. IN GENERAL

Sec. 2-1. Official flower and tree of city established.

The kalanchoe and the bottlebrush tree, respectively, are hereby adopted and hereafter established as the official flower and tree of the city.

(Code 1978, § 13-7; Ord. No. 85-15, § 1, 3-5-1985)

Secs. 2-2--2-20. Reserved.

ARTICLE II. CITY COMMISSION*

***Charter reference(s)--**City commission, art. II.

State law reference(s)--Code of ethics, F.S. § 112.311 et seq.

Sec. 2-21. Compensation of the mayor.

Pursuant to City Charter section 2.05, the annual salary of the mayor is increased from $18,930.95, and established at $19,688.19.

(Code 1978, § 2-7; Ord. No. 75-787, § 1, 10-7-1975; Ord. No. 77-954, § 2, 9-6-1977; Ord. No. 79-72, § 1(a), 10-16-1979; Ord. No. 81-48, §1, 10-6-1981; Ord. No. 82-52, §§ 1, 2, 10-19-1982; Ord. No. 84-60, §§ 1, 2, 10-2-1984; Ord. No. 85-55, § 1(a), 10-1-1985; Ord. No. 86-49, § 1(a), 9-16-1986; Ord. No. 87-37, § 1(a), 10-20-1987; Ord. No. 90-02, § 1(a), 10-17-1989; Ord. No. 90-51, § 1(a), 9-18-1990; Ord. No. 92-41, § 1(a), 10-6-1992; Ord. No. 93-60, § 1(a), 9-7-1993; Ord. No. 94-63, § 1(a), 9-20-1994; Ord. No. 96-42, § 1(a), 9-17-1996; Ord. No. 97-43, § 1(a), 9-16-1997; Ord. No. 98-96, § 1(a), 9-15-1998; Ord. No. 99-87, § 1(a), 9-21-1999; Ord. No. 2000-106, § 1(a), 9-19-2000; Ord. No.

Back to Electronic Table of Contents

2001-85, § 1(a), 9-18-2001; Ord. No. 2002-101, 9-17-2002; Ord. No. 2004-77, § 1, 9-21-2004; Ord. No. 2006-60, § 1, 9-21-2006; Ord. No. 2008-72, § 1(a), 9-16-2008)

Charter reference(s)--For original compensation, § 2.05.

Sec. 2-22. Compensation of city commissioners.

Pursuant to City Charter section 2.05, the annual salary of the city commissioners is increased from $12,620.63, and established at $13,125.46.

(Code 1978, § 2-8; Ord. No. 75-787, § 2, 10-7-1975; Ord. No. 77-954, § 3, 9-6-1977; Ord. No. 79-72, § 1(b), 10-16-1979; Ord. No. 81-48, §1, 10-6-1981; Ord. No. 82-52, § 1, 10-19-1982; Ord. No. 84-60, §§ 1, 2, 10-2-1984; Ord. No. 85-55, § 1(b), 10-1-1985; Ord. No. 86-49, § 1(b), 9-16-1986; Ord. No. 87-37, § 1(b), 10-20-1987; Ord. No. 90-02, §1(b), 10-17-1989; Ord. No. 90-51, § 1(b), 9-18-1990; Ord. No. 92-41, § 1(b), 10-6-1992; Ord. No. 93-60, § 1(b), 9-7-1993; Ord. No. 94-63, § 1(b), 9-20-1994; Ord. No. 96-42, § 1(b), 9-17-1996; Ord. No. 97-43, §1(a), 9-16-1997; Ord. No. 98-96, § 1(a), 9-15-1998; Ord. No. 99-87, § 1(b), 9-21-1999; Ord. No. 2000-106, § 1(b), 9-19-2000; Ord. No. 2001-85, § 1(b), 9-18-2001; Ord. No. 2002-101, 9-17-2002; Ord. No. 2004-77, § 1, 9-21-2004; Ord. No. 2006-60, § 1, 9-21-2006; Ord. No. 2008-72, § 1(b), 9-16-2008)

Charter reference(s)--For the original compensation, § 2.05.

Secs. 2-23--2-47. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***State law reference(s)--**Code of ethics for officials and certain officers and employees, F.S. § 112.311 et seq.

Sec. 2-48. Oath required for city officers.

Before entering upon the discharge of their duties, city officers shall take before some officer authorized to administer oaths, an oath of office substantially in the following form:

> "I, A. B., do solemnly swear (or affirm) that I will support and protect the Constitution of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same; that I am entitled to hold office under the Constitution; that I will faithfully perform all of the duties of the office of in the City of Largo, upon which I am about to enter (so help me God)."

(Code 1967, § 2-1; Code 1978, § 2-1)

State law reference(s)--Similar provisions, F.S. § 876.05.

Sec. 2-49. Compensation of officers and employees.

The officers and assistants and other employees of the city shall be paid such compensation as the commission may fix or approve.

Back to Electronic Table of Contents

(Code 1967, § 2-6; Code 1978, § 2-6)

Sec. 2-50. Indemnification of city employees.

(a) *Definition.* Unless the context otherwise requires, the term "employee" means any person holding or that did hold a position by election, appointment or employment in the service of the city, whether or not compensated, or a volunteer expressly authorized to participate in a city-sponsored program or on a city-sponsored board, but shall not include an independent contractor. The term "employee" includes a former employee or his estate or judicially appointed personal representative.

(b) *Defense and indemnification of city employees.*

(1) The city shall save harmless, and protect and defend all employees in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of Section 1981, 1983 or 1985 of Title 42 of the United States Code (42 USC 1981, 1983, 1985). Nothing in this subsection (b)(1) shall authorize the city to indemnify or save harmless any employee with respect to punitive or exemplary damages, fines or penalties.

(2) In amplification of subsection (b)(1) of this section, all such employees shall be entitled to be represented by the office of the city attorney; provided, however, any such employee may be represented by private counsel where the city commission determines that representation by the city attorney would be inappropriate or that a conflict of interest exists requiring private counsel. Reasonable attorney fees and litigation expenses shall be paid by the city to such private counsel from time to time during the pendency of the civil action or proceeding.

(3) Except as otherwise provided in subsection (b)(1) of this section, the city shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose, occurred while the employee was acting within the scope of his public employment or duties.

(c) *Conditions to defense or indemnification.* The duty to defend or indemnify and save harmless as prescribed by this section shall be conditioned upon:

(1) Delivery to the city attorney or staff attorney by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after the employee is served with same; and

(2) The full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the city based upon the same act or omission, and in the prosecution of any appeal.

(d) *Relation of section to insurance.* The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer or insured under any policy of insurance.

(e) *Application of section.* The provisions of this section shall apply to all actions and proceedings pending upon the effective date of the ordinance from which this section is derived or thereafter instituted. As used herein, an action shall be construed to be pending where the action has not been tried, or if tried, the judgment has not become final by reason of the completion of any appellate proceedings.
(Code 1978, § 2-10; Ord. No. 79-81, § 1, 12-11-1979)

State law reference(s)--Indemnification of certain public officials, F.S. §§ 111.06--111.072.

Back to Electronic Table of Contents

Sec. 2-51. Police officers and firefighters pension plan adopted by reference; effective date.

(a) The retirement plan for police officers and firefighters of the city attached to Ordinance No. 93-73 is made a part of this article and the same is hereby adopted by reference.

(b) The provisions of Ordinance No. 93-73 shall take effect on October 15, 1993; provided, however, that the appointments and elections as required by the Largo Municipal Police Officers' and Firefighters' Retirement Plan attached to Ordinance No. 93-73 shall take place after final enactment with the terms of the appointed and elected trustees beginning as provided in said ordinance.

(Code 1978, § 2-76; Ord. No. 86-46, §§ 1, 2, 9-16-1986; Ord. No. 93-73, 10-5-1993; Ord. No. 95-47, 9-19-1995; Ord. No. 2000-81, 7-11-2000; Ord. No. 2001-19, 12-19-2000; Ord. No. 2002-04, 11-6-2001)

Secs. 2-52--2-75. Reserved.

ARTICLE IV. PUBLIC RECORDS*

***State law reference(s)--**Public records, F.S. ch. 119.

DIVISION 1. GENERALLY

Secs. 2-76--2-93. Reserved.

DIVISION 2. RECORDS MANAGEMENT PROGRAM*

***State law reference(s)--**Public records, F.S. ch. 119.

Sec. 2-94. Title and purpose.

This article shall be known and may be cited as the "Records Management Program of the City of Largo." The declared purpose of this article is to provide for the proper and efficient management of the public records of the city.

(Code 1978, § 2-97; Ord. No. 76-840, § 1, 7-6-1976)

Sec. 2-95. Definitions.

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

City clerk means the city clerk or his/her duly designated representative.

Inactive records means those records no longer required in active office areas but which require further retention due to legal, operating or historical reasons.

Maintenance of public records means the creation, maintenance, protection, use and disposition of all public records of the city, including the establishment and maintenance of a system of filing and indexing public

Back to Electronic Table of Contents

records.

Public records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any officer or employee of the city. The term "public records" shall not be construed to mean those public records which are deemed by law to be confidential or which are prohibited from being inspected by the public or which shall be exempt from the provisions of this article or from the State Public Records Act.

Records custodian, subject to the provisions of this chapter and other applicable ordinances, means the city clerk.

(Code 1978, § 2-98; Ord. No. 76-840, § 2, 7-6-1976)

Sec. 2-96. Ownership of records.

All public records shall be the property of the city and, in this regard, such records shall be delivered by outgoing officials and employees to their successors.

(Code 1978, § 2-99; Ord. No. 76-840, § 3, 7-6-1976)

Sec. 2-97. General duties of officers and employees with respect to records.

It shall be the duty of each officer and employee of the city to protect, preserve, store, transfer, destroy or otherwise dispose of, use and manage public records only in accordance with applicable federal, state or local law or such rules as may be promulgated or approved by the city clerk.

(Code 1978, § 2-100; Ord. No. 76-840, § 4, 7-6-1976)

Sec. 2-98. Duties of city clerk with respect to records.

It shall be the responsibility of the city clerk to administer the records management program of the city. In this regard the city clerk shall, among all other things that may be required for the proper and efficient management of the public records of the city:

(1) Develop and circulate such rules and regulations as may be necessary and proper to implement and maintain the records management program.

(2) Provide and maintain a city records center to house and preserve inactive records prior to disposition.

(3) Advise and assist city departments in the preparation of records inventory and destruction schedules.

(4) Approve destruction schedules before disposition of the public records.

(5) Advise and assist city departments in reviewing and selecting material to be transferred to the archives for preservation or scanning.

(6) Provide scanning services for public records pursuant to rules promulgated by the city clerk for the centralization of such services.

Back to Electronic Table of Contents

(7) Conduct such surveys, studies and investigations as will assist in promoting a proper and efficient records management program for the city.

(Code 1978, § 2-101; Ord. No. 76-840, § 5, 7-6-1976)

Sec. 2-99. Departmental records.

(a) Departments shall create and maintain all records with adequate and proper documentation of the organization, together with the functions, policies, decisions, procedures and essential transactions of the department.

(b) Departments, with the advice of the city clerk, shall establish and maintain an active, continuing program for the economical and efficient management of the records of the department. Such program shall, among other things, provide for:

(1) Effective controls over the creation, maintenance and use of records in the conduct of current business.

(2) Cooperation with the city clerk in applying standards, procedures and techniques designed to improve the management of records.

(3) Promotion of the maintenance and security of records deemed appropriate for preservation.

(c) Those public records which are not required in the current operation of the office where they are made or kept, and all public records which can properly be abolished or discontinued, shall be transferred to the city records center or archives so that the selected historical records of the city may be centralized, permanently preserved and made more widely available or approved for destruction.

(d) Departments of the city shall designate a representative to coordinate the management of records in the department. The representative shall:

(1) Coordinate all records management activities and functions within the department and with the city clerk.

(2) With the advice and assistance of the city clerk, inventory or manage the inventory of all public records for disposition scheduling and transfer action in accordance with procedures prescribed by law or rule promulgated by city clerk.

(3) Consult with any other personnel responsible for creation or maintenance of specific records within his department regarding records retention and transfer recommendations.

(4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records and recommend to the city records officer minimal retentions for all copies commensurate with legal, financial and administrative needs.

(5) Review established records retention schedules at least annually to ensure that they are complete and current.

(Code 1978, § 2-102; Ord. No. 76-840, § 6, 7-6-1976)

Back to Electronic Table of Contents

Secs. 2-100--2-126. Reserved.

ARTICLE V. PROCUREMENTS

DIVISION 1. GENERALLY

Sec. 2-127. Purpose.

The purpose of this procurement article is to provide for the fair and equitable treatment of all persons involved in public purchasing by the city, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

(Code 1978, § 2-108; Ord. No. 93-03, § 1(1-1), 12-8-1992)

Sec. 2-128. Application.

This article applies to contracts and purchase orders for the procurement of construction and capital, supplies and services entered into by the city. It shall apply to every expenditure of public funds by the city for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance, state assistance, or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal, and state laws and regulations. Nothing in this division shall prevent the city from complying with the terms and conditions of any grant, gift or request that is otherwise consistent with law.

(Code 1978, § 2-109; Ord. No. 93-03, § 1(1-2), 12-8-1992; Ord. No. 2002-18, § 1, 1-8-2002)

Sec. 2-129. Definitions.

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

Architect, professional engineer, landscape architect, and registered surveyor (includes mapping) means those professional services within the scope of the practice of architecture, professional engineering, landscape architecture or registered surveying and mapping, as defined by the laws of the state, or performed by an architect, professional engineer, landscape architect or registered surveyor and mapper in connection with his/her professional employment or practice.

Capital means all nonexpendable items with an expected useful life of more than one year, such as real property, personal property, or any other thing of value as determined by the city manager or his/her designee.

Change order means any material revision to a purchase order that, once issued, affects either price, vendor, delivery or merchandise.

Construction means the process of building, altering, repairing, improving or demolishing any public structure or property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

Contract means any type of agreement, whether oral or written, for the procurement of supplies and/or services.

Back to Electronic Table of Contents

Contractor means any person having a contract with the city.

Cost data means factual information concerning the cost of labor, material, overhead and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing under the contract.

Cost-reimbursement contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this article, and a fee or profit, if any.

Debarment means to bar, exclude or preclude a person or entity from consideration for award of a contract with the city in accordance with the provisions of this division.

Invitation for bid means any document, whether attached or incorporated by reference, utilized for soliciting competitive sealed bids.

Person means a natural person, corporation, partnership, limited partnership, trust, estate, association, or any other legal entity under the laws of the state.

Price analysis means the evaluation of price data which may assist in arriving at prices to be paid and costs to be reimbursed.

Pricing data means factual information concerning prices for items substantially similar to those being procured. Prices in this definition refer to offered or proposed selling prices, historical selling prices and current selling prices.

Procurement means the buying, purchasing, renting, leasing or otherwise acquiring of any supply or service. It also includes all functions that pertain to the obtaining of any supply or service, including description of requirements, selection and solicitation of sources, preparation and award of a contract, and all phases of contract administration.

Professional services means legal, medical, actuarial, engineering, architectural (including landscape), surveying, mapping and other services procured as independent professional assistance and provided by persons who are properly licensed as professionals under state law.

Qualified products list means an approved list of products and services described by model or catalog numbers which, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

Request for proposal means any document, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder/proposer means a person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, reputation, and credit which will ensure good faith performance.

Responsive bidder/proposer means a person who has submitted a bid or proposal which apparently conforms in all material respects to the requirements set forth in the invitation for bid or request for proposal.

Services means the furnishing of labor, time or effort by a contractor not involving the delivery of a specific end product.

Back to Electronic Table of Contents

Specification means any description of the physical or functional characteristics or of the nature of the item being procured. It may include a description of any requirement for inspection and testing.

Supplies means all expendable items used in the operations of the city such as office supplies, automotive supplies, etc.

Surplus supplies and capital means any supplies no longer having any use to the city. These include obsolete and excess supplies, scrap material and nonexpendable property that have completed their useful life cycle.

(Code 1978, § 2-110; Ord. No. 93-03, § 1(1-3), 12-8-1992; Ord. No. 2002-18, § 2, 1-8-2002)

Sec. 2-130. Public access to procurement information.

Procurement information shall be a public record to the extent provided in F.S. ch. 119, and shall be available to the public as provided in such statute.

(Code 1978, § 2-111; Ord. No. 93-03, § 1(1-4), 12-8-1992)

Sec. 2-131. Bulletin board.

All invitations to bid and requests for proposals shall be posted on a bulletin board located in city hall.

(Code 1978, § 2-112; Ord. No. 93-03, § 1(1-5), 12-8-1992; Ord. No. 2002-18, § 3, 1-8-2002)

Sec. 2-132. Purchasing--Authority and duties.

(a) *City manager.* The city manager or his designee is hereby authorized to purchase all construction and capital, supplies and services necessary for and incidental to the proper conduct and management of the city as well as the disposal of surplus property.

(b) *Principal public purchasing official.* Except as otherwise provided herein, the city manager or his/her designee shall serve as the principal purchasing official for the city and shall be responsible for the procurement and management of construction and capital, supplies and services, as well as the disposal of surplus property.

(c) *Duties.* In accordance with this article, the city manager or his/her designee shall:

(1) Procure or supervise the procurement of all construction and capital, supplies and services needed by the city;

(2) Exercise general supervision over inventories of supplies belonging to the city;

(3) Sell, trade or otherwise dispose of surplus property belonging to the city; and

(4) Establish and maintain programs for specifications development, contract administration, inspection and acceptance, in cooperation with agencies using the supplies and services.

(d) *Regulations and operational procedures.* Consistent with this article, the city manager or his/her designee:

(1) Shall have the authority and responsibility to promulgate regulations governing the procurement,

Back to Electronic Table of Contents

management and control of purchasing activities; and

(2) May adopt operational procedures relating to purchasing activity. These may be set forth in a manual or handbook.

(Code 1978, § 2-113; Ord. No. 93-03, § 1(2-1), 12-8-1992)

Sec. 2-133. Same--Delegations to other city employees.

The city manager may delegate authority to purchase supplies and services to other city employees when such delegation is deemed necessary for the effective procurement of certain supplies or services. Specifically, the city manager may authorize department directors to execute certain contracts in accordance with the city's standard operating procedures for review, drafting and processing of contracts, as may be amended from time to time.

(Code 1978, § 2-114; Ord. No. 93-03, § 1(2-2), 12-8-1992; Ord. No. 2016-67, § 1, 7-5-2016)

Sec. 2-134. Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the city manager is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. The city manager is also authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall be for a period not to exceed three months. The causes for debarment include:

(1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, conviction of a public entity crime under state law, or in the performance of such contract or subcontract;

(2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, fraud, collusion, racketeering, conspiracy, material misrepresentation, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a city contractor;

(3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(4) Violation of contract provisions, as set forth in this subsection, of a character which is regarded by the city manager to be so serious as to justify debarment action:

a. Failure to perform in accordance with the specifications or within the time limit provided in the contract; or

b. Unsatisfactory performance in accordance with the terms of one or more contracts with the city or other entity or organization, whether public or private; provided, that unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;

(5) Any other cause the city manager determines to be so serious and compelling as to affect responsibility as a city contractor, including debarment by another governmental entity for any cause listed in this article.

(Code 1978, § 2-115; Ord. No. 93-03, § 1(4-1), 12-8-1992; Ord. No. 2002-18, § 4, 1-8-2002)

Back to Electronic Table of Contents

Sec. 2-135. Cost principles regulations required.

The city manager shall promulgate regulations setting forth cost principles which shall be used to determine the allowableness of incurred costs for the purpose of reimbursing costs under contract provisions providing for the reimbursement of costs; provided, however, that if a written determination is approved by the city commission, such cost principles may be modified by contract.

(Code 1978, § 2-116; Ord. No. 93-03, § 1(5-1), 12-8-1992)

Secs. 2-136--2-153. Reserved.

DIVISION 2. SOURCE SELECTION, CONTRACT AND PURCHASE ORDER FORMATION

Sec. 2-154. Competitive purchasing.

(a) *Conditions for use.* Purchases of $25,000.00 or more shall be awarded by sealed bidding or sealed proposals, in the sole discretion of the city manager or his/her designee, except as otherwise provided for in this article.

(b) *Invitation for bid/request for proposal.* An invitation for bid or request for proposal shall be issued and shall include specifications, the date for submittal of bids or proposals, and all contractual terms and conditions applicable to the procurement, including the criteria for award of the bid or proposal which shall include, but need not be limited to, price.

(c) *Public notice.* A public notice for invitations for bid and requests for proposal shall be given prior to the bid or proposal opening date set forth in the notice. Such notice may be given by mail or by public posting. The public notice shall state the place, date and time of the bid or proposal opening.

(d) *Bid/proposal opening.* Bids and proposals shall be opened publicly in the presence of one or more witnesses at the date, time and place designated in the invitation for bid or request for proposal. The amount of each bid or proposal and such other relevant information as the city manager or his/her designee deems appropriate, together with the name of each bidder and proposer, shall be recorded.

(e) *Bid/proposal acceptance and bid/proposal evaluation.* Bids and proposals shall be unconditionally accepted without alteration or correction, except as provided in this division. Bids and proposals shall be evaluated based on the requirements set forth in the invitation for bid or request for proposal which may include criteria to determine acceptability. Those criteria that will affect the bid price or proposal price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. No criteria may be used in bid or proposal evaluation that are not set forth in the invitation for bid, request for proposal, in any law, regulations, or in this division.

(f) *Correction or withdrawal of bids/proposals.* Correction or withdrawal of inadvertently erroneous bids or proposals before bid or proposal opening may be permitted where appropriate. Mistakes discovered before the bid or proposal opening may be modified or withdrawn by written notice received in the office designated in the invitation for bid or request for proposal for receipt of notices prior to the time set for bid or proposal opening. After the bid or proposal opening, no changes to bid or proposal prices or other provisions of bids or proposals prejudicial to the interest of the city or fair competition shall be permitted. During the bid or proposal opening, bidders/proposers may be required to give clarifications regarding their bid or proposal

Back to Electronic Table of Contents

submitted. In lieu of bid or proposal correction, a bidder/proposer alleging a material mistake of fact may be permitted to withdraw its bid or proposal if:

(1) The mistake is clearly evident on the face of the bid or proposal document, but the intended correct bid or proposal is not similarly evident; or

(2) The bidder/proposer submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids or proposals shall be supported by a written determination made by the city manager or his/her designee.

(g) *Award to responsible and responsive bidder/proposer.* The contract or purchase order shall be awarded by written notice to the qualified responsible and responsive bidder/proposer whose bid or proposal, as determined by the city commission, best meets the requirements and criteria set forth in the invitation for bid or request for proposal and the following criteria including, but not limited to:

(1) The ability, capacity and skill of bidder/proposer to perform the contract, provide the services required, or deliver the supplies required;

(2) Whether the bidder/proposer can perform the contract, deliver the goods/supplies, or provide the services promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder/proposer;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder/proposer with laws and ordinances relating to the contract or services;

(6) The sufficiency of the financial resources and ability of the bidder/proposer to perform the contract or provide the service;

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(8) The ability of the bidder/proposer to provide future maintenance and service, when applicable; and

(9) The number and scope of conditions attached to the bid/proposal.

(h) *Negotiated adjustment.* In the event any or all bids or proposals exceed available budgeted funds, the city manager or his/her designee is authorized, when time or economic considerations preclude resolicitation, to negotiate an adjustment of the bid or proposal price with any and all bidders/proposers.

(i) *Rejection of bids.* The city manager or his/her designee, or the city commission shall have the

unqualified authority and right in their sole discretion, when the public interest will be served thereby, to reject all of the bids and/or proposals or parts of bids or proposals and may again request bids or proposals upon a subsequent date. No reason need be stated for the rejection of all or parts of bids or proposals. Any bid or proposal submitted by a bidder/proposer is submitted at the bidder's/proposer's own risk regardless of the cost or time expended by the bidder/proposer in preparation and submittal of a bid or proposal.

(j) *Default and nonperformance.* In the event that a bid or proposal is awarded to a bidder/proposer who subsequently defaults or who otherwise cannot perform, the city commission shall have the authority to award

Back to Electronic Table of Contents

the contract to the next most responsive and responsible bidder/proposer from the original solicitation process, providing that such bidder/proposer agrees to abide by the terms and conditions originally stated by such firm in its bid or proposal.

(Code 1978, § 2-128; Ord. No. 93-03, § 1(3-1), 12-8-1992; Ord. No. 2002-18, § 5, 1-8-2002)

State law reference(s)--Consultants competitive negotiations, F.S. § 287.055.

Sec. 2-155. Contracting for professional services.

(a) *Authority for procuring certain professional services.* The procurement of the professional services of architects, landscape architects, professional engineers, and registered land surveyors (includes mapping), shall be in accordance with F.S. § 287.055, as amended, and this article.

(b) *Contracts for legal services.* Notwithstanding the foregoing, the city commission may authorize the procurement of legal services by negotiating with a lawyer or lawyers selected or recommended by the city attorney or city manager on the basis of experience and skill.

(c) *Contracts for audit by an independent certified public accountant.* Notwithstanding the foregoing, the city commission shall be responsible for selecting an independent certified public accountant to audit city agencies according to F.S. § 11.45.

(d) *Contracts for other professional services.* Notwithstanding the foregoing, the city commission may authorize the procurement of other professional services such as accountants, auditors, dentists, physicians, lawyers, veterinarians, artists, entertainers and psychologists by negotiating with organizations selected or recommended by the city manager or his/her designee on the basis of experience and skill.

(Code 1978, § 2-129; Ord. No. 93-03, § 1(3-3), 12-8-1992; Ord. No. 2002-18, § 7, 1-8-2002)

Sec. 2-156. Purchase limits.

(a) *Small purchases by city manager.* Any contract for a purchase by the city that is less than $25,000.00 may be made in accordance with the purchase procedures adopted by the city manager and without city commission approval. Contract requirements shall not be artificially divided so as to constitute a purchase under this subsection.

(b) *Change orders as purchases.* In the event that change orders are presented to the city by a contractor under a contract with the city, the city manager or his/her designee shall report and transmit to the city commission with a recommendation concerning acceptance or rejection thereof, change orders totaling in the aggregate $25,000.00 or more, and the city commission shall thereupon approve or disapprove the recommendation of the city manager or his/her designee. Change orders that do not total $25,000.00 or more in the aggregate do not require city commission approval, and the city manager shall adopt operational procedures for review and acceptance of such change orders.

(Code 1978, § 2-130; Ord. No. 93-03, § 1(3-4), 12-8-1992; Ord. No. 2002-18, § 8, 1-8-2002; Ord. No. 2003-72, § 1, 7-1-2003)

Sec. 2-157. Exemptions from competitive purchasing procedures.

Back to Electronic Table of Contents

(a) *Housing programs.* The community development department's housing programs, specifically, SHIP, HOME and CDBG are not considered activities subject to the purchasing procedures set forth in this division. The awarding of housing assistance funds by the community development department can be described as that of a borrower (resident) and a lender (city). The city does not award contracts in the housing programs. The borrower, and not the city, is responsible for selecting the contractor who performs the construction work. While competitive bidding and proposals are encouraged by the community development department, the borrower is not required to accept any particular bid or proposal provided the selected bid or proposal is within ten percent of the city architect's estimate. Bidding and proposal procedures are in place to assist the borrower in selecting the contractor, but the borrower has the choice of using the city's preapproved bidder or proposer list or a contractor of their choice that is not on the list. In all cases, the award of the contract is between the contractor and the borrower, and not with the lender (city). Because of this unique relationship and the fact that the community development department lends money and does not award contracts, housing activities are considered exempt from the purchasing procedures set forth in this division.

(b) *City facilities.* Purchases of food, beverages and entertainment, at ~~in~~ the city manager's discretion, shall be exempt from the competitive purchasing procedures set forth in this division.

(c) *Noncompetitive and "sole source" procurement.* A contract may be awarded without competition when the city manager determines in writing, after conducting a good faith review of potential sources, that there is only one practicable source for a supply or service, or that using competitive purchasing is not in the best interests of the city. The city manager shall conduct negotiations, as appropriate, as to price, delivery and terms.

(d) *Emergency procurement.* Notwithstanding any other provisions of this division, the city manager may make, or authorize others to make, emergency procurement of supplies or services in the event of a disruption of essential operations or conditions adversely affecting the safety, health, welfare or security of persons or property, and where it is considered unfeasible to remedy such disruption or conditions through the use of normal competitive purchasing procedures. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the number of the purchase order. For each emergency purchase, the city manager or his/her designee shall prepare an after-the-fact written statement to the city commission certifying the conditions and circumstances of the purchase.

(e) *Used equipment/supplies procurement.*

(1) *Generally.* Notwithstanding any other provisions of this division, the purchase of used equipment or supplies shall be made with such competition as is practicable under the circumstances.

(2) *Award.* The purchase of used equipment or supplies of a value less than $25,000.00 may be authorized by the city manager. A written explanation of the circumstances and justification of a purchase for used equipment or supplies of a value equal to or greater than $25,000.00 shall be submitted to the city commission. Upon receipt and approval of such statement, the city commission may authorize the purchase.

(Code 1978, § 2-130.1; Ord. No. 2002-18, § 9, 1-8-2002; Ord. No. 2003-72, § 2, 7-1-2003)

Sec. 2-158. Required submissions relating to change orders or contract modification.

A bidder, or proposer shall submit cost or pricing data related to any change order or contract modification, including adjustments to contracts awarded by competitive purchasing procedures. The city commission shall approve all change orders or modifications involving aggregate increases or decreases in competitive purchases in amounts equal to or greater than $25,000.00.

Back to Electronic Table of Contents

(Code 1978, § 2-136; Ord. No. 93-03, § 1(3-10), 12-8-1992; Ord. No. 2002-18, § 15, 1-8-2002; Ord. No. 2003-72, § 3, 7-1-2003)

Secs. 2-159--2-184. Reserved.

DIVISION 3. MATERIAL MANAGEMENT

Sec. 2-185. Quality assurance, inspection and testing.

The city manager shall take such steps as are deemed desirable to ascertain or verify that supplies procured by the city conform to specifications.

(Code 1978, § 2-139.8; Ord. No. 93-03, § 1(6-1), 12-8-1992)

Sec. 2-186. Authorization to dispose of surplus supplies and property.

No department shall transfer to another agency, sell, trade-in or otherwise dispose of supplies owned by the city without the written authorization of the city manager or his/her designee.

(Code 1978, § 139.9; Ord. No. 93-03, § 1(6-2), 12-8-1992)

Sec. 2-187. Transfer of excess and surplus supplies.

Insofar as is feasible and practicable, the city manager shall transfer excess supplies to other city departments and other units of government. The price of the supply transferred shall be the fair market price, where possible, or on an appraised value, and shall be mutually agreed upon and approved by the city manager. If agreement cannot be reached, the city manager shall establish the price.

(Code 1978, § 2-139.10; Ord. No. 93-03, § 1(6-3), 12-8-1992)

Sec. 2-188. Disposition of surplus supplies and property.

Whenever in the judgment of the city manager property belonging to the city has become obsolete or in such condition of disrepair as to make it useless and it is desirable that it be sold and/or disposed of, the city manager is authorized to sell and/or dispose of such property at such price and on such terms as his/her judgment may suggest including, but not limited to, sealed bids, open auction and posted prices, or as otherwise permitted by state statute.
(Code 1978, § 139.11; Ord. No. 93-03, § 1(6-4), 12-8-1992; Ord. No. 2002-18, § 16, 1-8-2002)

Sec. 2-189. Auctions.

When authorized by the city manager, city employees or an experienced professional auctioneer may be used to cry the sale and assist in the preparation of the sale.

(Code 1978, § 2-139.12; Ord. No. 93-03, § 1(6-5), 12-8-1992)

Sec. 2-190. Posted prices.

Back to Electronic Table of Contents

Surplus supplies may be sold at posted prices as determined by the city manager when such prices are based on fair market value and the sale is conducted pursuant to written procedures established by the city manager.

(Code 1978, § 2-139.13; Ord. No. 93-03, § 1(6-6), 12-8-1992)

Sec. 2-191. Trade-in.

Surplus supplies and property may be traded-in only when the city manager determines the trade-in value is expected to exceed the value estimated to be obtained through the sale or other disposition of such supplies or property.

(Code 1978, § 139.14; Ord. No. 93-03, § 1(6-7), 12-8-1992)

Sec. 2-192. Surplus property.

No provision of this division shall be in conflict with state statutes regarding surplus property.

(Code 1978, § 2-139.15; Ord. No. 93-03, § 1(6-8), 12-8-1992)

Secs. 2-193--2-222. Reserved.

DIVISION 4. APPEALS AND REMEDIES

Sec. 2-223. Bid protests.

(a) *Right to protest.* Any actual or prospective bidder, proposer or contractor who is aggrieved in connection with the solicitation of award of a contract may seek resolution of their complaints initially with the city manager prior to protesting to the city commission. A protest with respect to an invitation for bid or request for proposal shall be submitted in writing prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know or could not have been reasonably expected to have knowledge of the facts giving rise to such protest prior to the bid opening or the closing date for proposals. The protest shall be submitted within six calendar days after such aggrieved person knows or could have reasonably been expected to know of the facts giving rise thereto.

(b) *Stay of procurements during protest.* In the event of a timely protest under subsection (a) of this section, the city manager shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or until the city manager makes a written determination that the award of a contract without delay is necessary to protect substantial interests of the city.

(c) *Entitlement of costs.* In addition to any other relief, when a protest is sustained and the protesting bidder or proposer shall be entitled to the reasonable costs incurred in connection with the solicitation, including bid or proposal preparation costs but excluding attorney's fees.

(Code 1978, § 139.26; Ord. No. 93-03, § 1(7-1), 12-8-1992; Ord. No. 2002-18, § 17, 1-8-2002)

Sec. 2-224. Contract claims.

(a) *Decision of the city manager.* All claims by a contractor against the city relating to a contract, except bid protests, shall be submitted in writing to the city manager for a decision. The contractor may request a conference with the city manager on the claim. Claims include, without limitation, disputes arising under a

Back to Electronic Table of Contents

contract and those based upon breach of contract, mistake, misrepresentation or other cause for contract modification or decision.

(b) *Notice to the contractor of the city manager's decision.* The decision of the city manager shall be promptly issued in writing and shall immediately be mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached and shall inform the contractor of his/her appeal rights under subsection (c) of this section.

(c) *City manager's decision; contractor's right to appeal.* The city manager's decision shall be final and conclusive unless, within ten calendar days from the date of receipt of the decision, the contractor files a written notice of appeal with the city commission challenging the decision.

(Code 1978, § 2-139.27; Ord. No. 93-03, § 1(7-2), 12-8-1992)

Sec. 2-225. Authority of the city manager to settle bid protests.

The city manager is authorized to settle any protest regarding the solicitation or award of a city contract, prior to an appeal to the city commission or the commencement of an action in a court of competent jurisdiction, but may not settle any such protest for consideration equal to or greater than $25,000.00 in value without the prior approval of the city commission.

(Code 1978, § 2-139.28; Ord. No. 93-03, § 1(7-3), 12-8-1992; Ord. No. 2003-72, § 4, 7-1-2003)

Sec. 2-226. Remedies for solicitation or awards in violation of law.

(a) *Prior to bid opening or closing date for receipt of proposals.* If prior to the bid opening or the closing date for receipt of proposals the city manager determines that a solicitation is in violation of federal, state or municipal law or ordinance, then the solicitation shall be canceled or revised to comply with applicable law.

(b) *Prior to award.* If after the bid opening or the closing date for receipt of proposals, but prior to the award of a contract, the city manager, after consultation with the city attorney, determines that a solicitation or the proposed award of a contract is in violation of a federal, state or municipal law or ordinance, then the solicitation or proposed award shall be canceled.

(c) *After award.* If, after an award, the city manager, after consultation with the city attorney, determines that a solicitation of award of a contract was in violation of an applicable law or ordinance, then:

(1) If the person awarded the contract has not acted fraudulently or in bad faith:

a. The contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of the city; or

b. The contract may be terminated and the person awarded the contract shall be limited to compensation for the actual costs reasonably incurred under the contract, but excluding attorney's fees, prior to the termination; or

(2) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void, if such action is in the best interest of the city, and the person awarded the contract is entitled to no compensation.

(Code 1978, § 2-139.29; Ord. No. 93-03, § 1(7-4), 12-8-1992)

Back to Electronic Table of Contents

Secs. 2-227--2-245. Reserved.

DIVISION 5. INTERGOVERNMENTAL RELATIONS AND COOPERATIVE PURCHASING

Sec. 2-246. Cooperative purchasing authorized.

The city may either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies or services with one or more public entities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between the public entities and open-ended state contracts which are made available to political subdivisions. The city manager or his/her designee shall have the authority to solicit bids or proposals on behalf of, or to participate with, other public entities in a cooperative purchasing process, if it is deemed, in his discretion, to be in the best interest of the city to do so.

(Code 1978, § 2-139.40; Ord. No. 93-03, § 1(8-1), 12-8-1992; Ord. No. 2002-18, § 18, 1-8-2002)

Sec. 2-247. Sale, acquisition or use of supplies by other public entities.

The city may sell to, acquire from or use any supplies belonging to another public entity independent of the requirements of division 2 and division 3 of this article.

(Code 1978, § 2-139.41; Ord. No. 93-03, § 1(8-2), 12-8-1992)

Sec. 2-248. Cooperative use of supplies, services and facilities.

The city may enter into an agreement, independent of the requirements of division 2 and division 3 of this article, with any other public entity for the cooperative use of supplies, services or facilities under the terms agreed upon between the parties.

(Code 1978, § 2-139.42; Ord. No. 93-03, § 1(8-3), 12-8-1992)

Sec. 2-249. Cooperative purchasing contract awards ("piggybacking").

Notwithstanding any other provisions of this article, the city manager or his/her designee shall have the authority to utilize the contracts of other public entities when to do so is deemed to be in the best interest of the city, and providing that such contracts shall have been awarded on the basis of a public, competitive proposal or bid process by federal, state, county, municipal or other governments or agencies thereof; provided, however, that in the purchase of property, supplies or services valued at $25,000.00 or more, such contract or proposal shall be subject to approval by the city commission.

(Code 1978, § 2-139.43; Ord. No. 2002-18, § 19, 1-8-2002; Ord. No. 2003-72, § 5, 7-1-2003)

Secs. 2-250--2-276. Reserved.

DIVISION 6. ETHICS IN PUBLIC CONTRACTING

Back to Electronic Table of Contents

Sec. 2-277. Criminal penalties.

To the extent that violations of the ethical standards of conduct set forth in this division constitute violations of the state criminal code, they shall be punishable as provided herein. Such penalties shall be in addition to the civil sanctions set forth in this article.

(Code 1978, § 2-139.53; Ord. No. 93-03, § 1(9-1), 12-8-1992)

Sec. 2-278. Employee conflict of interest.

(a) It shall be unethical for any city employee to participate directly or indirectly in a procurement contract when the city employee knows that:

(1) The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement contract; or

(2) Any other person, business or organization with whom the employee or any member of an employee's immediate family is negotiating, or has an arrangement concerning prospective employment, is involved in the procurement contract.

(b) A city employee or any member of a city employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

(Code 1978, § 2-139.54; Ord. No. 93-03, § 1(9-2), 12-8-1992)

Sec. 2-279. Gratuities and kickbacks.

(a) *Gratuities.* It shall be unethical for any person to offer, give or agree to give any city employee or former city employee, or for any city employee or former city employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.
(b) *Kickbacks.* It shall be unethical for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(c) *Contract clause.* The prohibition against gratuities and kickbacks prescribed in this section shall be conspicuously set forth in every contract and solicitation therefor.

(Code 1978, § 2-139.55; Ord. No. 93-03, § 1(9-3), 12-8-1992)

Sec. 2-280. Prohibition against contingent fees.

It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a city contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of

Back to Electronic Table of Contents

an established commercial business with approval of the city manager.

(Code 1978, § 2-139.56; Ord. No. 93-03, § 1(9-4), 12-8-1992)

Sec. 2-281. Contemporaneous employment prohibited.

It shall be unethical for any city employee who is participating directly or indirectly in the procurement process to become, or to be, the employee of any company contracting with the city.

(Code 1978, § 2-139.57; Ord. No. 93-03, § 1(9-5), 12-8-1992)

Sec. 2-282. Waivers from contemporaneous employment prohibition and other conflicts of interest.

The city commission may grant a waiver from the employee conflict of interest provision (section 2-278) or the contemporaneous employment prohibited provision (section 2-281) upon making a written determination that:

(1) The contemporaneous employment or financial interest of the employee has been publicly disclosed;

(2) The employee will be able to perform his or her procurement functions without actual or apparent bias or favoritism; and

(3) The award will be in the best interest of the city.

(Code 1978, § 2-139.58; Ord. No. 93-03, § 1(9-6), 12-8-1992)

Sec. 2-283. Use of confidential information.

It shall be unethical for any city employee or former city employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

(Code 1978, § 2-139.59; Ord. No. 93-03, § 1(9-7), 12-8-1992)

Sec. 2-284. Sanctions.

(a) *Employees.* Consistent with established personnel rules and regulations, the city manager may impose any one or more of the following sanctions on a city employee for violations of the ethical standards in this article:

(1) Oral or written warnings or reprimands;

(2) Suspension with or without pay for specified periods of time; or

(3) Termination of employment.

(b) *Nonemployees.* The city commission may impose any one or more of the following sanctions on a nonemployee for violations of the ethical standards:

(1) Termination of contracts; or

(2) Debarment or suspension as provided in section 2-134.

Back to Electronic Table of Contents

(Code 1978, § 2-139.60; Ord. No. 93-03, § 1(9-8), 12-8-1992)

Sec. 2-285. Recovery of value transferred or received in breach of ethical standards.

(a) *General provisions.* The value of anything transferred or received in breach of the ethical standards of this article by a city employee or a nonemployee may be recovered from both employee and nonemployee.

(b) *Recovery of kickbacks by the city.* Upon showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the city and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

(Code 1978, § 2-139.61; Ord. No. 93-03, § 1(9-9), 12-8-1992)

Sec. 2-286. Fraud, collusion, etc., by officers or employees.

Any officer of the city or head or employee of any department thereof who shall aid or assist any bidder or proposer in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder or proposer, or who shall favor one bidder or proposer over another by giving or withholding any information, or who willfully misleads any bidder or proposer in regard to the character of the material or supplies called for, or who knowingly accepts materials or supplies of any inferior grade to those called for by any contract or specifications, or who knowingly certifies to a greater amount of labor performed, or the receipt of a greater amount of different kind of materials or supplies than has been actually received, or shall defraud the city in any other manner in relation to contracts, shall be guilty of misfeasance in office and shall be removed from such office and/or terminated from employment with the city.

(Code 1978, § 2-139.62; Ord. No. 2002-18, § 20, 1-8-2002)

Sec. 2-287. Collusion by contractors.

If at any time it is found that the person to whom a contract has been awarded has colluded with any other person for the purpose of circumventing any other competing bidder or proposer, or has entered into any arrangement by which he/she has made a higher or lower bid or proposal than some other person for the purpose of dividing the contract or profits therefrom between two or more bidders or proposers, then the contract so awarded shall be null and void.

(Code 1978, § 2-139.63; Ord. No. 2002-18, § 21, 1-8-2002)

Secs. 2-288--2-306. Reserved.

ARTICLE VI. ELECTIONS*

***State law reference(s)--**Florida Election Code, F.S. chs. 97--106.

Back to Electronic Table of Contents

Sec. 2-307. Municipal general elections.

(a) Except as otherwise provided by the city Charter and this Code, the provisions of the election laws of the state shall apply to city municipal general elections.

(b) Space shall be made available at city facilities for the placement of campaign materials by candidates beginning ten days after the end of the qualifying period. Candidates shall be responsible for such placement, and individual distribution of materials is prohibited. Candidates shall be responsible for removal of such materials within seven days after the election.

(c) Space shall be designated by the city clerk at those city facilities being used as polling places for the placement of campaign signs. The location shall be selected so that the signs are visible to those visiting the polling place, but not intrusive or otherwise interfere with the voters' exercise of their right to vote or the public's use of the facility. Signs may only be placed at the polling place on election day. The political campaign sign provisions of the state statutes and the city's comprehensive development code which govern total signage area at each polling place, amongst other regulations, are applicable.

(d) City staff shall remove illegally erected campaign signs and notify candidates, one time only per candidate per election, of such illegally placed signs. City staff will store the first ten (10) illegally placed signs of each candidate that have been removed pursuant to this section in a location where the signs may be retrieved by the candidates. If more than ten (10) illegally placed signs for any candidate are removed by city staff, the candidate will not be allowed to retrieve any more than ten (10) confiscated signs until after election day. Any signs not retrieved by a candidate within five (5) days after the election shall be disposed of by the City.

(e) Violations of subsection (e) of this section shall be reported to the city clerk for enforcement by code enforcement staff, with the exception of violations of the state statutes.

(f) Distribution of petitions to city employees at city facilities during working hours is prohibited.

(g) The outcome of municipal general elections for commission seats and the mayor shall be determined by the candidate receiving the greatest number of votes for each seat. The outcome of the election on individual referendum questions, if any, shall be determined by a simple majority.

(h) The city clerk shall be authorized to contract with the county supervisor of elections to conduct each municipal general election and tabulate all ballots at the elections service center.

(i) All violations of this Code or the city Charter pertaining to elections shall be reported to the city clerk. If it is reported to the city clerk that a candidate has violated a provision of the city Charter or this Code, city staff will advise the complaining party to report the matter to the state attorney's office or other appropriate entity to enforce and/or investigate the allegations.

(j) The city clerk is not responsible for the enforcement or investigation of alleged violations of the Florida Election Code. However, if it is reported to the city clerk that a candidate has violated the Florida Election Code, the city clerk will advise the complaining party that the city has no jurisdiction over the Florida Election Code and refer the complaining party to the Florida Elections Commission. All complaints of violations of the Florida Election Code should be reported directly to the Florida Elections Commission by the complaining party.

(k) Campaign treasurer's reports shall be submitted to the city clerk, and the city clerk will review such reports to verify information for completeness and allow amendments as provided by law.

(l) The city clerk shall conduct a training session on campaign financing, political sign regulations, the

Back to Electronic Table of Contents

applicable Charter provisions, and related issues once prior to and once after the qualifying period. All candidates and campaign treasurers will be strongly encouraged to attend.

(m) The city canvassing board shall make any decisions regarding election protests and/or automatic recounts or requests for recounts.

(n) A majority of the members of the city canvassing board shall verify logic and accuracy test results. The supervisor of elections shall send certifications to the state division of elections.

(o) When candidates submit petitions to the city clerk, the city clerk shall count petitions when submitted and prior to forwarding to the supervisor of elections for verification. The city clerk shall remove petitions that do not meet city Charter requirements prior to forwarding the petitions to the supervisor of elections. Candidates shall determine the number of petition cards in excess of 200 to be verified by the supervisor of elections and shall provide that information to the City Clerk, in writing, upon the candidate's submittal of the petition cards.

(p) The city clerk will provide candidates with a candidate guide which will include, but not necessarily be limited to, the Florida Election Code, campaign treasurer's report forms and a schedule of due dates for campaign treasurer's reports.

(Ord. No. 2006-06, § 1, 1-3-2006; Ord. No. 2007-37, §§ 1, 2, 6-19-2007; Ord. No. 2008-40, §§ 1, 2, 5-20-2008; Ord. No. 2011-26, § 1, 5-17-2011; Ord. No. 2014-69, § 1, 7-1-2014)

Sec. 2-308. Procedure for filling vacancy in candidacy caused by death, withdrawal or removal from ballot of a qualified candidate.

(a) In the event of the withdrawal, death or removal of a qualified candidate for an elected municipal office following the end of the qualifying period which results in one candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.

(b) In the event of the withdrawal, death, or removal from the ballot of a qualified candidate following the end of the qualifying period which results in no candidates remaining for that office, the city commission shall, prior to the date on which the candidate would have taken office or, if the vacancy of the candidate arises less than 30 days prior to such date, within 30 days of the date on which the candidate would have taken office, appoint a successor to such office. The appointed official shall serve until the following regularly scheduled municipal general election, at which the vacancy in the commission seat shall be filled in accordance with the city Charter. The appointee shall have such qualifications as prescribed in the Charter for such office. If the city commission should fail to appoint a successor to the vacant office with the time prescribed, a special election shall then be called to elect a successor to serve the balance of the unexpired term.

(c) The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.

(Code 1978, § 2-157; Ord. No. 91-12, § 1, 2-5-1991; Ord. No. 2007-37, § 3, 6-19-2007)

State law reference(s)--Procedures to fill vacancy required, F.S. § 166.031(6).

Sec. 2-309. Early voting.

In each municipal election, the city clerk shall be authorized to contract with the county supervisor of elections to provide early voting to residents at all of their offices.

Back to Electronic Table of Contents

(Ord. No. 2005-02, § 1, 11-2-2004)

Secs. 2-310--2-336. Reserved.

ARTICLE VII. PROGRAMS AND SERVICES

Sec. 2-337. Assessing the impact of programs and services on annexation.

Each city program, whether new or existing, shall be required to conduct an internal impact assessment upon established annexation policies. Where conflicts are identified, programmatic, or service revisions shall be instituted to ensure that such service or new program adds value to being a city resident or business owner. In no event, should programs or services be designed in such a manner that promotes unincorporated subsidies or living and doing business in the city value neutral unless contrary to law.

(Code 1978, § 2-167; Ord. No. 99-37, § 1, 2-2-1999)

Back to Electronic Table of Contents

Chapter 3 ADVERTISING*

***Editor's note--**For law review note regarding governmental regulation of billboard advertising see § 9 Fla. L. Rev. 213.

State law reference(s)--For provisions relating to outdoor advertising see F. S. § 479.01 et seq.

Sec. 3-1. Distributing or throwing handbills, dodgers or advertising notices.
Sec. 3-2. Pasting advertising matter on vehicle of another.
Sec. 3-3. Advertising causing obstruction of streets or sidewalks.

Sec. 3-1. Distributing or throwing handbills, dodgers or advertising notices.

(a) It shall be unlawful to distribute to pedestrians upon any street, park or other public place in the city, or to distribute to passengers in any bus, or to throw into or upon any bus or automobile or other vehicle, any handbill, dodger or advertising notice of a commercial character. It is not a violation if the person receiving the handbill is willing to accept it.

(b) Nothing in this section shall prevent the distribution door to door of advertising matter or newspapers by any newspaper company regularly printing a newspaper in the city.

(Code 1967, § 3-5; Code 1978, § 3-5)

Sec. 3-2. Pasting advertising matter on vehicle of another.

It shall be unlawful to paste, glue or affix to any vehicle parked upon any street or public place in the city any handbill, dodger or advertising notice, without the consent of the owner of such vehicle.

(Code 1967, § 3-6; Code 1978, § 3-6)

Sec. 3-3. Advertising causing obstruction of streets or sidewalks.

It shall be unlawful to conduct any advertising or publicity business or activities pertaining thereto in a manner so as to produce an assemblage of spectators and listeners and thereby obstruct or cause the obstruction of any street or sidewalk of the city. This restriction shall not apply to parades or advertising under the authority of a permit obtained pursuant to this Code.

(Code 1967, § 3-7; Code 1978, § 3-7)

Back to Electronic Table of Contents

Chapter 4 ALCOHOLIC BEVERAGES*

***State law reference(s)--**Alcoholic beverages, F.S. chs. 561--569.

Sec. 4-1. Sale of alcoholic beverages for on-premises consumption; location.
Sec. 4-2. Sale of alcoholic beverages within the community redevelopment districts.

Sec. 4-1. Sale of alcoholic beverages for on-premises consumption; location.

(a) *Definitions.* As used in this Section, the following words, terms and phrases shall have the meaning ascribed to them in this Section, except where context clearly indicates a different meaning:

(1) *Alcoholic beverage* shall mean all beverages containing more than one percent of alcohol by weight, measured in the manner described in section 561.01(4)(b), Florida Statutes.

(2) *Open Container* means any vessel or container containing an alcoholic beverage, as defined herein, which is immediately capable of consumption or the seal of which has been broken notwithstanding the fact that the vessel or container has been recapped or covered.

(3) *Package Store* means a licensed place of business where alcoholic beverages are sold in the original sealed containers as received from the distributor for consumption off premises only.

(b) *Sale permitted; locational criteria for consumption on premises*. The sale of alcoholic beverages for consumption on the premises is permitted in an area designated for commercial land use by the Comprehensive Development Code, or in an area designated for Industrial land use by the Comprehensive Development Code that contains an existing, legal non-conforming commercial use except as provided herein and provided that:

(1) The sale of alcoholic beverages for consumption on premises shall not be permitted on any tract of land within three hundred (300) feet of a church, county-licensed child care facility or public school site, such distance to be measured from the property line of the church, state-licensed child care facility or public school property closest to the parcel upon which alcohol will be sold for consumption on premises in a straight line to the nearest outer edge or wall of the business structure.

(2) This section of these regulations shall be extended to allow the sale of alcoholic beverages for consumption on the premises within the clubhouse located on golf course premises within an area designated for residential land use.

(3) This section of these regulations shall also be extended to allow the sale of alcoholic beverages for consumption on the premises of all residential facilities which meet the criteria of Florida Statutes for 4-COP SRX – Restaurant License, Florida Statutes, section 561.20(2)(a)(3). Any proposed facility is required to comply with the 300-foot minimum distance requirement noted in subsection (b)(1) above.

(4) This section of these regulations shall be extended to allow the sale of alcoholic beverages for consumption on premises at the Largo Cultural Center located at 105 Central Park Drive, the Largo Public Library located at 120 Central Park Drive, the Largo Feed Store located at 295 Central Park Drive, the Largo Community Center located at 400 Alternate Keene Road, and the Largo Golf Course located at 12500 Vonn Road. In addition, the City Manager, for certain scheduled events and uses, shall have the discretion to authorize the sale, possession

Back to Electronic Table of Contents

and consumption of otherwise lawful alcoholic beverages at any public facility in the City.

(5) The dispensing of alcoholic beverages for on-premises consumption in conjunction with a restaurant shall be exempt from the distance provisions of this Section. For the purposes of this Section, "restaurant" means an eating and drinking establishment serving alcoholic beverages that is governed by either: (1) a State of Florida series SRX alcoholic beverage license, or (2) by another State of Florida consumption on premises license, and which is required to maintain a greater than fifty (50) percent ratio of food and non-alcoholic beverage sales relative to total food and beverage sales as measured on an annual basis (including 2-COP licenses). Vendors dispensing alcoholic beverages for consumption on premises may be required by the City to provide verification from a certified public accountant establishing that the restaurant is maintaining a greater than fifty (50) percent ratio of food and non-alcoholic beverage sales relative to total food and beverage sales on an annual basis.

(Ord. No. 2012-35, § 1, 8-21-2012)

(c) *Compliance required; duty of city manager.* The city manager or his designee shall require compliance with this section by any applicant for state liquor license and shall, for and on behalf of the city, and when appropriate, certify thereto. Other provisions of this chapter to the contrary notwithstanding, certification of applications for temporary alcoholic permits for special events may be approved without reference to the foregoing requirements.

(d) *Hours of sale; closing hours:*

(1) All business establishments in the city, licensed or unlicensed, dealing in alcoholic beverages of any alcoholic content, public or private, either directly or indirectly, including private bottle clubs, or similar establishments, where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be, or is intended to be, mixed, combined with or drunk in connection or combination with an alcoholic beverage shall remain closed from the hours of 3:00 a.m. to 8:00 a.m. on each day of the week except Sunday.

(2) All such business establishments shall remain closed on each Sunday from the hours of 3:00 a.m. to 11:00 a.m.

(3) Exceptions:

a. Drugstores or prescription shops dealing only in medicines and drugs dispensed for medical purposes shall not be within the prohibitions of this section.

b. Vendors licensed under Sections 563.02(1)(a, 564.02(1)(a) and 565.02(1)(a), Florida Statutes, to operate places of business where alcoholic beverages are sold only in sealed containers for consumption off premises are specifically included in the provisions of this section, with the exception that such vendors shall not dispense alcoholic beverages between the hours of 12:01 a.m. and 8:00 a.m. each day, and except that such vendors shall not dispense alcoholic beverages between the hours of 12:01 a.m. and 11:00 a.m. on Sunday.

c. All business establishments coming under this section which are engaged in a business primarily outside the purview of this section but which maintain a separate department or section within such establishment for the sale of alcoholic beverages shall close only that department or section in conformance with this section.

(Code 1978, § 3-5.1(a), (b); Ord. No. 83-22, § 1, 4-19-1983; Ord. No. 88-23, § 1, 5-17-1988; Ord. No. 92-31, § 1, 7-21-1992; Ord. No. 96-45, § 1, 9-17-1996; Ord. No. 2003-86, § 1, 9-2-2003; Ord. No. 2004-07, § 1, 11-4-2003; Ord.

Back to Electronic Table of Contents

No. 2005-65, § 1, 8-2-2005; Ord. No. 2008-25, § 1, 4-15-2008; Ord. No. 2010-20, § 1, 2-2-2010, Ord. No. 2010-83, § 1, 9-7-2010, Ord. 2011-06, § 1, 11-13-2010, Ord. No. 2011-14, § 1, 2-1-2011)

State law reference(s)--Hours of sale, location, F.S. §§ 562.14, 562.45.

Sec. 4-2. Sale of alcoholic beverages within the community redevelopment districts.

The sale of alcoholic beverages within the community redevelopment districts (CRDs) shall be permitted in compliance with the following regulations:

(1) The sale of alcoholic beverages for consumption on premises (COP) is allowed on properties with a nonresidential land use and within residential facilities which meet the criteria contained in F.S. § 561.20(2)(a)(2) and (2)(a)(3).

(2) Establishments permitted to sell alcoholic beverages under this subsection and holding a valid 2-COP or 4-COP license shall be prohibited from locating within 50 feet of a church, county-licensed child care facility or public school building, such distance to be measured from the property line of the church, county-licensed child care facility or public school property closest to the parcel upon which alcohol will be sold or consumed in a straight line to the nearest outer edge or wall of the structure in which alcoholic beverages will be sold or consumed. Establishments permitted to sell alcoholic beverages under this subsection and holding a valid 4-COP license shall be prohibited from locating within 150 feet of another establishment holding a valid 4-COP license. Such distance is to be measured from the nearest outer edge or wall of the structure in which alcoholic beverages will be sold or consumed.

(3) Establishments permitted to sell alcoholic beverages under this subsection and which meet the criteria of F.S. § 561.20(2)(a)(4) for a 4-COP SRX--Special Restaurant License and facilities maintaining a valid 4-COP or 4-COP SRX license that are integrated with a hotel facility shall be exempt from the 150-foot distance separation from establishments holding a valid 4-COP license as stated in subsection (a)(2) of this section.

(Code 1978, § 3.5-2; Ord. No. 2002-27, § 1, 2-19-2002; Ord. No. 2008-25, § 2, 4-15-2008)

Sec. 4-3. Consumption of Alcoholic Beverages or Possession of Open Container in Public Places Prohibited.

(a) *Consumption of Alcoholic Beverages or Possession of Open Container in Public Places Prohibited*.

(1) It shall be a violation of this section for any person to consume any alcoholic beverages and for any person other than a licensed beverage salesperson or agent to carry or possess any open container at or upon any public right-of-way, including streets, sidewalks and alleyways, whether paved or unpaved, public parking lot, or other lands or facilities owned or controlled by the City except as otherwise hereinafter provided.

(2) The prohibitions contained in subsection (a)(1) shall not apply as follows:

a. Instances in which the City has entered into a contract or issued a permit by which its terms allows the carrying or consumption of alcoholic beverages in a specified area or place; or

b. To City-owned properties where the sale of alcohol for consumption on premises is specifically allowed pursuant to Section 4-1 of this Code; or

c. For certain scheduled events and uses the City Manager has exercised his discretion pursuant to section 4-1 of this Code to authorize the sale, possession, and consumption of lawful alcoholic beverages at a public facility within the City; or

Back to Electronic Table of Contents

d. The person in possession of an open container is engaged in picking up alcoholic beverage containers for the purpose of controlling litter, collecting deposits or other trash collection purposes.

e. A pedestrian navigating the public right-of-way, including streets, sidewalks and alleyways, whether paved or unpaved, public parking lot or other lands or facilities controlled by the City in possession of a closed but unsealed container containing an alcoholic beverage is not in violation of this section so long as the container remains closed and is kept inside another container having a mechanical closure; provided that the outer container is kept closed and the alcoholic beverage is not consumed in the public right-of-way, including streets, sidewalks and alleyways, whether paved or unpaved, public parking lot, or other lands or facilities owned or controlled by the City. The provisions of Chapter 316.1936, Florida Statutes are controlling as it pertains to individuals navigating the public right-of-way on or within a vehicle as that term is defined in Chapter 316, Florida Statutes.

f. This provision shall not be construed to grant any right to use of common elements/areas in a private, multi-family residential development that is not in keeping with any by-laws, lease terms, association regulations or declarations, etc. applicable to use of said areas.

(b) *Consumption of Alcoholic Beverages or Possession of Open Container Near Stores Selling Alcoholic Beverages, Churches, County-licensed Child Care Facilities, or Schools Prohibited*.

(1) It shall be a violation of this Code for any person to consume alcoholic beverages or possess an open container within five hundred (500) feet of any package store, food store, drugstore or prescription shop, or any other establishment selling alcoholic beverages for consumption off premises provided however, that this prohibition shall not apply if the property within five hundred (500) feet of said package store, food store, drug store or prescription shop or other establishment selling alcoholic beverages for consumption off premises is within an enclosed building, is occupied by residential structures, or is occupied by an establishment authorized to sell alcoholic beverages for consumption on premises.

(2) It shall be a violation of this Code for any person to consume alcoholic beverages or possess an open container within five hundred (500) feet of a church, county-licensed child care facility or public school site, provided however that this prohibition shall not apply if the property within five hundred (500) feet of said church, county-licensed child care facility or public school site is within an enclosed building, is occupied by residential structures, or is occupied by an establishment authorized to sell alcoholic beverages for consumption on premises.

(c) *Penalties*.

(1) Except as otherwise provided by law or ordinance, a person convicted of a violation of this section shall be punished by a fine not to exceed $500.00 or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment.

(2) With respect to violations of this section that are continuous with respect to time, each day the violation continues is a separate offense.

(Ord. No. 2011-14, § 2, 2-1-2011)

Back to Electronic Table of Contents

Chapter 5 ANIMALS

Article I. In General
Sec. 5-1. Running at large.
Sec. 5-2. Allowing trespass.
Sec. 5-3. Requirements for keeping horses, cows, hogs, and other livestock.
Sec. 5-4. Fowl running at large; requirements for keeping.
Sec. 5-5. Abandoning of animals.
Sec. 5-6. Shooting at animals with air rifles or similar weapons.
Sec. 5-7. Birds; city designated as sanctuary; prohibited acts.
Secs. 5-8--5-32. Reserved.
Article II. Dogs
Sec. 5-33. Running at large upon premises of another.
Sec. 5-34. Removal of dog excreta from certain public and private property.
Sec. 5-35. Dogs constituting a nuisance.

ARTICLE I. IN GENERAL

Sec. 5-1. Running at large.

No person who owns, harbors, keeps or maintains any horse, cow or other domestic animal or pet shall permit the same to wander on the public streets, nor shall such animals be secured, except temporarily, on the public streets or parkways of the city; and any such horse, cow and other animal or pet found to be wandering at large, or tied or secured on the public streets or parkways of the city, except temporarily, shall be impounded.

(Code 1967, § 5-1; Code 1978, § 4-1)

Sec. 5-2. Allowing trespass.

No person while in control of any horse, cow or other domestic animal, whether by leash or by mere physical presence with such animal, shall allow such animal to trespass upon the property of another.

(Code 1967, § 5-2; Code 1978, § 4-2)

Sec. 5-3. Requirements for keeping horses, cows, hogs, and other livestock.

(a) It shall be unlawful for any person to keep or maintain one or more horses, mules, cows or hogs in any residential section of the city within 300 feet of any residence and without the consent of the owner or occupant of such residence and permission from the city commission.

(b) Places where any such animals are kept shall be kept clean and dry. All manure shall be picked up daily and kept in a bin or receptacle that will exclude flies and odors. Such bin shall be located at a point most remote from any dwelling or other structure owned or occupied by others than the owner of the premises and shall likewise be placed at a point most remote on the premises from any street. It shall be unlawful for any person to hold such manure on any premises in bins after the same shall have become a nuisance or unsanitary; provided, however, that any person may use such manure on their premises for the purpose of enriching their own ground or for any other use to which manure can properly be put when the same is not offensive or unsanitary.

(Code 1967, § 5-3; Code 1978, § 4-3)

Back to Electronic Table of Contents

Sec. 5-4. Fowl running at large; requirements for keeping.

Chickens, turkeys, ducks, geese and guinea fowl running at large within the city are hereby declared to be nuisances. No person shall be allowed to keep any such fowl within the city unless the same are securely fenced and confined to the premises of the owner. Coops and runways shall be kept clean and free from offensive odors.

(Code 1967, § 5-4; Code 1978, § 4-4)

Sec. 5-5. Abandoning of animals.

(a) It is unlawful for any person who is the owner or possessor, or has charge or custody, of any animal to abandon such animal, to allow such animal to suffer injury or malnutrition or to abandon any animal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such animal.

(b) For purposes of this section, the term "abandon" means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an animal.
(Code 1967, § 5-6; Code 1978, § 4-6)

State law reference(s)--Abandoning of animals, F.S. § 828.13.

Sec. 5-6. Shooting at animals with air rifles or similar weapons.

No person shall shoot or shoot at any birds, cats, dogs or other animals or fowl in the city, with any weapon utilizing the principle of compressed air, or any type of weapon commonly referred to as an "air rifle." This section shall not apply to the shooting, use, or possession of firearms or ammunition as those terms are defined in Section 790.001, Florida Statutes, and which are regulated solely by the State of Florida.

(Code 1967, § 5-8; Code 1978, § 4-8, Ord. No. 2011-42, § 1, 9-20-2011)

Sec. 5-7. Birds; city designated as sanctuary; prohibited acts.

(a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b) No person shall trap, shoot, hunt or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. If birds of any species are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the animal control or other appropriate authorities of the county. In such event the commission may authorize the destruction of such birds under the supervision of the chief of police.

(Code 1978, § 4-9; Ord. No. 76-817, § 2, 3-2-1976)

Secs. 5-8--5-32. Reserved.

ARTICLE II. DOGS

Sec. 5-33. Running at large upon premises of another.

(a) *Prohibited.* No dog shall be allowed to run at large or upon premises not owned or occupied as a residence by the owner of or person in custody of the dog.

Back to Electronic Table of Contents

(b) *Limitation on prohibition.* Nothing in subsection (a) of this section shall be construed to prevent the walking of a dog under leash control in areas open to the public or to prevent dogs running loose within fenced areas on or off the premises of the owner or custodian of the dog, so long as the leash is no greater than six feet in length.

(c) *Dogs in parks.* Any dog in a city park shall be restricted by leash under the control of the owner or custodian, such leash shall not exceed the length of six feet.

(Code 1978, § 4-15; Ord. No. 2000-79, § 1, 7-11-2000)

Sec. 5-34. Removal of dog excreta from certain public and private property.

It shall be unlawful for any dog owner or person in custody of a dog to fail to remove deposits of dog excreta made by a dog in that person's charge when the deposit of dog excreta is known or should be known to the dog owner or person in custody of the dog on any public property including, but not limited to, municipal parks and public rights-of-way; or on private property not owned or occupied as a residence by the dog owner or person in custody of the dog. If such depositing of excreta occurs, the dog owner or person in custody of the dog shall immediately cause its removal for disposal at the premises of the dog owner or person in custody of such dog.

(Code 1978, § 4-16; Ord. No. 2000-79, § 1, 7-11-2000)

Sec. 5-35. Dogs constituting a nuisance.

It shall be unlawful for any person to own or keep any dog that becomes a nuisance in the community. Acts of nuisance shall include, but are expressly not restricted to, the following:

(a) Frequent barking between the hours of 11:00 p.m. and 6:00 a.m. or frequent barking for continuous periods of ten minutes or more at any time, or both.

(b) Viciousness. As used in this subsection, the term "viciousness" means posing a physical threat to other animals or to human beings.

(c) Frequent digging into, breaking or otherwise injuring shrubbery, trees or lawns.

(Code 1978, § 4-17; Ord. No. 2000-79, § 1, 7-11-2000)

Back to Electronic Table of Contents

Chapter 6 RESERVED

Back to Electronic Table of Contents

Chapter 7 BUSINESSES

Article I. In General
Secs. 7-1--7-18. Reserved.
Article II. Adult Entertainment
Division 1. Generally
Sec. 7-19. Title.
Sec. 7-20. Authority.
Sec. 7-21. Territory embraced.
Sec. 7-22. Construction.
Sec. 7-23. Purpose of article.
Sec. 7-24. Legislative findings.
Sec. 7-25. Definitions.
Sec. 7-26. Regulation of obscenity subject to state law.
Secs. 7-27--7-55. Reserved.
Division 2. Licensing Provisions
Sec. 7-56. Responsibilities of commission, community development department, and police department.
Sec. 7-57. Adult use license required; classification.
Sec. 7-58. Application required for adult use license; contents of; application fee; rejection of incomplete application; consent by applicant.
Sec. 7-59. Investigation of application.
Sec. 7-60. Grant; denial.
Sec. 7-61. Contents of license; term; renewals; expiration; cancellation.
Sec. 7-62. Annual licensing regulatory fees.
Sec. 7-63. Records and reports; consent by licensee.
Sec. 7-64. Transfer of license.
Sec. 7-65. Changing name of establishment.
Sec. 7-66. Suspension of license.
Sec. 7-67. Cancellation or revocation of license.
Secs. 7-68--7-92. Reserved.
Division 3. Employee Provisions
Sec. 7-93. Records for employees.
Secs. 7-94--7-114. Reserved.
Division 4. Operational Provisions for Adult Uses
Sec. 7-115. General requirements.
Sec. 7-116. Adult theater.
Sec. 7-117. Special cabarets, adult photographic or modeling studios, and adult theaters.
Secs. 7-118--7-146. Reserved.
Division 5. Location Provisions
Sec. 7-147. Location of Adult Uses.
Sec. 7-148. Adult use permits.
Sec. 7-149. Nonconforming adult uses.
Sec. 7-150. Hardship relief.
Secs. 7-151--7-168. Reserved.
Division 6. Prohibitions
Sec. 7-169. Prohibited operations, acts, advertisements, and actions of adult use establishments.
Sec. 7-170. Appeals.
Secs. 7-171--7-193. Reserved.
Division 7. Miscellaneous Provisions
Sec. 7-194. Notice.

Back to Electronic Table of Contents

Sec. 7-195. Effective date.
Secs. 7-196--7-213. Reserved.
Article III. Solicitors, Peddlers and Transient Merchants
Sec. 7-214. City policy.
Sec. 7-215. Definitions.
Sec. 7-216. Registration required.
Sec. 7-217. Issuance of license.
Sec. 7-218. Fees.
Sec. 7-219. Revocation of permits.
Sec. 7-220. Prohibited acts.
Sec. 7-221. Exceptions.
Sec. 7-222. Display of license.
Secs. 7-223--7-238. Reserved.
Article IV. Masseurs, Masseuses and Massage Parlors
Sec. 7-239. Purpose and intent.
Section 7-240.

ARTICLE I. IN GENERAL

Secs. 7-1--7-18. Reserved.

ARTICLE II. ADULT ENTERTAINMENT

DIVISION 1. GENERALLY

Sec. 7-19. Title.

This article shall be known and may be cited as the "Comprehensive Adult Use Regulations."

(Code 1978, § 13-23.1; Ord. No. 93-44, § 1, 6-1-1993)

Sec. 7-20. Authority.

This article is enacted pursuant to F.S. ch. 166, and as provided in the Municipal Home Rule of Power Act, in the interest of the health, peace, safety and general welfare of the people of the city.

(Code 1978, § 13-23.2; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 93-69, § 1, 10-5-1993)

Sec. 7-21. Territory embraced.

All territory within the legal boundaries of the incorporated city shall be embraced.

(Code 1978, § 13-23.3; Ord. No. 93-44, § 1, 6-1-1993)

Sec. 7-22. Construction.

The regulations of this article shall be liberally construed to accomplish the purpose of licensing and regulating adult uses and related activities. Unless otherwise indicated, all provisions of this article shall apply equally to all persons, regardless of sex. Masculine pronouns, such as "he," "his" or "him," as employed in the regulations of this article, shall also be construed to apply to feminine pronouns and neutral pronouns, unless the context suggests otherwise. Words used in the singular number shall include the plural number, unless the context

Back to Electronic Table of Contents

suggests otherwise.

(Code 1978, § 13-23.4; Ord. No. 93-44, § 1, 6-1-1993)

Sec. 7-23. Purpose of article.

The intent of the city commission in adopting the regulations of this article is to establish reasonable and uniform regulations that will protect the health, safety and general welfare of the people of the city. The provisions of this article, acting alone or together with other applicable ordinances of the city and county, have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult material. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to adult materials or expression protected by the First Amendment or to deny access by distributors and exhibitors of adult uses to their intended market.

(Code 1978, § 13-23.5; Ord. No. 93-44, § 1, 6-1-1993)

Sec. 7-24. Legislative findings.

(a) The concerns raised in the "Whereas" clauses listed in City of Largo Ordinance No. 93-44 and Ordinance No. 93-69 are incorporated in this section by reference.
(b) The concerns raised in the findings incorporated by reference in subsection (a) of this section, raise substantial governmental concerns.

(c) Adult use establishments have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(d) Commercial establishments exist, or may exist, within the city and other nearby cities and unincorporated portions of the county where books, magazines, periodicals, or other printed material, or photographs, films, motion pictures, prints, videotapes, slides, or other visual representations or recordings, or other audio matters, or instruments, novelties, devices, or paraphernalia which depict, illustrate, describe or relate to specified sexual activities or specified anatomical areas are possessed, displayed, exhibited, distributed, and/or sold.

(e) Commercial establishments exist, or may exist, within the city and other nearby cities or in portions of the unincorporated county where dancers, entertainers, performers, or other individuals, who, for commercial gain, model, perform, demonstrate, or are presented while displaying or exposing specified anatomical areas; or engage in straddle dancing or touching with customers.

(f) The activities described in subsections (d) and (e), of this section, occur at establishments which operate for the purpose of making a profit and, as such, are subject to regulation by the city in the interest of health, safety, economy, property values, and general welfare of the people, businesses, and industries of the city. A major industry which is important to the community's economic welfare is tourism by persons seeking to bring children to visit attractions who wish to stay in a community with a family atmosphere.

(g) The activities described in subsections (d) and (e), of this section, often occur in establishments concurrent with the sale and consumption of alcoholic beverages, which tend to further increase criminal activity, disrupt the peace and order of the community, depreciate the value of real property, harm the economic welfare of the community, and affect the quality of life of the community.

(h) In order to preserve and safeguard the health, safety, property values, and general welfare of the people, businesses, and industries of the city, it is advisable for the city to regulate the sale or consumption of alcoholic beverages at establishments where the activities described in subsections (d) and (e) of this section occur.

(i) A reasonable and simple licensure procedure is an appropriate mechanism to place the burden of that

Back to Electronic Table of Contents

reasonable regulation on the owners and operators of the adult use establishments. Further, such a licensing procedure will place a heretofore nonexistent incentive on the owner/operator to see that the adult use establishment is run in a manner that is consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual owner/operator of the adult use establishment, fully in possession and control of the premises and the activities occurring therein.

(j) Adult use establishments are a pervasively regulated industry, making reasonable inspections and administrative searches necessary to enforce regulatory standards. In particular, the city commission finds:

(1) Removal of doors on adult booths and requiring sufficient lighting in adult theaters advances the substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring at adult theaters.

(2) The prevention of sexual contact between patrons and employees at adult use establishments is unrelated to the suppression of free expression, but serves to address the concerns raised in the findings contained herein. Although the dancer's erotic message may be slightly less effective from three feet away, the ability to engage in the protected expression is not significantly impaired.

(3) Separating dancers from patrons, and prohibiting dancers and patrons from engaging in sexual fondling and caressing in adult cabarets and adult photographic and modeling studios, would reduce the opportunity for prostitution transactions, and thus should deter prostitution.

(4) Requiring that the facilities of adult theaters be constructed of materials that are easily cleanable, that the facilities be cleaned on a regular basis, and that the employees cleaning the facilities take reasonable precautions to avoid contact with possible disease transmitted media is reasonably related to the protection of both employees and patrons from sexually transmitted diseases.

(5) Requiring licensees of adult use establishments to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(6) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult use establishment is substantially related to the significant governmental interest in the operation of such uses in a manner as to prevent the spread of sexually transmitted diseases and to reduce or eliminate the criminal activity associated with adult use establishments.

(7) It is desirable, in the prevention of the spread of communicable diseases and in the investigation of criminal activity, to obtain a limited amount of information regarding certain employees who are either engaged in the conduct which this article are designed to prevent, or are likely to be witnesses to such activity.

(8) A substantial, rational relationship between sexually-oriented businesses and sexually-related crimes establishes a compelling justification for barring those prone to such crimes from the management of such businesses.

(9) The fact that an applicant for an adult use license has been convicted of a sexually-related crime leads to a rational inference that the applicant is more likely to engage in conduct in the contravention of the regulations of this article.

(10) The barring of a person from participating in an adult use business may cease when circumstances indicate to the city that offenders are no longer criminally inclined.

Back to Electronic Table of Contents

(11) The barring of such individuals from management of adult uses for a period of years serves as a deterrent to, and prevents, the conduct which leads to the transmission of sexually transmitted diseases and to the promotion of that criminal activity associated with adult uses.

(12) The barring of the sale of alcoholic beverages from adult uses is a reasonable precaution to reduce criminal activity, the potential transmission of social and communicable diseases, and the opportunity for prostitution transaction.

(13) Because the weight of evidence shows that while adult bookstores which own, sell, or rent adult material, and have no adult booth/theater component, have similar secondary effects as other adult uses, such bookstores do not promote the transmission of sexually transmitted diseases, an exemption of such limited adult establishments from the licensure requirements, but not the locational requirements of this article is appropriate.

(Code 1978, § 13-23.6; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 93-69, § 2, 10-5-1993)

Sec. 7-25. Definitions.

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

(a) *Adult arcade* means a place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(b) *Adult bookstore* means an establishment which sells or rents adult material, unless the adult material is accessible only by employees; and either the gross income from the sale and/or rental of adult material comprises less than ten percent of the gross income from the sale and/or rental of goods and/or services at the establishment, or the individual items of adult material offered for sale and/or rental comprise less than 25 percent of the individual items publicly displayed at the establishment, or the section or the portion of the establishment set aside for the display or sale of adult materials comprises less than 15 percent of the gross floor area leased and/or owned by the establishment as stock in trade in any of the following categories: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations, or recordings, or other audio matter. Any adult use activity other than the sale or rental of adult material shall preclude the establishment's qualifying solely as an adult bookstore and shall mandate its classification as other than an adult bookstore.

(c) *Adult booth* means a separate enclosure inside an adult use accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a peep show booth or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment or a restroom.

(d) *Adult entertainment establishment* means an adult use, as defined in this article, operated for commercial or pecuniary gain, regardless of whether such establishment is licensed under this article. "Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. An establishment which has an occupational license shall be presumed to be operated for commercial or pecuniary gain. An establishment with an adult use license and/or adult use permit shall be presumed to be an adult entertainment establishment.

(e) *Adult material* means any one or more of the following, regardless of whether it is new or used:

(1) Books, magazines, periodicals or other printed matter, paintings; drawings or other publications or

Back to Electronic Table of Contents

graphic media; photographs, films, motion pictures, videocassettes or disks, slides or other visual representations; or recordings or other audio matter, which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section; or

(2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

(f) *Adult photographic and modeling studio* means any business establishment which offers or advertises as its primary business stock in trade the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas or modeling of apparel that exhibits specified anatomical areas, or modeling, demonstrating, or presenting any product or service for sale, in a private performance setting, in which the model or sales representative exhibits specified anatomical areas.

(g) *Adult theater* means an enclosed building or an enclosed space within a building or an open-air area used for presenting either filmed or live plays, dances or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this article, for observation by patrons therein. An establishment which has adult booths and/or adult arcade is considered to be an adult theater.

(h) *Adult use* means and includes the terms "adult arcade," "adult bookstore," "adult booth," "adult theater," "special cabarets," "physical culture establishments," and "adult photographic and modeling studios," as defined in this section, including any business establishment whose primary business stock in trade is dependent upon the activities relating to specified sexual activities, specified anatomical areas, or straddle dances as defined in this section. The term "adult uses" are those uses, excluding drinking establishments which serve alcohol, which are not open to the public generally, but only to one or more classes of public and excluding any minors by reason of age, a minor being a person under the age of 18 years.

(i) *Alcoholic beverage* means a beverage containing more than one percent alcohol by weight. It shall be prima facie evidence that a beverage is an alcoholic beverage, if there is proof that the beverage in question was, or is known as beer, wine, whiskey, moonshine whiskey, moonshine, shine, rum, gin, tequila, bourbon, vodka, scotch, scotch whiskey, brandy, malt liquor, or by any other similar name or names, or was contained in a bottle or can labeled as any of the names in this definition, or name similar thereto, and the bottle or can bears the manufacturer's insignia, name, or trademark. Any person who, by experience in the handling of alcoholic beverages, or by taste, smell, or drinking of such alcoholic beverages, has knowledge of the alcoholic nature thereof, may testify as to his/her opinion about whether such beverage is an alcoholic beverage.

(j) *Applicant* means any business entity or person who has applied for an adult use permit or license.

(k) *Business entity* means any and all persons, natural or artificial, including any individual, firm, corporation, or association operating or proposed to operate for commercial or pecuniary gain. ("Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. Also, "operated for commercial or pecuniary gain" shall be presumed where the establishment has an occupational license.) Business entity includes any enterprise or venture in which a person sells, buys, exchanges, barters, deals, or represents the dealing in any thing or article of value, or renders services for compensation.

(l) *Certification of compliance/noncompliance* means a notice issued by the development controls officer or his/her designee indicating to an applicant that the location proposed for an adult use complies or does not comply with the locational requirements of this article.

(m) *Child care facility* means any children's center, day nursery, nursery school, kindergarten or family day care home, as defined in Laws of Fla. ch. 61-2681 (codified in the Compiled Laws and Ordinances, Pinellas County, Florida) and which has an occupational license with the city.

Back to Electronic Table of Contents

(n) *Church* means a premises or site which is used primarily or exclusively for religious worship and related activities.

(o) *Commission* means the city commission of the City of Largo, Florida.

(p) *Conviction* means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

(q) *Department* means the departments or divisions of the city government including community development, fire, and police, and the county public health unit, including the respective director, employees, officers, and agents thereof.

(r) *Development controls officer (DCO)* means the director of the city community development department or his/her designee.

(s) *Employee* means a person who works or performs, or provides services in connection with an adult use establishment, irrespective of whether said person is paid a salary or wages, or is an independent contractor, provided that such person has a substantial or consistent relationship with the business of, or entertainment/services provided by, the adult use. The term "employee" includes, but is not limited to, performers, managers and assistant managers, stockpersons, tellers, sales representatives, demonstrators, and operators.

(t) *Establishment* means a site or premises, or portion thereof, upon which certain adult use activities or operations are conducted.

(u) *Establishment or commencement of business* means any of the following:

(1) The opening or commencement of any adult use business as a new business;

(2) The conversion of an existing business, whether or not an adult use business, to any adult use business;

(3) The addition of any adult use business to any other existing adult use business;

(4) The relocation of any adult use business; or

(5) The continuation of an existing adult use business, regardless of whether it is in compliance with the locational requirements of this article.

For purposes of determining the date of commencement of business, evidence in the form of certified certificates of occupancy, affidavits, valid receipts or business records may be utilized. Any decision regarding a given date of commencement may be appealed pursuant to the provisions of section 7-170.

(v) *Irreparable or irreversible violation* means violation of section 7-169(b)(3), (b)(4), (c)(1)--(c)(10), (e), (g), (h), (i), (j),(l), (m), (n), and (o).

(w) *Law enforcement officer* means any person who is elected, appointed, or employed full time by the state, or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(x) *Licensee* means any person whose application for an adult entertainment establishment has been granted and who owns, possesses, operates, and controls the establishment.

Back to Electronic Table of Contents

(y) *Mixed use land use category* means any parcel located in the incorporated areas of the city, the land use designation of which allows residential uses in any combination of office or commercial land uses as set forth in the allowable uses table of the city comprehensive development code.

(z) *Operator* means any person who engages in, or performs any activity which is necessary to, or which facilitates the operation of an adult entertainment establishment including, but not limited to, the licensee, manager, owner, doorman, bartender, disc jockey, sales clerk, ticket taker, movie projectionist, employee, or supervisor. This term is not meant to include repairmen, janitorial personnel, or the like, who are only indirectly involved in facilitating the operation of the adult use.

(aa) *Patron* means any natural person other than an employee, operator, licensee, or governmental officer, while performing duties pursuant to the regulations of this article or other law.

(bb) *Person* means any and all persons, natural or artificial, including any individual, firm, corporation or association.

(cc) *Physical culture establishment* means any business establishment within the corporate boundaries of the city or areas of the county which offers or advertises massage, body rubs or physical contact with specified anatomical areas, whether or not licensed. Business establishments which routinely provide medical services by state-licensed medical practitioners, or electrolysis treatment by licensed operators of electrolysis equipment shall be excluded from the definition of adult physical culture establishments.

(dd) *Private performance* means the modeling, posing, or display or exposure of any specified anatomical area by an employee of an adult entertainment establishment to a person other than another employee, while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

(ee) *Public recreation area* means a tract of land within a municipality or unincorporated which is kept for ornament and/or recreation and which is maintained as public property.

(ff) *Residential land use property* means any parcel located in the incorporated areas of the city, the land use designation of which allows residential use, as set forth in the land use classification chapter of the city comprehensive development code.

(gg) *School* means a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, middle school, senior high school or exceptional learning center. However, the term "school" does not include a premises or site upon which there is an institution devoted solely to vocational or professional education or training or an institution of higher education, including, but not limited to, a community college, junior college, four-year college or university.

(hh) *Special cabarets* means any bar, dance hall, restaurant or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses that engage in specified sexual activities or display specified anatomical areas, or any such business establishment, the advertising for, or a sign or signs identifying which, uses the terms "adult," "topless," "nude," "bottomless" or other terms of similar import. For the purposes of this article, any establishment in which employees engage in straddle dance activities, as defined in this section, shall be considered a special cabaret.

(ii) *Specified anatomical areas* means as follows:

(1) Less than completely or opaquely covered:

Back to Electronic Table of Contents

a. Human genitals or pubic region;

b. The entire cleft of the male or female buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs;

c. That portion of the human female breast below a point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola is not so exposed.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(jj) *Specified criminal act* means:

(1) A violation of section 7-169;

(2) An offense under F.S. ch. 794 (sexual battery);

(3) An offense under F.S. ch. 796 (prostitution);

(4) An offense under F.S. ch. 800 (lewdness; indecent exposure);

(5) An offense under F.S. ch. 826 (bigamy; incest);

(6) An offense under F.S. ch. 847 (obscene literature; profanity); or

(7) An offense under an analogous statutes of a state other than Florida, or under an analogous ordinance of another county or city.

(kk) *Specified sexual activities* means as follows:

(1) Human genitals in a state of sexual stimulation or arousal or tumescence;

(2) Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zooerasty;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast; or

(4) Excretory functions as part of, or in connection with, any of the activities set forth in subsections (1) through (3) of this definition.

(ll) *Straddle dance (lap dance, table dance,* or *face dance*) means either of the following acts:

(1) The use by an employee of any part of his or her body to touch the genital or pubic area of a person, excluding another employee, while at the adult use establishment, or touching the genital or pubic area of any employee by a person, excluding another employee, while at the adult use establishment in exchange for receiving a tip, donation, gratuity, or anything of value, including but not limited to money. It shall be a straddle dance regardless of whether the touch or touching occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a straddle dance regardless of whether the touch or touching is direct or through a medium.

Back to Electronic Table of Contents

(2) The straddling of the legs of an employee over any part of the body of a person, other than another employee at the adult use establishment, regardless of whether there is touch or touching.

(Code 1978, § 13-23.7; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 93-69, §§ 3--5, 10-5-1993; Ord. No. 2015-35, § 1, 6-16-2015)

Sec. 7-26. Regulation of obscenity subject to state law.

It is not the intent of the commission to legislate with respect to matters of massage establishments. These matters are regulated by state agency, the department of business and professional regulation, board of massage, or by state law, F.S. ch. 480.

(Code 1978, § 13-23.8; Ord. No. 93-69, § 6, 10-5-1993)

Secs. 7-27--7-55. Reserved.

DIVISION 2. LICENSING PROVISIONS

Sec. 7-56. Responsibilities of commission, community development department, and police department.

(a) Ultimate responsibility for the administration and enforcement of this article is vested in the city commission.

(b) The community development department is responsible for granting, denying, revoking, renewing, suspending, and canceling adult use licenses for proposed or existing adult use establishments, and for ascertaining whether a suspected adult use establishment is licensed or whether a licensed establishment complies with or is complying with this division; division 3 of this article ex. sp.; and section 7-115(5) through (8).

(c) The police department is responsible for all enforcement actions brought under divisions 4 and 6 of this article. The county public health unit and the community development department may assist the police department in its investigative responsibilities and may initiate investigations and issue citations in their areas of responsibility.

(d) The police department is responsible for verifying information contained on an application pursuant to section 7-58(b) for inspecting any proposed, licensed or nonlicensed establishment in order to ascertain whether it is in compliance with applicable local ordinances and criminal statutes, including the provisions set forth in section 7-169.

(e) The county public health unit is responsible for the health issues resulting from any proposed adult use establishment for which a license is being applied for, or any licensed establishment, in order to ascertain whether it complies with or is complying with sections 7-115(3), 7-116 and 7-117.

(f) The community development department is responsible for ascertaining whether an existing adult use or a proposed establishment for which a license is being applied for, complies with all locational requirements of this article, pursuant to the allowable uses table of the comprehensive development code; and if it complies, issuing an approval in the form of a valid adult use permit pursuant to division 5 of this article. The community development department is also responsible as part of the licensing process for inspecting any proposed or existing adult entertainment establishment, in order to ascertain compliance with sections 7-115, 7-116, and 7-117 and applicable building codes, statutes, ordinances, and regulations.

Back to Electronic Table of Contents

(Ord. 2015-35, § 2, 6-16-2015)

(g) Any employee of the departments referenced in subsections (b)--(f) of this section, who is authorized by the head of that department, shall, at any reasonable hour, when the department has reasonable cause to believe that a violation of this article may exist, have access to, and shall have the right to inspect, the premises of all licensees under this article for compliance with any or all of the applicable codes, statutes, ordinances, and regulations in effect in the city, and within the responsibilities of their respective department as outlined in subsections (b)--(f) of this section. Such employee shall require strict compliance with the provisions of this article. Reports of violations shall be reported to the community development department.

(Code 1978, § 13-24.1; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-57. Adult use license required; classifications.

(a) *Requirement.* No adult use establishment, except an adult bookstore operating only as an adult bookstore, shall be permitted to operate without having been first granted an adult use license by the community development department under this article.

(b) *Classifications.* Adult use licenses referred to in this article shall be classified as follows, based upon the information in the application and subject to subsequent inspection for verification:

(1) Adult bookstore;

(2) Adult theater;

(3) Adult photographic or modeling studio;

(4) Physical culture establishment; or

(5) Special cabaret.

(c) *Separate license for each classification.* An adult use license for a particular adult entertainment establishment shall be limited to one classification of license. An adult entertainment establishment desiring to operate an establishment with more than one classification of adult use activity must apply and obtain a separate adult use license for each adult use classification.

(Code 1978, § 13-24.2; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-58. Application required for adult use license; contents; fee; rejection of incomplete application.

(a) *Required.* Any person desiring to operate an adult use establishment shall file, with the community development department, a sworn license application on a standard application form supplied by the community development department.

(b) *Contents of application.* The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

a. An individual, the individual shall state his/her legal name and any aliases and submit satisfactory proof that he/she is 18 years of age;

Back to Electronic Table of Contents

b. A partnership, the partnership shall state its complete name, and the names of all partners, having either direct, managerial, supervisory, or advisory responsibilities for day-to-day operations of the adult use, and whether the partnership is general or limited; or

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing, the names and capacity of all officers, directors, and stockholders having either direct, managerial, supervisory, or advisory responsibilities for day-to-day operations of the adult use and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process;

(2) If the applicant intends to conduct the establishment under a name other than that of the applicant, the establishment's fictitious name and the certified copy of the applicant's registration with the division of corporations of the department of state under F.S. § 865.09 (1990);

(3) Whether the applicant or any of the other individuals listed pursuant to subsection (b)(1) of this section, has, within the five-year period immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the specified criminal act involved, the date of conviction, and the place of conviction;

(4) Whether the applicant or any of the other individuals listed pursuant to subsection (b)(1) of this section, has had a previous license or permit, under this or any other ordinance regulating adult uses, suspended or revoked or by court order, required to cease operation, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (b)(1) of this section has been a partner in a partnership or an officer, director, or principal stockholder of a corporation whose license under this article or any other ordinance regulating adult uses has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation;

(5) Whether the applicant or any other individuals listed pursuant to subsection (b)(1) of this section holds any other licenses under this article and, if so, the names and location of such other licensed establishments;

(6) The general nature of the type of adult use for which the applicant is seeking a license, stating the specific classification of license for which the applicant is filing, and including a statement concerning the degree to which the anticipated activities at the adult use meet the definitions of the enumerated adult use classifications listed in section 7-57(b). Such a characterization shall serve as an initial basis for the permitted activities allowed under the license issued, as well as basis for the fee charged;

(7) The location of the proposed establishment, including a legal description of the property site, and a legal street address;

(8) The names of the employees for the proposed establishment, if known, or, if presently unknown, a statement to that effect;

(9) The applicant's mailing address, residential address, and residential telephone number (if any);

(10) A site plan of the proposed or existing establishment. A professionally-prepared diagram in the nature of an engineer's or architect's blueprint shall be required. Each site plan shall be oriented to the north, or to some designated street or object, and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The site plan shall include, but not be limited to, the following:

a. All property lines, rights-of-way, and the location of buildings, parking areas and spaces, curb cuts, and driveways;

Back to Electronic Table of Contents

b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projections booths, admission booths, adult booths, concession booths, stands, food service equipment, counters and similar structures;

c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size;

d. A designation of any portion of the premises in which patrons will not be permitted; and

e. If a proposed establishment is constructed in a manner that varies from the site plan submitted, a supplemental site plan showing the existing facility shall be provided once the certificate of occupancy or final building permit inspection is completed;

(11) A recent photograph of the individuals listed pursuant to subsection (b)(1) of this section;

(12) Either the social security number of the individuals listed pursuant to subsection (b)(1) of this section and/or employer's tax identification numbers;

(13) Either the driver's license number or the state or federally issued identification card number of the individuals listed pursuant to subsection (b)(1) of this section;

(14) A valid adult use permit signed by the development controls officer or his/her designee pursuant to division 5 of this article;

(15) A sworn statement attesting to the accuracy of the information provided in the application and to the fact that the applicant, as licensee, will own, possess, operate, and exercise control over the proposed or existing adult use establishment.

(c) *Application fee.*

(1) Any adult use establishment shall pay, to the community development department, and prior to application for a license, a nonrefundable fee in an amount to cover the expenses of the location analysis necessary to obtain an adult use permit pursuant to division 5 of this article. The amount of the fee shall be established by an ordinance of the commission. Such fee shall be paid only one time for any proposed adult use location unless the proposal is to expand the dimensions of a permitted adult use.

(2) Each application for an adult use license shall be accompanied by a nonrefundable fee in an amount required to offset the cost of processing the application as set by an ordinance of the commission. If the application for a license is approved and a license is granted, the fee shall be applied as a credit towards the annual license fee required for the first year pursuant to section 7-62.

(d) *Incomplete application.* In the event the community development department determines, or learns at any time, that the applicant has not properly completed the application for a proposed establishment, the department shall promptly notify the applicant of such fact and shall allow the applicant ten working days to properly complete the application. The time period for granting or denying a license under section 7-60 shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

(Code 1978, § 13-24.3; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-59. Investigation of application.

Upon receipt of an application properly filed with the community development department and upon payment

Back to Electronic Table of Contents

of the nonrefundable application fee, the community development department shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the police department. The police department's representatives shall promptly conduct an investigation of the applicant, and of the individuals listed in the application pursuant to section 7-58(b)(1) to ascertain the validity of the information provided, as well as other information provided in the application. At the conclusion of its investigation, the police department shall indicate, on the photocopy of the application, the results of its investigation.

(Code 1978, § 13-24.4; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-60. Grant; denial.

(a) *Time period for granting or denying.* The community development department shall grant or deny an application for a license within 30 calendar days from the date of its proper filing. Upon the expiration of the 30th day, the applicant may be permitted to begin operating the establishment for which a license is sought, without benefit of a license, unless and until the community development department notifies the applicant of a denial of the application and states the reasons for that denial. Failure to timely grant or deny an application for a license, and the provisions of this section allowing operation without benefit of a license, shall not serve as a granting of the license, but shall serve to ripen an appropriate action to compel a decision on the application. All operation of the establishment, under this special provision, shall conform to the provisions of divisions 4, 5, and 6 of this article during the pendency of the application review.

(b) *Grant of application for license.*

(1) If there is no basis for denial, pursuant to subsection (c) of this section, the community development department shall grant the application, notify the applicant of the granting, and issue the license to the applicant upon payment of the appropriate annual license fee provided in section 7-62, with credit as provided in section 7-58.

(2) The granting of a license does not act as a certification that the proposed adult use establishment meets all provisions of this article, or of any health or land use statute, code, ordinance, or regulation. The existing adult use establishment and any proposed adult use establishment, once established, must meet all code provisions required of all regulated businesses including the operational provisions for adult uses of division 4 of this article.

(c) *Denial of application for license.*

(1) The community development department shall deny the application for any of the following reasons:

a. The application contains material of false in formation, or information material to the decision was omitted; failure to list an individual required to be listed, pursuant to section 7-58(b)(1), and whose listing would result in a denial pursuant to subsections (c)(1)b and d of this section is presumed to be a material false information for purposes of denial of the application; the certification that the licensee owns, possesses, operates and exercises control over the proposed or existing adult use establishment is a material representation for purposes of this section.

b. The application, or any of the other individuals listed pursuant to section 7-58(b)(1), holds or has held a license under this, or any other ordinance regulating adult uses, which has been suspended or revoked for reasons implicating the purposes and intent of this article.

c. The granting of an application would violate a statute, ordinance, or an order from a court of law.

d. An applicant, or any of the other individuals listed pursuant to section 7-58(b)(1), has been convicted of

Back to Electronic Table of Contents

a specified criminal act for which:

1. Less than two years has elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than five years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3. Less than five years has elapsed since the date of the last conviction, or the date or release from confinement imposed for the conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses, or combination of misdemeanor offenses occurring within any 24-month period.

e. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

f. An applicant who has been convicted of a specified criminal act may qualify for an adult use license only when the time period required by subsection (c)(1)d. of this section has elapsed.

(2) If the community development department denies the application, the department shall notify the applicant of the denial, by certified mail, and state the reasons for the denial.

(3) If a person applies for a license at a particular location within a period of six months from the date of denial of a previous application for a license at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reasons for denial, the application shall not be accepted for consideration.

(Code 1978, § 13-24.5; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-61. Contents of license; term; renewals; expiration; cancellation.

(a) *Contents.* An adult use license shall state on its face the name of the licensee, the name of the establishment, the street address of the establishment, the classification of the license, the date of issuance, and the date of expiration. If the adult use license receives approval for more than one classification of adult use license, the multiple classifications can be listed on one license form. The licensee, however, is required to meet all applicable requirements of each classification and pay the respective license fees for each classification as established by an ordinance of the commission.

(b) *Term.* All licenses issued under this article shall be annual licenses which shall commence running on October 1, on which date they shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1, but by March 31 of the following year, the applicant shall pay for appropriate license fee. If a license is issued after March 31, but by October 1 of the same year, the applicant shall pay one-half the appropriate license fee.

(c) *Renewals.* Licenses shall be renewed annually. Subject to other provisions of this article, a licensee under this article shall be entitled to a renewal of his/her annual license from year to year, as a matter of course, by October 1 by presenting the license for the previous year and by paying the appropriate license fee and updating the information supplied with the latest application or certifying that the information supplied remains unchanged.

(d) *Expiration.* A license that is not renewed under this article by October 1 of each year shall expire. An expired license may be renewed by November 3 of the same year upon presentation of an affidavit stating that no adult entertainment activity has taken place at the establishment subsequent to expiration, upon payment of

Back to Electronic Table of Contents

the appropriate license fee, and upon payment of a penalty of ten percent of the appropriate license fee for the month of October, or fraction thereof, and an additional penalty of five percent of the appropriate license fee for the month of November, or fraction thereof.

(e) *Cancellation.* All expired licenses not renewed by November 30 shall be canceled summarily by the community development department.

(Code 1978, § 13-24.6; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-62. Annual licensing regulatory fees.

(a) *Levy of license fees.* In order to cover the administrative and enforcement costs associated with this article, there are hereby levied annual licensing regulatory fees under this article for an adult entertainment establishment in amounts set by an ordinance of the commission.

(b) *License fees are regulatory in nature.* The annual license fees collected under this article are declared to be regulatory fees which are collected for the purpose of examination and inspection of adult uses under this article and the administration thereof. These regulatory fees are in addition to, and not in lieu of, the occupational license taxes, building permit, land development, food establishment fees, and other fees imposed by other sections of this Code of Ordinances.

(Code 1978, § 13-24.7; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-63. Records and reports; consent by licensee.

(a) *Records and reports.*

(1) Each licensee shall keep such records and make such reports as are required under this article.

(2) Whenever the information required by or provided under section 7-58(b) has changed, the licensee shall promptly provide the community development department with the changed information.

(b) *Consent.* By holding a license under this article, the licensee shall be deemed to have consented to the provisions of this article and to the exercise of such provisions by the community development department, police department, and other departments of their respective responsibilities under this article.

(Code 1978, § 13-24.8; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-64. Transfer of license.

(a) *Requirements for transfer.* A licensee shall not transfer his/her license to another business entity or person, and thereby surrender ownership, possession, control, and operation of the licensed establishment to such other business entity or person, unless and until such other business entity or person satisfies the following requirements:

(1) Obtains an amendment to the license from the community development department which indicates the new licensee, which amendment may be obtained only upon completion and proper filing of an application with the community development department setting forth the information called for under section 7-58(b), with respect to the new applicant, and that application has been granted by the community development department pursuant to section 7-60; and

(2) Pays the application fee and a transfer fee of ten percent of the appropriate annual license fee.

Back to Electronic Table of Contents

(b) *Effect of suspension or revocation procedures.* No license may be transferred pursuant to subsection (a) of this section when the community development department has notified the licensee that suspension or revocation proceedings have been, or will be, brought against the licensee.

(c) *No transfer to different location.* A licensee shall not transfer his/her license to another location.

(d) *Attempted improper transfer void; license abandoned.* Any attempted transfer of a license, either directly or indirectly, in violation of this section is hereby declared void, and the license shall be automatically suspended, as provided in section 7-66(b). The community development department shall give notice of the suspension of the license. The suspension shall take effect five days after the date the community development department mails the notice of suspension to the licensee, or on the date the licensee delivers his/her license to the community development department, whichever happens first.

(Code 1978, § 13-24.9; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-65. Changing name of establishment.

No licensee may change the name of an adult use establishment unless and until he/she satisfies each of the following requirements:

(1) Gives the community development department 30 days' notice in writing of the proposed name change;

(2) Pays the community development department a $3.00 change of name fee; and

(3) Complies with F.S. § 865.09 (1990).

(Code 1978, § 13-24.10; Ord. No. 93-69, § 7, 10-5-1993)

Sec. 7-66. Suspension of license.

(a) *Violation of general provisions.*

(1) In the event a department learns or finds upon sufficient cause that a licensed adult use establishment is operating contrary to the respective general requirements of section 7-115(5)--(8), or the applicable special requirements of sections 7-116 and 7-117, the community development department shall promptly notify the licensee of the violation and shall allow the licensee a ten-day period, from the date of mailing the certified notice, in which to correct the violation. Filing of an application to the planning board for a hardship relief, from section 7-116(a)(4), (5), and/or (6) shall stay the running of the time period and the planning board may, in its conditions for any relief, provide for a specified period of time for correction of the violation, consistent with the hardship relief.

(2) If the licensee fails to so correct the violation before the expiration of the time period provided in subsection (a)(1) of this section, the department shall notify the community development department, who shall forthwith suspend the license, and shall notify the licensee of the suspension.

(3) The suspension shall remain in effect until the department notifies the community development department in writing that the violation of the provision in question has been corrected. The community development department, or another department at their request, shall respond to a request from the licensee for inspection within 24 hours of receipt of such a request and shall, within 24 hours of the completed inspection, notify the licensee that the violation has, or has not, been corrected.

(4) Within 24 hours of receipt of notice that the violations responsible for any suspension have been corrected, the community development department shall notify the licensee that the suspension is lifted.

Back to Electronic Table of Contents

(5) During the suspension of its license, an adult use establishment may not operate as an adult use or, pursuant to other applicable codes, ordinances, statutes, or court orders, where applicable, may not be open for business.

(b) *Illegal transfer.* In the event the community development department learns or finds, upon sufficient cause, that a licensee is engaged in a license transfer contrary to section 7-64, he/she shall forthwith suspend the license, and notify the licensee of the suspension. The suspension shall remain in effect until the community development department is satisfied that the requirements of section 7-64 have been met.

(c) *Convictions for violations of division 6 of this article.*

(1) In the event that three or more violations of a specified criminal act and/or violations of division 6 of this article occur at an adult use establishment within a two-year period, and convictions result from at least three of the violations of either the licensee, the licensee's operation or employee, or of any of the other individuals listed pursuant to section 7-58(b)(1), the community development department shall, upon the date of the third conviction, suspend the license, and notify the licensee of the suspension. The suspension shall remain in effect for a period of 30 days.

(2) In the event that one or more violations of a specified criminal act and/or violations of division 6 of this article occur at the adult use establishment within a period of two years from the date of the violation from which the conviction resulted for which the license was suspended for 30 days under subsection (c)(1) of this section, but not including any time during which the license was suspended for 30 days, and a conviction results from one or more of the violations, of either the licensee, the licensee's operator or employee, or of any of the other individuals listed pursuant to section 7-58(b)(1), the community development department shall, upon the date of the first conviction, suspend the license again, and notify the licensee of the suspension. The suspension shall remain in effect for a period of 90 days.

(3) In the event that one or more violations of a specified criminal act and/or violations of division 6 of this article occur within a period of two years from the date of the violation from which the conviction resulted for which the license was suspended for 90 days under subsection (c)(2) of this section, but not including any time during which the license was suspended for 90 days, and a conviction results from one or more of the violations, of either the licensee, the licensee's operator or employee, or of any of the other individuals listed pursuant to section 7-58(b)(1), the community development department shall, upon the date of the first conviction, suspend the license again, and notify the licensee of the suspension. The suspension shall remain in effect for a period of 180 days.

(4) The transfer or renewal of a license pursuant to this article shall not defeat the terms of subsections (c)(1)--(3) of this section.

(d) *Effective date of suspension.* All periods of suspension shall begin five days after the date the community development department mails the notice of suspension by certified mail to the licensee, or on the date the licensee delivers his/her license to the community development department, whichever happens first.

(Code 1978, § 13-24.11; Ord. No. 93-69, § 7, 10-5-1993; Ord. No. 2000-56, § 3, 4-18-2000)

Sec. 7-67. Cancellation or revocation of license.

(a) *False information.* In the event the community development department learns, or finds upon sufficient cause, that a license was granted based upon material false information, misrepresentation of material fact, or mistake of fact or law, it shall forthwith cancel the license, and notify the licensee of the cancellation. Failure to list an individual required to be listed, pursuant to section 7-58(b)(1), and whose listing would result in a denial pursuant to section 7-60(c)(1)b and d, is presumed to be a material false information for purposes of

Back to Electronic Table of Contents

cancellation of the permit; the certification that the licensee owns, possesses, operates, and exercises control over the proposed or existing adult use establishment is a material representation for purposes of this section.

(b) *Convictions for violations of division 6 of this article.*

(1) In the event that one or more convictions for a specified criminal act and/or a conviction for violation of division 6 of this article of either the licensee, the licensee's operator or employee, or of any of the other individuals listed pursuant to section 7-58(b)(1), occur at an adult use establishment which has had a license suspended for a period of 180 days pursuant to section 7-66(c)(3), and the conviction occurs within a period of two years from the date of the violation from which the conviction resulted for which the license was suspended for 180 days, but not including any time during which the license was suspended for 180 days, the community development department shall forthwith revoke the license, and notify the licensee of the revocation.

(2) The transfer or renewal of a license pursuant to this article shall not defeat the terms of subsection (b)(1) of this section.

(c) *Effect of revocation.* If a license is revoked, the licensee shall not be allowed to obtain another adult use license for a period of ten years from the effective date of revocation.

(d) *Effective date of revocation.* The revocation shall take effect five days after the date the community development department mails by certified mail the notice of revocation to the licensee, or on the date the licensee delivers his/her license to the community development department, whichever happens first.

(Code 1978, § 13-24.12; Ord. No. 93-69, § 7, 10-5-1993)

Secs. 7-68--7-92. Reserved.

DIVISION 3. EMPLOYEE PROVISIONS

Sec. 7-93. Records for employees.

(a) The licensee of an adult use establishment is responsible for keeping a record of all employees who are currently employed by the establishment, and of all former employees who were employed by the establishment during the preceding one-year period. The record shall contain the current or former employee's full legal name, including any aliases, date of birth, and residential address.

(b) The original records required by subsection (a) of this section, or true and exact photocopies thereof, shall be kept at the adult use establishment at all times.

(c) Any operator of the adult use establishment shall be responsible for knowing the location of the original records, or the true and exact photocopies thereof.

(d) Any operator of the adult use establishment shall, upon request by a law enforcement officer, health unit official, or a representative of the community development department, make available for inspection, the original records, or the true and exact photocopies thereof, while the establishment is open for business.

(Code 1978, § 13-25.1; Ord. No. 93-69, § 8, 10-5-1993)

Secs. 7-94--7-114. Reserved.

Back to Electronic Table of Contents

DIVISION 4. OPERATIONAL PROVISIONS FOR ADULT USES

Sec. 7-115. General requirements.

Each adult use establishment shall, regardless of whether it is licensed, observe the following general requirements:

(a) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local.

(b) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local.

(c) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local.

(d) Conform to all applicable zoning and land development regulations and land use laws, whether state or local.

(e) Keep the adult use license posted in a conspicuous place at the adult use establishment at all times, which license shall be available for inspection upon request at all times by the public.

(f) Opaquely cover each nonopaque area through which a person outside the establishment may otherwise see inside the establishment.

(g) All activities of adult uses must be inside the establishment and not visible to the general public outside the establishment.

(h) Maintain a continuously updated compilation of the records required in section 7-93.

(Code 1978, § 13-26.1; Ord. No. 93-69, § 9, 10-5-1993)

Sec. 7-116. Adult theater.

In addition to the general requirement for an adult use establishment contained in section 7-115, and the special requirements of section 7-117, an adult theater shall, regardless of whether it is licensed, observe the following special requirements:

(a) If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

1. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;

2. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times;

3. Have a sign posted in a conspicuous place, at or near each entranceway to the hall or auditorium area, which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area;

4. Have one or more manager's stations. No one manager's station can exceed 32 square feet of floor area. The interior of the premises shall be configured in such a manner that there is an unobstructed view

Back to Electronic Table of Contents

from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of teach area of the premises to which any patron is permitted access for any purposes from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;

5. It shall be the duty of the licensee, the owner, and the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (1)(d) of this section remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to section 7-58(b)(10);

6. It is the duty of the licensee, the owners, and the operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises and that the employee is continually monitoring the activities in the adult theater for violations of the provisions of this article and of state law;

7. The licensee of an adult theater may seek a hardship relief from the provisions of subsection (1) d--f of this section, if, upon presentation at a public hearing, the city planning board is satisfied that the license has proposed operational procedures sufficient to guarantee, to a degree similar to the provisions of those subsections, that the areas of the establishment to which patrons have access, are monitored for violations of this article and of state law. The planning board may condition the hardship relief so as to satisfy itself that the operational procedures attendant to the relief will be followed, including, but not limited to record keeping requirements. Failure to follow the conditions of the hardship relief may result in a city-initiated review by the planning board at a public hearing, with full notice and opportunity for the applicant to be heard. Revocation of the hardship relief may be justified if, based upon the presentation at the hearing, the assurances serving as the basis for issuance of the hardship relief are not being satisfied;

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level; and

9. It shall be the duty of the licensee, the owners, and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described in subsection (1)h of this section, is maintained at all times that any patron is present in the premises.

(b) If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:

1. Have a sign posted in a conspicuous place at or near the entranceway which states that maximum number of persons who may occupy the booth, which number shall correlate with the number of seats in the booth;

2. Have a permanently open entranceway not less than 32 inches wide and not less than 78 inches high, which entranceway shall not have any curtain rods, hinges, rails or the like, which would allow the entranceway to be closed or partially closed by any curtain, door, or other partition;

3. Have individual, separate seats, not couches, benches or the like, which correlate with the maximum number of persons who may occupy the booth;

Back to Electronic Table of Contents

4. Have a well-illuminated continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and

5. Have, except for the entranceway, walls or partitions of solid construction without any holes or openings in such walls or partitions.

(c) Refurbishing of adult theaters.

1. Each adult theater subject to this article shall cover the floors of areas accessible to patrons with smooth and nonpermeable flooring material which can withstand frequent effective cleaning with industrial strength cleaning agents. Carpeting of any type is prohibited.

2. Each adult theater subject to this article shall use smooth and nonpermeable upholstery material which can withstand frequent cleaning with industrial strength cleaning agents to cover furniture permitted by this article for the use of patrons.

3. Each adult theater subject to this article shall have, in areas accessible to patrons, interior wall surfaces which can withstand frequent cleaning with industrial strength cleaning agents.

4. Each adult theater subject to this article shall use only those shades, blinds, and vertical blinds which can withstand frequent cleaning with industrial strength cleaning agents. Draperies are prohibited.

(d) Sanitation.

1. All areas of each adult theater subject to this article accessible to patrons shall be maintained in a clean and sanitary condition. The surfaces of all floors, furniture, countertops, shades, blinds, doors, and walls of areas accessible to patrons shall be cleaned and sanitized a minimum of one time each 24 hours with an industrial strength cleaner.

2. All floors, furniture, countertops, shades, blinds, vertical blinds, doors, and walls of areas accessible to patrons of adult theaters subject to this article shall be renovated or be replaced as needed. All furniture must be kept free from holes and rips.

3. Any individual cleaning or sanitizing the areas accessible to patrons shall utilize an appropriate and effective adaptation of the U.S. Centers for Disease Control's universal precautions for the prevention of transmission of the HIV and other diseases. Such procedure shall be reviewed and approved by the county public health unit. A copy of the approved procedure shall be kept on file at the adult theater, and a copy shall be provided to each person cleaning or sanitizing the areas accessible to the patrons. Each such individual shall certify that he/she has read and understood the procedures by signing a copy of the procedure. The signed copy shall be kept as a part of the records of the adult theater and open for inspection by the health unit, police department, or community development department.

(e) If the adult theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those persons, may not be seen from the public right-of-way, residential land use property, mixed-use land use district, church, school, child care facility, or public recreation area.

(Code 1978, § 13-26.2; Ord. No. 93-69, § 9, 10-5-1993; Ord. No. 2000-56, § 4, 4-18-2000)

Sec. 7-117. Special cabarets, adult photographic or modeling studios, and adult theaters.

In addition to the general requirements for an adult use establishment contained in section 7-115, a special cabaret, an adult photographic or modeling studio, and an adult theater, where a live performance in which the

Back to Electronic Table of Contents

display or exposure of any specified anatomical area by an employee occurs, regardless of whether it is licensed, shall observe the following special requirements:

(a) A stage shall be provided for the display or exposure of any specified anatomical area by an employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of 18 inches above the surrounding floor and encompassing an area of at least 100 square feet;

(b) The stage shall be at least three feet from the nearest table, chair, or other accommodation where food or drink is served or consumed. Furthermore, no alcoholic beverages shall be offered for sale for consumption on the premises or shall be consumed on the premises of a special cabaret, regardless of the separation of the patron from the stage; and

(c) Any area in which a private performance occurs shall:

1. Have a permanently open entranceway not less than 32 inches wide and not less than 78 inches high, which entranceway shall not have any curtain rods, hinges, rails, or the like which would allow the entranceway to be closed or partially closed by any curtain, door, or other partition;

2. Have a well-illuminated continuous main aisle alongside the booth in order that both the employee conducting the private performance and each person viewing the display situated in the private performance area shall be visible from the aisle at all times; and

3. Have a wall to wall, floor to ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the employee from the person viewing the display.

(Code 1978, § 13-26.3; Ord. No. 93-69, § 9, 10-5-1993; Ord. No. 99-14, § 2, 11-17-1998)

Secs. 7-118--7-146. Reserved.

DIVISION 5. LOCATION PROVISIONS

Sec. 7-147. Location of Adult Uses.

(a) No adult use business establishment may be located within 300 feet of any residential land use property, or any portion of a mixed use land use category developed and utilized as residential, nor within 1,000 feet of any church, school, child care facility, or public recreation area which is validly located or has previously received legal authority to locate.

(b) No adult use business establishment may be located within 1,500 feet of any other adult use, regardless of whether or not the other adult use is located within the corporate boundaries of the City of Largo or in an adjacent jurisdiction.

(c) The distance requirements under Section 7-147(A) and 7-147(B) above shall be measured along a straight line from the nearest residential land use category, or the nearest property line of the church, school, child care facility, public recreation area, or adult use to the closest property line of the adult use. In a multi-tenant or multi-user building, such as a shopping center, said distance requirement shall be measured from the closest portion of the building or structure utilized by the adult use.

(d) Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of these regulations. Additionally, nothing in these regulations

Back to Electronic Table of Contents

shall be construed to authorize, allow, or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

(Ord. No. 2010-33, § 1, 4-20-10)

Sec. 7-148. Adult use permits.

(a) *Permits required.* No adult use business shall be allowed to commence or continue to operate without first obtaining a valid adult use permit. Any person desiring to locate, operate or continue operating of any adult use shall be required to obtain an adult use permit from the community development department before the establishment or commencement of business as an adult use. Adult uses which have been established or have commenced business at their existing locations prior to the effective date of the ordinance from which this article is derived shall be required to obtain an adult use permit from the community development department within three months of the adoption of this article.

(b) *Required information.* In order to obtain an adult use permit, the applicant shall provide, in addition to a fee determined by the city commission to be reasonably calculated to cover the costs of administrating this permitting requirement, the following information:

(1) Name, mailing address, telephone number.

(2) Street address of the proposed or existing adult use.

(3) Legal description of the property occupied by the proposed or existing adult use, including the property boundaries.

(4) Known locations of any churches, schools, child care facilities, public recreation facilities within 1,000 feet, or other existing or proposed adult uses, regardless of jurisdiction, within approximately 1,500 feet of the proposed or existing adult use location for which the adult use permit is being sought.

(5) If the applicant's proposed location is of an already established adult use, the date of commencement of operations as an adult use including documentation of commencement, if available.

(6) If the applicant is not the record owner of the subject parcel, the application must include a letter, with the notarized signature of the record owner, purporting to be the record owner, and stating that the applicant is authorized to seek an adult use permit for the premises.

(c) *Inspection and issuance of certificate.* Upon receipt of a completed application, a community development department staff person shall inspect the proposed location of the adult use to determine compliance with this article and, within ten working days, issue a certificate of compliance/noncompliance. The community development department may extend that period of time for purposes of clarification of issues raised by the review; but, in no event, for a period of time in excess of 20 additional days.

(1) *Certification of noncompliance.*

a. Where it is found that the location proposed in the application does not meet the distance requirements of this article, or is one where a valid adult use exists, or is one where a valid adult use permit or valid certification of compliance has been issued for another adult use, the location of which is within the distance requirements of this article from the proposed location, the applicant shall be notified of the certification of noncompliance of the proposed location with the locational requirements of this article.

b. Upon receipt of the certification of noncompliance, the applicant shall have ten days to appeal the decision on noncompliance pursuant to the provisions of section 7-150.

Back to Electronic Table of Contents

(2) *Certification of compliance.*

a. Where it is found that the applicant's proposed location meets the distance requirements of this article and where no valid adult use exists, or where no valid adult use permit or valid certification of compliance has been issued for another adult use, the location of which is within the distance requirements of this article from the proposed location, the applicant shall be notified of the certification of compliance of the proposed location with the locational requirements of this article.

b. Where it is found that the applicant's proposed location qualified as a nonconforming adult use, as specified in section 7-149(a), the applicant shall be notified of the certificate of compliance but will be subject to the provision set forth in section 7-149(a).

c. Upon notification, the applicant shall have 20 days to obtain the adult use permit, signed by the development controls officer or his/her designee. Failure to obtain that permit within the 20-day time period invalidates the certification of compliance and the applicant must reapply.

(3) *Conflicting applications.*

a. The city commission recognized the potential of creating nonconformities by granting adult use permits that conflict. The community development department shall develop a system for tracking potentially conflicting applications and for ranking them by date and time of application/date of establishment. Between two applications being processed at the same time, which individually qualify under this article, but would violate the provisions of this article if both were to receive permits, the application which was completed at the earliest date, as provided for in subsection (b) of this section, shall be notified that the proposed location has been certified in compliance pursuant to the provisions of subsection (c)(2) of this section. The conflicting applicant shall be notified of the applications certification of noncompliance pursuant to the provisions of subsection (c)(1) of this section with a notation that the noncompliance was due to the earlier submittal of a conflicting application.

b. The first applicant who has received the certification of compliance shall have 20 days to secure the adult use permit signed by the development controls officer or his/her designee. Upon lapse of the period of validity of the certification of compliance, pursuant to the provisions of subsection (c)(2) of this section, the applicant must reapply.

c. Any applicant who has received a certification of noncompliance pursuant to the provisions of subsection (c)(3) of this section may use the prior application date in a resubmission for the purposes of establishing priority if the original application was made no more than seven months previous. Otherwise, the applicant must reapply.

(d) *Continuing validity of the adult use permit.*

(1) The adult use permit, signed by the development controls officer or his/her designee, shall be valid for a period of six months after issuance, during which time the applicant's adult use business must apply for an adult use license pursuant to division 2 of this article. Adult book stores, solely operating as adult book stores, which have received a valid adult use permit must either operate as an adult book store, or must apply for the necessary building permits to establish the adult book store. The validity of such a permit may be extended by the community development department one time for 90 days for good cause. Any decision to deny such an extension may be appealed pursuant to the provisions of section 7-170.

(2) Once established, the adult use permit shall remain valid unless revoked pursuant to the provision of section 7-149, or terminated sooner for any reason, or unless voluntarily discontinued for a period of 30 days or more.

Back to Electronic Table of Contents

(3) Decisions by the development controls officer to revoke an otherwise valid adult use permit may be appealed pursuant to the provisions of section 7-170.

(Code 1978, § 13-27.2; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 93-69, § 10, 10-5-1993)

Sec. 7-149. Nonconforming adult uses.

(a) Adult uses which have been established at their existing locations prior to April 22, 1993, the first advertisement date of the consideration of this article before the planning board, and which are not in conformity with the locational requirements of this article, may continue to operate unless terminated for any reason including failure to have a valid adult use license or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use. Such proposed modifications do not include minor repairs, but expressly excludes the ten percent expansion exemption provision provided for in the city comprehensive development code.

(b) An adult use establishment lawfully operating or permitted to operate as a conforming use is not rendered a nonconforming use through the location, during the period of validity for any certification of compliance or adult use permit, of a church, school, residential land use district, residential use within a multiuse land use district, or public recreation area.

(Code 1978, § 13-27.3; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 93-69, § 11, 10-5-1993)

Sec. 7-150. Hardship relief.

(a) *Applicant's authority to file for hardship relief.* If an applicant receives a certification of noncompliance because the location of the proposed adult use is in violation of the locational requirements of this article, then the applicant may, not later than ten calendar days after receiving notice of the certification of noncompliance, file with the community development department a written request for a hardship relief from the locational restrictions of section 7-147.

(b) *Hearing before planning board.* If the written request is filed with the community development department within the ten-day limit, he/she shall schedule a hearing before the city planning board which body shall consider the request for a hardship relief. The community development department shall set a date for the hearing within 60 days from the date the written request is received.

(c) *Findings for grant of relief.* The planning board shall hear and consider evidence offered by any interested person in a public hearing scheduled with public notice. Public notice shall be pursuant to the requirements of the comprehensive development code, as amended, and shall include property owners of record by the county property appraiser within 500 feet of the proposed location instead of 300 feet. The planning board may, in its discretion, grant a hardship relief, with reasonable conditions, from the locational restrictions of section 7-147 if it makes the following findings:

(1) That a sufficient physical barrier separates the adult use establishment, for which a variance is being sought, from the land use which has caused the adult use not to be in compliance with the distance requirement of this article, so as to substantially fulfill the purpose of this distance requirement. Such physical barriers include, but are not limited to, limited access streets or highways, walls, natural or manmade waterways.

(2) That the strict application of the provisions of this article will work an undue hardship unique to the applicant for a particular location.

(3) That all other applicable provisions of this article will be observed.

Back to Electronic Table of Contents

(Ord. No. 2015-35, § 3, 6-16-2015)

(d) *Majority vote required.* The planning board may only grant a hardship relief to the provisions of this article by a majority vote. Failure to reach a majority vote shall result in a denial of the hardship relief request.

(e) *Reapplication.* If the planning board denies the exemption, the applicant may not reapply for an exemption until at least six months have elapsed since the date of the planning board's action.

(f) *Grant of relief not to exempt from other regulations.* The granting of hardship relief does not exempt the applicant from any other provisions of this article other than the locational restrictions of section 7-147.

(Code 1978, § 13-27.4; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 2000-56, § 5, 4-18-2000; Ord. 2010-33, § 2, 4-20-10)

Secs. 7-151--7-168. Reserved.

DIVISION 6. PROHIBITIONS

Sec. 7-169. Prohibited operations, acts, advertisements, and actions of adult use establishments.

(a) *Operation of adult use without valid adult use license.* It shall be a violation of this article for any business entity, or licensee to operate, or for any person to be an operator, or employee of an adult use establishment where the business entity, licensee, or persons know or should know:

(1) That the establishment does not have an adult use permit or adult use license for any applicable classification;

(2) That the adult use establishment has a license which is under suspension;

(3) That the adult use establishment has a license which has been revoked; or

(4) That the adult use establishment has a license which has expired or been canceled.

(b) *Prohibited adult use operations.*

(1) It shall be a violation of this article for any business entity or licensee to operate or for any person to be an operator or employee of an adult use establishment which does not satisfy all of the general requirements of section 7-115(5)--(8).

(2) It shall be a violation of this article for any business entity or licensee to operate, or for any person to be an operator, or employee of an adult entertainment establishment which does not satisfy all applicable special requirements of sections 7-116 and 7-117.

(3) It shall be a violation of this article for any business entity or licensee to operate, or for any person to be an operator, or employee of an adult use establishment and to knowingly or with reason to know, permit, suffer, or allow the entrance or exit of the adult use establishment to be locked when a person other than an employee is inside the establishment.

(4) It shall be a violation of this article for any business entity or licensee to operate, or for any person to be an operator or employee of an adult use which permits the sale and/or consumption of alcoholic beverages. It is the commission's intent to specifically prohibit any operator of an adult use establishment, as defined in section

Back to Electronic Table of Contents

7-25, to offer alcoholic beverages for sale and/or consumption on the premises of the adult use establishment.

(c) *Allowing employees to engage in prohibited acts.* It shall be a violation of this article for any business entity, licensee, or for any operator of an adult use establishment, regardless of whether licensed under this article, to knowingly or with reason to know, permit, suffer, or allow any employee:

(1) To engage in any specified sexual activity, as defined in section 7-25, at the adult use establishment;

(2) To display or expose any specified anatomical area, as defined in section 7-25, at the adult use establishment, unless such employee is continuously positioned in an area as described in section 7-117(1) and (2), and, where applicable, section 7-117(3);

(3) To engage in a straddle dance, as defined in section 7-25, with any person other than another employee at the establishment;

(4) To offer, contract, or otherwise agree to engage in a straddle dance with any person other than an employee at the establishment;

(5) To display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the adult use establishment, including with another employee;

(6) To engage in a private performance unless such employee is in an area which complies with the special requirements of section 7-117(3);

(7) To, while engaged in the display or exposure of any specified anatomical area, intentionally touch, either directly or through a medium, any person, except another employee, at the adult use establishment, except for the purpose of passing a gratuity from the hand of the patron to the hand of the employee, provided the person maintains a distance of three feet from the employee;

(8) To display or expose specified anatomical areas, or to engage in a straddle dance with any person other than another employee, at an establishment where alcoholic beverages are sold, offered for sale, or consumed;

(9) To intentionally touch, either directly or through a medium, the clothed or unclothed body of any person at the adult use establishment, excluding another employee, at any point below the waist and above the knee of the person, or to intentionally touch, either directly or through a medium, the clothed or unclothed breast of any female person, other than another employee;

(10) To, while engaged in the display or exposure of any specified anatomical areas, voluntarily be within three feet of any person other than another employee.

(d) *Advertising prohibited activity.* It shall be a violation of this article for an operator of an adult use establishment, regardless of whether it is licensed under this article, to advertise the presentation of any activity prohibited by any applicable state statute or local law.

(e) *Minors prohibited.* It shall be a violation of this article for an operator of an adult use establishment, regardless of whether it is licensed under this article, to knowingly, or with reason to know, permit, suffer, or allow:

(1) Admittance to the adult use establishment of a person under 18 years of age;

(2) A person under 18 years of age to remain at the adult use establishment;

(3) A person under 18 years of age to purchase goods or services at the adult use establishment; or

Back to Electronic Table of Contents

(4) A person to work at the adult use establishment as an employee who is under 18 years of age.

(f) *Working at establishment which does not have valid adult entertainment license.* It shall be a violation of this article for any person to act as an employee of an adult use establishment that the employee knows or should know is not licensed under this article, or which has a license which is under suspension, has been revoked or canceled, or has expired.

(g) *Records for employees required.* It shall be a violation of this article to be an operator of an adult use establishment, regardless of whether it is licensed under this article, at which the records for employees required by section 7-93 have not been compiled, are not maintained, or are not available for inspection.

(h) *Engaging in prohibited activity.* It shall be a violation of this article for any employee of an adult use establishment, regardless of whether it is licensed under this article, to engage in any of the activities described in subsection (c) of this section.

(i) *Touching of employee by person.*

(1) Except for the minimal touching allowed, and as regulated in subsection (c)(7) of this section involving the passing of a gratuity, it shall be a violation of this article for any person in an adult use establishment, other than another employee, to intentionally touch, either directly or through a medium, an employee who is displaying or exposing specified anatomical area at the adult entertainment establishment.

(2) It shall be a violation of this article for any person in an adult use establishment, other than another employee, to intentionally touch, either directly or through a medium, the clothed or unclothed breast of any employee, or to touch, either directly or through medium, the clothed body of any employee at any point below the waist and above the knee of the employee.

(3) Except involving the minimal touching of an employee's hand allowed in subsection (c)(7) of this section involving the passing of a gratuity, it shall be a violation of this article for any person in an adult use establishment, except another employee, to voluntarily be within three feet of any employee displaying or exposing any specified anatomical area at the adult use establishment.

(j) *Exceeding occupancy limit of adult booth.* It shall be a violation of this article for any person to occupy an adult booth in which the booth has more people currently occupying the booth than specified on the posted sign, required by section 7-116.

(k) *Use of restrooms or dressing rooms.* Notwithstanding any provision indicating to the contrary, it shall not be a violation of this article for any employee of an adult use establishment, regardless of whether it is licensed under this article, to expose any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

(l) *Hours of operation.*

(1) It shall be a violation of this article for any operator of an adult use establishment to allow such adult use establishment to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

(2) It shall be a violation of this article for any employee of an adult use establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

Back to Electronic Table of Contents

(3) Subsections (l)(1) and (2) of this section apply regardless of whether employees are fully clothed, after 2:00 a.m. An adult use establishment, classified under section 7-57(b), will be considered an adult use at all times, regardless of whether employees are clothed, and is subject to all provisions of this article, until such time the adult use license is suspended, canceled, revoked, or voluntarily terminated.

(m) *Solicitation or personal advertising.* It shall be a violation of this article for any employee of an adult entertainment establishment while situated outside any structure on the site of an adult entertainment establishment, or while the employee is situated at a place at or near the adult entertainment establishment where the employee is visible from any public right-of-way or sidewalk, to display or expose specified anatomical areas or engage in personal advertising, pandering, solicitation, whether passive or otherwise, on behalf of the employee, any other employee, or the adult entertainment establishment. Personal advertising includes, but is not limited to, sitting or standing outside any structure on the site of the adult entertainment establishment, gesturing, waving, repeatedly speaking in a raised tone of voice, or otherwise encouraging or enticing potential customers beyond the adult entertainment establishment to enter the adult entertainment establishment.

(n) *Alteration of license or permit.* It shall be a violation of this article for any person to alter or otherwise change the contents of an adult use license without the written permission of the community development department.

(o) *False statement or false information in applying for license.* It shall be a violation of this article for any person applying for an adult use license to make a false statement which is intended to facilitate the issuance of a license, or to provide false information which is intended to facilitate the issuance of a license.

(Code 1978, § 13-27.5; Ord. No. 93-69, § 12, 10-5-1993; Ord. No. 99-14, § 3-6, 11-17-1998)

Sec. 7-170. Appeals.

(a) *City commission to hear.* The city of Largo Board of Adjustment, established pursuant to section 6.02 of the city Charter, shall have the authority to hear appeals from decisions made pursuant to sections 7-147(a) and 7-147(b), sections 7-148 or 7-149 of these regulations.

(b) *Submission of application.* Applications for appeals of such decisions, pursuant to subsection (a) of this section, shall be submitted to the community development department. Applications need not be in any particular form, but should reference the application reference number and, generally, the basis for appeal of the decision.

(c) *Circuit court review.* Any decision of the city departments pursuant to this article, except for subsections (a) and (b) of this section, may be immediately reviewed as a matter of right by the circuit court upon the filing of an appropriate pleading by an aggrieved party.

(d) *Immunity for prosecution.* The city, or any of its departments or agents or any law enforcement officer, shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon an adult use establishment while acting within the scope of its authority under this article.

(e) *Powers of commission.* The commission may bring suit to the circuit court to restrain, enjoin, or otherwise prevent the violation of this article.

(Code 1978, § 13-27.7; Ord. No. 93-44, § 1, 6-1-1993; Ord. No. 93-69, §§ 14, 15, 10-5-1993; Ord. No. 2000-56, § 6, 4-18-2000; Ord. No. 2010-33, § 3, 4-20-10)

Secs. 7-171--7-193. Reserved.

Back to Electronic Table of Contents

DIVISION 7. MISCELLANEOUS PROVISIONS

Sec. 7-194. Notice.

Any notice required under this article shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license. This mailing address shall be considered the correct mailing address unless the community development department has been otherwise notified in writing.

(Code 1978, § 13-27.8; Ord. No. 93-69, § 16, 10-5-1993)

Sec. 7-195. Effective date.

(a) The provisions of this article adopted under Ordinance No. 93-44 shall remain effective as of the original effective date, June 11, 1993. Nothing in the amendment of this article is intended to impair the operative provisions of division 5 of this article.
(b) Sections 7-57--7-67, and divisions 3, 4 and 6 of this article shall become operative October 17, 1993, after which date:

(1) Any adult use which has not applied for an adult use license as of November 1, 1993, shall be in violation of section 7-169(a).

(2) Any adult use which has applied for an adult use license, and which continues to operate after denial of that application, shall be in violation of section 7-169(a).

(3) Any adult uses which have already received a valid adult use permit, prior to October 17, 1993, pursuant to the permitting provisions of division 5 of this article, must have applied for an adult use license to avoid violation of section 7-57. If the license application is approved, such an adult use establishment shall have until March 1, 1994, to bring the use into compliance with the provisions of sections 7-116 and/or 7-117, if applicable. Subsequent to March 1, 1994, any violation of the provisions of sections 7-116 and/or 7-117, if applicable, shall be a violation of this article pursuant to section 7-169(c).

(4) Any adult use other than those covered under subsection (b)(3) of this section, must be in compliance with all provisions of the ordinance prior to issuance of the adult use license and operation thereunder.

(5) After March 1, 1994, any adult use establishment must fully comply with all provisions of this article.

(Code 1978, § 13-27.9; Ord. No. 93-69, § 16, 10-5-1993; Ord. No. 99-14, § 1, 11-17-1998)

Secs. 7-196--7-213. Reserved.

ARTICLE III. SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

Sec. 7-214. City policy.

In order to protect the health, safety and welfare of the citizens of the city, it is hereby declared to be the policy of the city to require solicitors, peddlers and transient merchants to obtain a permit from the city prior to engaging in buying, selling or other transfer of goods or services or advertising such by hanging flyers or distributing handbills.

(Code 1978, § 11-35; Ord. No. 90-47, § 1, 9-4-1990)

Back to Electronic Table of Contents

Sec. 7-215. Definitions.

As used in this article:

(a) "Solicitor" shall means any person who goes from door to door visiting multifamily or single-family dwellings without a permanent place of business taking, or attempting to take, orders for the sale or purchase of goods, wares or merchandise for future delivery, or for services to be furnished or performed in the future, or to accept or request donations for any charitable purpose. It shall include any person who for himself or others hires, leases, uses or occupies any building, structure (or room thereof), motor vehicle, or any other place within the city for purpose of exhibiting samples or taking orders for future delivery of goods, wares and merchandise.

(b) "Peddler" shall means any person moving from place to place without any permanent or fixed place of business carrying or transporting goods, wares and merchandise and offering them for sale or making sales.

(c) "Transient merchant" shall means any person engaging in the temporary business of selling and delivering goods, wares or merchandise and receiving such goods, and in furtherance of such purpose hires, leases, uses or occupies any building, structure (or room thereof), motor vehicle or any other place within the city for the exhibition or sale or purchase of goods or whatever type, form or characteristic. "Temporary" shall mean any continuous business of buying, selling or exhibiting goods of less than ninety (90) days duration.

(d) "Operating Motorized Vehicle" shall mean a vehicle which is in operation with its motor running, but shall not include any vehicle parked in a legal parking zone.

(e) "Road" shall mean any street, roadbed, or median, and all ways open to travel by operators of motorized vehicles on state, municipal and county highway systems within the City.

(f) "Solicit" ("Solicitation") shall mean any charitable or business solicitation, which shall further be defined as follows:

(g) "Charitable Solicitation" shall include any solicitation or attempted solicitation of money, donations of money, property, financial assistance, service or any other thing of value on the plea or representation that such money, property, financial assistance, service or other thing of value or portion thereof will be used for a charitable, patriotic, public, philanthropic, or political purpose.

(h) "Business solicitation" shall include any solicitation for the purpose of employment or occupation in which a person is engaged to procure a living or realize a profit.

(Code 1967, § 21-1; Code 1978, § 11-36; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985; Ord. No. 90-47, § 1, 9-4-1990; Ord. No. 2009-02, §1, 11-5-2008)

Sec. 7-216. Registration required.

All transient merchants, solicitors and peddlers, before entering into or upon residential premises within the city for the purpose of soliciting or peddling, shall register with the building official and furnish the following:

(a) A signed and notarized waiver authorizing the police department to release any and all information contained in police records to the building official for inclusion with the application.

(b) The name, local and permanent address, age, weight, height, color of hair and eyes, and any other distinguishing physical characteristics of the applicant.

Back to Electronic Table of Contents

(c) A passport-sized photo shall be provided for attachment to the permit.

(d) The nature or purpose for which solicitations will be made and the nature of the goods, services, wares and merchandise offered for sale.

(e) The name and address of the employer or organization represented.

(f) A statement as to whether the applicant is currently under legal supervision in lieu of or pending conviction, has been convicted of any felony or misdemeanor, and if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefor.

(Code 1967, § 21-2; Code 1978, § 11-37; Ord. No. 75-765, § 1, 6-3-1975; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985; Ord. No. 90-47, § 1, 9-4-1990)

Sec. 7-217. Issuance of permit.

Upon furnishing the information required under section 7-216, the applicant shall be issued a permit, unless the information furnished in compliance with this article shows that the applicant has been convicted of a crime involving moral turpitude. A permit issued under this article shall be good for one year from the date of issuance, unless earlier revoked as provided in this article. While soliciting, the permittee must be able to produce the business tax receipt or copy thereof and the picture-bearing permit card at all times. No person under legal supervision in lieu of or pending conviction of a crime involving moral turpitude shall be eligible for a permit; a permit previously issued to such a person shall be surrendered upon obtaining such status. The permit shall be invalid if the permit card is altered in any manner.

(Code 1978, § 11-38; Ord. No. 75-765, § 2, 6-3-1975; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985)

Sec. 7-218. Fees.

A fee of $10.00 to cover the administrative costs of investigation of the applicant and processing of the application shall be paid to the building department. Additional fees, if applicable, for the license shall be collected according to the occupational license schedule at the time of the license issuance. Transient merchants will pay fees according to the occupational license schedule.

(Code 1967, § 21-4; Code 1978, § 11-39; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 90-47, § 1, 9-4-1990)

Sec. 7-219. Revocation of permits.

The building official or his/her designee or law enforcement officer shall revoke any permit issued under this article if he/she finds that the permittee is under legal supervision as previously defined or has given false information or has knowingly withheld information in obtaining the same or upon violation of any provision of this article. Any police officer may serve as designee of the building official.

(Code 1967, § 21-5; Code 1978, § 11-40; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985; Ord. No. 90-47, § 1, 9-4-1990)

Sec. 7-220. Prohibited acts.

No person shall:

(a) Enter into or upon residential premises in the city under false pretenses to solicit for any purpose or for the purpose of soliciting orders for the sale of goods, services, wares and merchandise.

Back to Electronic Table of Contents

(b) Remain in or on any residential premises after the owner or occupant has requested any such person to leave.

(c) Enter upon any residential premises for soliciting when the owner or occupant has displayed a "No Soliciting" sign on such premises.

(d) Engage in the practice of soliciting in the city without a permit as provided for in this chapter.

(e) Solicit at rear doors.

(f) Solicit prior to 9:00 a.m. or after 5:00 p.m., 7:00 p.m. during day-light savings time.

(g) Be upon or go upon any road for the purpose of solicitation to or from the occupant of any operating motorized vehicle located within the City of Largo.

(h) Be upon or go upon any road for the purpose of distributing literature to or from the occupant of any operating motorized vehicle located within the City of Largo.

(i) Sell or canvass for sale of any goods, wares, merchandise or services upon the public sidewalks or rights-of-way within the City of Largo. This section does not prohibit an individual/entity from engaging in non-commercial First Amendment protected activity on a public sidewalk so long as individuals/entities engaged in such activity do not enter into the roadway to solicit or distribute materials to or from the occupants of any operating motorized vehicle. This section shall not prohibit outdoor displays of merchandise allowed pursuant to the Comprehensive Development Code or the Clearwater-Largo Road Community Redevelopment District Plan.

(j) The prohibitions contained in this section shall not apply to persons standing or stopping upon medians for the purpose of crossing the street in accordance with applicable traffic and safety laws, regulations and ordinances. Such persons standing or stopping upon medians shall cross the street as soon as possible in accordance with applicable traffic and safety laws, regulations and ordinances and shall not stand or stop upon the median any longer than necessary to legally cross the street.

(k) The prohibitions contained in this section shall not apply to persons standing or stopping upon medians for the purpose of conducting government authorized construction, maintenance or similar activities.

(Code 1967, § 21-6; Code 1978, § 11-41; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985; Ord. No. 90-47, § 1, 9-4-1990; Ord. No. 2009-02, §2, 11-5-2008)

Sec. 7-221. Exceptions.

The provisions of this article shall not apply to:

(1) Any person who visits any residence or apartment at the express request or invitation of the owner or occupant thereof.

(2) To unpaid members of any civic or charitable organization, soliciting door-to-door, who can provide evidence of state tax exempt status number and can show evidence of compliance with F. S. ch. 496, and who are registered as such with the building official. The names of such solicitors shall be listed as organization members; the organization shall provide each person listed with an approved means of identification with the organization represented.

(3) Newsboys soliciting subscriptions to any newspaper for home delivery within the city.

Back to Electronic Table of Contents

(4) Route deliverymen who make deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.

(Code 1967, § 21-7; Code 1978, § 11-42; Ord. No. 85-24, § 1, 4-16-1985; Ord. No. 85-45, § 1, 8-6-1985; Ord. No. 90-47, § 1, 9-4-1990)

Sec. 7-222. Display of license.

Any person engaging in business within the city as a solicitor, peddler or transient merchant shall prominently and conspicuously display on his/her person, or the premises where the business is conducted, the permit issued pursuant to this article while engaged in such business.

(Code 1978, § 11-43; Ord. No. 90-47, § 1, 9-4-1990)

Secs. 7-223--7-238. Reserved.

Back to Electronic Table of Contents

Chapter 8 CIVIL EMERGENCIES

Article I. In General
Secs. 8-1--8-18. Reserved.
Article II. Emergency Management
Sec. 8-19. Intent.
Sec. 8-20. Definitions.
Sec. 8-21. Applicability of article provisions.
Sec. 8-22. Emergency management structure.
Sec. 8-23. Powers, duties, and responsibilities.
Sec. 8-24. State of local emergency--Declaration.
Sec. 8-25. Same--Termination.

ARTICLE I. IN GENERAL

Secs. 8-1--8-18. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT

Sec. 8-19. Intent.

(a) It is the intent of this article to provide the necessary organization, powers, and authority to enable the timely and effective use of all available city resources to prepare for, respond to, and recover from emergencies or disasters, natural and manmade, likely to affect the security, safety, or health of the city and its residents, whether such events occur within or beyond the corporate limits of the city.

(b) Nothing herein shall be intended to relieve city departments of their normally assigned duties, responsibilities, and functions.

(c) Nothing herein shall be construed as a delegation of authority to abridge or diminish the legislative powers of the city commission.

(Code 1978, § 26-1; Ord. No. 94-24, § 1, 2-15-1994)

Sec. 8-20. Definitions.

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

Emergency means the actual or threatened existence of conditions which adversely affect the health, safety, or welfare of citizens, visitors, or property within the city which can be controlled or combated by city services, personnel, equipment, or facilities.

State of emergency means the existence of conditions which adversely affect the health, safety, or welfare of the citizens, visitors, or property within the county or the state and such conditions, by reason of their magnitude, are beyond the control of the services, personnel, equipment, and facilities of any single city or county and require the combined forces of an entire region to control or combat and is declared by the county and/or the state.

Back to Electronic Table of Contents

State of local emergency means the existence of conditions which adversely affect the health, safety, or welfare of citizens, visitors, or property within the city which may be beyond the control of the services, personnel, equipment, and facilities of the city and require the combined forces of other political subdivisions to control or combat.

(Code 1978, § 26-2; Ord. No. 94-24, § 2, 2-15-1994)

Sec. 8-21. Applicability of article provisions.

All officers, employees, contractors, vendors, boards, commissions, authorities, and other agencies of or within the city are subject to the provisions of this article.

(Code 1978, § 26-3; Ord. No. 94-24, § 3, 2-15-1994)

Sec. 8-22. Emergency management structure.

(a) The city manager is designated the director of emergency management, and shall implement, manage, and report on all actions authorized and taken under the provisions of this article.

(b) The city manager shall appoint the fire chief as the emergency manager. The duties of the emergency manager shall include the ongoing planning for and coordination of those actions necessary, for the creation and maintenance of an effective emergency response capability, to prepare for and manage emergency conditions.

(c) The fire chief shall designate a fire department staff officer as the emergency management coordinator.

(d) The fire chief shall establish an emergency management planning committee composed of designated department directors or their representatives. This committee will be chaired by the emergency management coordinator or another designated member of the planning committee.

(Code 1978, § 26-4; Ord. No. 94-24, § 4, 2-15-1994)

Sec. 8-23. Powers, duties, and responsibilities.

(a) The city manager, when acting as the director of emergency management, shall have the following powers, duties, and responsibilities:

(1) To recommend the declaration of a state of local emergency to the mayor and/or city commission, and to inform them of the reasons for and status of events requiring the declaration;

(2) To direct the creation, revision, and exercise of emergency response plans conforming to state and county emergency plans for the mitigation of, preparation for, response to, and recovery from emergencies or disasters;

(3) To direct the efforts of the emergency manager (fire chief) in the preparation for, response to, and recovery from emergency conditions;

(4) To recommend a budget to the city commission for the creation and maintenance of an emergency response capability as provided herein;

(5) To promulgate emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency or disaster;

Back to Electronic Table of Contents

(6) To establish and designate a public information office to develop and coordinate a city emergency awareness program.

(b) The fire chief, when acting as the emergency manager, shall have the following responsibilities and duties:

(1) To direct the development and maintenance of the city's emergency plans, including annual revisions;

(2) To designate a fire department staff officer as the emergency management coordinator;
(3) To direct the development of a city emergency operations center (EOC) to include equipment, staffing, and operational procedures necessary for the management and control of emergency conditions;

(4) To develop and submit an annual budget to the director of emergency management for the operation, maintenance, and training of an emergency response system and infrastructure.

(c) The emergency management coordinator shall have the following responsibilities and duties:

(1) To plan, develop, and maintain the city's emergency plans, including annual updates;

(2) To chair the emergency management planning committee;

(3) To plan for and develop an emergency operations center (EOC) to include equipment, staffing, and operational procedures necessary for the management and control of emergency conditions;

(4) To provide and coordinate a city training program in emergency response and management.

(d) The emergency management planning committee shall have the following responsibilities and duties:

(1) To function as part of the EOC during an emergency or state of local emergency;

(2) To assist in the creation, revision, and exercise of emergency operations plans;

(3) To advise the emergency management coordinator of resource requirements necessary for the creation, maintenance, and exercise of a capable, efficient emergency response capability.

(Code 1978, § 26-5; Ord. No. 94-24, § 5, 2-15-1994)

Sec. 8-24. State of local emergency--Declaration.

(a) The mayor shall have the authority to declare a state of local emergency by proclamation after consulting with the director of emergency management. Upon the absence or unavailability of the mayor, the vice-mayor, the members of the city commission in order of their seniority on the commission, and after every effort has been made to contact same, the city manager, the assistant city manager, or the emergency manager, in the order named, may issue such a declaration.

(b) Any declaration of a state of local emergency and all emergency regulations activated under the provisions of this article shall be confirmed by the city commission by resolution within two working days of such declaration, or at the next regularly scheduled meeting of the city commission, unless the nature of the local emergency renders a meeting of the city commission impractical. Confirmation of the declaration of local emergency shall disclose the reasons for, anticipated impacts of, actions proposed and taken to manage the local emergency, and other pertinent data relating to the emergency requiring the declaration.

(c) Emergency ordinances, policies, and proclamation and resolution put into effect.

Back to Electronic Table of Contents

(1) Upon the declaration of a state of local emergency, pursuant to this article, the enforcement of the provisions of the following emergency ordinances shall, as necessary, be effective during the period of such emergency to protect the health, safety, and welfare of the community:

Ordinance No.	*Subject*
94-25	Curfew; declare certain areas off-limits
94-26	Regulation of the use of water
94-27	Prohibition of price gouging and over-charging
94-28	Restrictions on the sale of alcohol, firearms, explosives, and combustibles

In addition, pursuant to this article, the enforcement of the provisions of the emergency ordinances referenced in this subsection shall be rescinded upon a termination of the state of local emergency.

(2) The following policies shall, as necessary, also be effective during the period of a state of local emergency:

a. Utilize all available resources of the city as reasonably necessary to cope with the disaster or emergency, including emergency expenditures not to exceed $50,000.00, and report made to the city commission subsequent to the termination of the state of local emergency;

b. Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials;

c. Confiscate merchandise, equipment, vehicles, or property needed to alleviate the emergency. Reimbursement shall be within 60 days and at customary value.

(3) In addition to the emergency ordinances and policies in subsections (c)(1) and (2) of this section, this article shall also include the proclamation to declare the state of local emergency; the resolution to confirm the state of local emergency; the proclamation terminating the state of local emergency which shall be confirmed by resolution within two working days of such declaration or at the next regularly scheduled meeting of the city commission and rescinding the enforcement of the provisions of the emergency ordinances put into effect as referenced in subsection (c)(1) of this section.

(d) Pursuant to F.S. § 252.38(6)(e), a declared state of local emergency will last for a period of up to seven days, which may be extended by proclamation in increments of up to 72 hours. In addition, F.S. § 252.38(6)(e) provides authority for a political subdivision, such as the city, to declare a state of local emergency, and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

(1) Performing of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;

(2) Entering into contracts;

(3) Incurring obligations;

(4) Employing permanent and temporary workers;

(5) Utilizing volunteer workers;

(6) Renting equipment;

Back to Electronic Table of Contents

(7) Acquiring and distributing, with or without compensation, supplies, materials, and facilities;
(8) Appropriating and expending of public funds.

(e) Upon the declaration of a state of local emergency the director of emergency management shall notify the media within 24 hours.

(f) The proclamation declaring a state of local emergency shall specify which emergency ordinances are to be enacted by such declaration.

(g) Notice to the public shall be given via the city's government access television channel.

(Code 1978, § 26-6; Ord. No. 94-24, § 6, 2-15-1994; Ord. No. 99-55, § 1, 6-1-1999)

Sec. 8-25. Same--Termination.

A state of local emergency shall be terminated by proclamation stating that the conditions leading to or causing the emergency conditions no longer exist, and that the city's departments are able to manage the situation without extraordinary assistance and powers. The termination shall be confirmed by the city commission by resolution within two working days of such termination, or at the next regularly scheduled meeting of the city commission. Notice of such termination shall be made to the public by the director of emergency management by the same means as the notice of the declaration of the state of local emergency.

(Code 1978, § 26-7; Ord. No. 94-24, § 7, 2-15-1994; Ord. No. 99-55, § 2, 6-1-1999)

Back to Electronic Table of Contents

Chapter 9 CODE ENFORCEMENT*

***State law reference(s)--**Code enforcement, F.S. ch. 162.

Article I. In General
Secs. 9-1--9-18. Reserved.
Article II. Code Enforcement Board Procedure
Division 1. Generally
Sec. 9-19. Definitions.
Secs. 9-20--9-41. Reserved.
Division 2. Code Enforcement Board
Sec. 9-42. Creation and membership.
Sec. 9-43. Function; appointment; term of office.
Sec. 9-44. Attendance and removal from office.
Sec. 9-45. Organization.
Sec. 9-46. Powers of code enforcement board.
Sec. 9-47. Hearings.
Secs. 9-48--9-67. Reserved.
Division 3. Enforcement Procedure
Sec. 9-68. Generally.
Sec. 9-69. Duties of property owner upon transfer of property.
Sec. 9-70. Presentation of case.
Sec. 9-71. Conduct of hearing.
Sec. 9-72. Administrative fines; costs of repair; liens.
Sec. 9-73. Duration of lien.
Sec. 9-74. Appeals.
Sec. 9-75. Notices.
Sec. 9-76. Actions for money judgments under this division; limitation.
Sec. 9-77. Supplemental means of code compliance.
Secs. 9-78--9-97. Reserved.
Article III. Citation Enforcement Procedures
Sec. 9-98. Generally.
Sec. 9-99. Notice; issuance of citation.
Sec. 9-100. Form of citation.
Sec. 9-101. Deposit of citation with county court.
Sec. 9-102. Schedule of violations and penalties.
Sec. 9-103. Refusal to sign and accept citation a misdemeanor.
Sec. 9-104. Nonapplicability of article provisions in certain instances.
Sec. 9-105. Article provisions supplemental means of enforcement.
Sec. 9-106. No contest of citation; schedule of civil penalties.
Sec. 9-107. Repeat violations.
Sec. 9-108. Waiver of right to contest citation.
Sec. 9-109. Failure to comply constitutes offense; public nuisance.
Sec. 9-110. Continuing violations.
Secs. 9-111--9-133. Reserved.
Article IV. Notice to Appear; Enforcement Procedure
Sec. 9-134. Generally.
Sec. 9-135. Notice to appear.

Back to Electronic Table of Contents

Sec. 9-136. Form of notice.
Sec. 9-137. No contest of citation or notice; schedule of civil penalties.
Sec. 9-138. Imposition of greater penalty.
Sec. 9-139. Repeat violations.
Sec. 9-140. Waiving right to contest citation.
Sec. 9-141. Supplemental nature of article.
Sec. 9-142. Failure to comply with article an offense.
Sec. 9-143. Public nuisance.
Sec. 9-144. Continuing violations.
Article V. Special magistrate qualifications and procedures
Sec. 9-145. Special magistrate.
Sec. 9-146. Duties and authority of special magistrate; establishment of procedures.

ARTICLE I. IN GENERAL

Secs. 9-1--9-18. Reserved.

ARTICLE II. CODE ENFORCEMENT BOARD PROCEDURE*

***State law reference(s)--**Code enforcement board procedure, F.S. § 162.01 et seq.

DIVISION 1. GENERALLY

Sec. 9-19. Definitions.

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

City attorney or *attorney designee* means counselor for the municipality.

City commission means the legislative body of the city.

Code inspector/technician means any authorized agent or employee of the city whose duty it is to ensure municipal ordinance code compliance with the technical codes which are subject to all city codes.

Enforcement board means the city code enforcement board created pursuant to this article.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board, special magistrate, or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Special magistrate means a person authorized to hold quasi-judicial hearings and assess fines for_violations of city code in accordance with this chapter and any such other authority as may be conferred by Chapter 162, Florida Statutes or any other law.

(b) All definitions recorded in the city comprehensive development code are incorporated herein by reference.

Back to Electronic Table of Contents

(Code 1978, § 23-1; Ord. No. 89-21, § 1, 5-16-1989; Ord. 2015-36, § 1, 6-16-2015; Ord. No. 2016-45, § 1, 2-16-2016)

Secs. 9-20--9-41. Reserved.

DIVISION 2. CODE ENFORCEMENT BOARD

Sec. 9-42. Creation and membership.

There is hereby created within the city "The City Code Enforcement Board" which shall be composed of seven members, all of whom shall be residents of the city.

(Code 1978, § 23-1; Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.05.

Sec. 9-43. Function; appointment; term of office.

(a) The city code enforcement board shall have the purpose of conducting hearings relating to the enforcement of all city codes presently in force in the city; to issue findings of fact and to issue orders affording the proper relief consistent with the powers granted by this article and in accordance with F.S. ch. 162 (1985), as amended from time to time.

(b) There shall be appointed by the mayor and city commission a code enforcement board. The appointment of a majority of the membership shall be made on the basis of experience or interest in the fields of zoning, building, fire prevention, and development control. Whenever possible, the board shall include an architect, a business person, an engineer, a general contractor, a subcontractor, a realtor, and a person knowledgeable of the fire codes. The mayor and each commissioner shall appoint one (1) member to serve on the code enforcement board, with initial terms as follows:

1. Upon the expiration of the terms of the three (3) current board members whose terms expire in August 2015, the Mayor, Commissioner – Seat #3, and Commissioner – Seat # 4 shall each appoint one (1) member to the board for a term to expire in November 2016, when the current term of the mayor or commissioner who appointed the member expires.

2. Upon the expiration of the terms of the two (2) current board members whose terms expire in August 2016, Commissioner – Seat # 1 and Commissioner – Seat #2 shall each appoint one (1) member to the board for a term to expire in November 2018, when the current term of the mayor or commissioner who appointed the member expires.

3. Upon the expiration of the terms of the two (2) current board members whose terms expire in August 2017, Commissioner – Seat #5 and Commissioner – Seat #6 shall each appoint one (1) member to the board for a term to expire in November 2018, when the current term of the mayor or commissioner who appointed the member expires.

(c) After the expiration of the initial terms stated in subsection (b), appointments shall be for a term of four (4) years and shall run concurrently with the term of the mayor or commissioner who appointed the member to the code enforcement board. Members may be reappointed by the mayor or commissioner who appointed the member. Appointment to fill any vacancy on the board shall be for the remainder of the unexpired term of office and be made by the mayor or commissioner who made the appointment of the member whose seat became vacant.

(Code 1978, § 23-3(a), (b), (d); Ord. No. 89-21, § 1, 5-16-1989; Ord. No. 2015-47, § 2, 7-7-2015)

Back to Electronic Table of Contents

State law reference(s)--Similar provisions, F.S. § 162.05(2), (3)(d), (e).

Sec. 9-44. Attendance and removal from office.

(a) If any member of the board fails to attend two out of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy.

(b) The members of the board shall serve in accordance with the provisions of the city Charter and this Code of Ordinances, and may be suspended or removed for cause upon the majority vote of the city commission.

(Code 1978, § 23-4; Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.05(3)(e), (f).

Sec. 9-45. Organization.

(a) The members of the code enforcement board shall elect one of the members to be chair who shall be a voting member. The person so elected shall function as chairperson for one year of that person's term.

(b) The presence of four or more members of the board present at any meeting shall constitute a quorum in order for the board to conduct its business. Members of the code enforcement board shall serve without compensation.

(c) The city attorney or his/her attorney designee shall act as counsel to the code enforcement board, and either he/she or his/her attorney designee shall be present at all meetings of the board.

(Code 1978, § 23-5; Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.05(4), (5).

Sec. 9-46. Powers of code enforcement board.

The code enforcement board shall have the power to:

(a) Adopt rules for the conduct of its hearings.

(b) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the county sheriff or police department of the municipality.

(c) Subpoena evidence to its hearings.

(d) Take testimony under oath.

(e) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(Code 1978, § 23-8; Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions. F.S. § 162.08.

Sec. 9-47. Hearings.

Back to Electronic Table of Contents

(a) The board shall convene monthly or as needed.

(b) Minutes shall be kept of all hearings held by the code enforcement board, and all such hearings shall be open to the public. The board will require assistance in taking minutes of the meetings for all rulings and counselor records, etc.

(c) The community development department shall provide clerical and administrative personnel as may be required to assist the board in the proper performance of its duties.

(Code 1978, § 23-7(b)--(d))

Secs. 9-48--9-67. Reserved.

DIVISION 3. ENFORCEMENT PROCEDURE

Sec. 9-68. Generally.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsections (c) and (d) of this section, if a violation of the codes is found, the code inspector shall notify the violator and give him/her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 9-75 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 9-75. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 9-75. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his/her rights to this hearing and pay said costs as determined by the code enforcement board.

(d) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.

(Code 1978, § 23-6(1)--(3); Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.06(1)--(4).

Back to Electronic Table of Contents

Sec. 9-69. Duties of property owner upon transfer of property.

If the owner of property which is subject to an enforcement proceeding before the code enforcement board or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

(a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

(c) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

(d) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in subsections (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

State law reference(s)--Similar provisions, F.S. § 162.06(5).

Sec. 9-70. Presentation of case.

Each case before the code enforcement board shall be presented by a member of the city staff.

(Code 1978, § 23-6(3)(a); Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.07(2).

Sec. 9-71. Conduct of hearing.

(a) Upon request of the code inspector, or at such other times as may be necessary, the chairperson of the code enforcement board may call a hearing of the code enforcement board; a hearing also may be called by written notice signed by at least three members of the seven-member code enforcement board. Minutes shall be kept of all hearings and all hearings and proceedings shall be open to the public. The local governing body shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.

(b) Each case before the code enforcement board shall be presented by a member of the administrative staff. If the city prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under section 9-72.

(c) The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on

Back to Electronic Table of Contents

evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of the seven-member board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in section 9-72, the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(Code 1978, § 23-7(b), (c))

State law reference(s)--Similar provisions, F.S. § 162.07.

Sec. 9-72. Administrative fines; costs of repair; liens.

(a) The code enforcement board, upon notification by the code inspector that an order of the code enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in section 9-68, the code enforcement board shall notify the city commission, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city commission to make further repairs or to maintain the property and does not create any liability against the city commission for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.

(b) A fine imposed pursuant to this section shall not exceed $250.00 per day for a first violation and shall not exceed $500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed $5,000.00 per violation. In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:

4) The gravity of the violation;

(2) Any actions taken by the violator to correct the violation; and

c. Any previous violations committed by the violator.

Since the city has a population equal to or greater than 50,000 the city commission may adopt, by a vote of at least a majority plus one of the entire city commission, an ordinance that gives the code enforcement board authority to impose fines in excess of the limits set forth in this subsection. Such fines shall not exceed $1,000.00 per day per violation for a first violation, $5,000.00 per day per violation for a repeat violation, and up to $15,000.00 per violation if the code enforcement board finds the violation to be irreparable or irreversible

Back to Electronic Table of Contents

in nature. In addition to such fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs of repairs pursuant to subsection (a) of this section. Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board in determining the amount of the fines, including, but not limited to, those factors set forth in this subsection.

The code enforcement board is authorized to reduce any fine it imposes pursuant to this section. The board shall establish procedures for hearing cases for reduction of fines and the board's decision shall be final.

(Ord. No. 2016-45, § 2, 2-16-2016)

(c) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city commission, and the city commission may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the code enforcement board may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under section 4, article X of the state constitution (Florida Constitution article X, § 4). The money judgment provisions of this section shall not apply to real property or personal property which is covered under section 4(a), article X of the state constitution (Florida Constitution article X, § 4(a)).

(Code 1978, § 23-9; Ord. No. 89-21, § 1, 5-16-1989; Ord. No. 91-37, § 1, 7-2-1991; Ord. No. 98-13, § 1, 2-17-1998)

State law reference(s)--Similar provisions, F.S. § 162.09.

Sec. 9-73. Duration of lien.

No lien provided under this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to section 9-72(c) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The city commission shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(Code 1978, § 23-9(d); Ord. No. 89-21, § 1, 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.10.

Sec. 9-74. Appeals.

An aggrieved party, including the city commission, may appeal a final administrative order of the code enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the code enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Code 1978, § 23-10; Ord. No. 89-21, § 1, 5-16-1989)

Back to Electronic Table of Contents

State law reference(s)--Similar provisions, F.S. § 162.10.

Sec. 9-75. Notices.

(a) All notices required by this division shall be provided to the alleged violator by:

(1) Certified mail, return receipt requested, provided if such notice is sent under this subsection to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the city by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsection (b)(2) of this section, and by first class mail directed to the addresses furnished to the city with a properly executed proof of mailing or affidavit confirming the first class mailing;

(2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the city commission;

(3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the primary municipal government office. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) of this section.

(c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

(Code 1978, § 23-11; Ord. No. 89-21, § 5-16-1989)

State law reference(s)--Similar provisions, F.S. § 162.12

Sec. 9-76. Actions for money judgments under this division; limitation.

Actions for money judgments under this division may be pursued only on fines levied after October 1, 2000.

State law reference(s)--Similar provisions, F.S. § 162.125.

Sec. 9-77. Supplemental means of code compliance.

Back to Electronic Table of Contents

It is the intent of this article to provide additional or supplemental means of obtaining compliance with city codes. Nothing contained in the article shall prohibit the city from enforcing its codes by any other means.

State law reference(s)--Similar provisions, F.S. § 162.13.

Secs. 9-78--9-97. Reserved.

ARTICLE III. CITATION ENFORCEMENT PROCEDURES*

***State law reference(s)--**Enforcement of city codes by citation, F.S. § 162.21.

Sec. 9-98. Generally.

(a) As used in this section, the term "code enforcement officer" means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city.

(b) The city manager may designate certain employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the city. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085--943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(c) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

State law reference(s)--Similar provisions, F.S. § 162.21(1), (2), (3)(a).

Sec. 9-99. Notice; issuance of citation.

Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

State law reference(s)--Similar provisions, F.S. § 162.21(3)(b).

Sec. 9-100. Form of citation.

A citation issued by a code enforcement officer shall be in a form prescribed by the city and shall contain:

(1) The date and time of issuance.

Back to Electronic Table of Contents

(2) The name and address of the person to whom the citation is issued.

(3) The date and time the civil infraction was committed.

(4) The facts constituting reasonable cause.

(5) The number or section of the code or ordinance violated.

(6) The name and authority of the code enforcement officer.

(7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

(8) The applicable civil penalty if the person elects to contest the citation.

(9) The applicable civil penalty if the person elects not to contest the citation.

(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(Code 1978, § 1-8(b)(3); Ord. No. 99-18, § 1, 4-16-1999)

State law reference(s)--Similar provisions, F.S. § 162.21(3)(b).

Sec. 9-101. Deposit of citation with county court.

After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.

State law reference(s)--Similar provisions, F.S. § 162.21(4).

Sec. 9-102. Schedule of violations and penalties.

(a) The city is authorized to enforce codes and ordinances under the provisions of this article and may enact an ordinance establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers.

(b) The procedures for implementation of this article provide:

(1) That a violation of a code or an ordinance is a civil infraction.

(2) A maximum civil penalty not to exceed $500.00.

(3) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(4) For the issuance of a citation by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.

(5) For the contesting of a citation in county court.

(6) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance

Back to Electronic Table of Contents

under the provisions of this article.

State law reference(s)--Similar provisions, F.S. § 162.21(5).

Sec. 9-103. Refusal to sign and accept citation a misdemeanor.

Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083.

State law reference(s)--Similar provisions, F.S. § 162.21(6).

Sec. 9-104. Nonapplicability of article provisions in certain instances.

The provisions of this article shall not apply to the enforcement pursuant to F.S. §§ 553.79 and 553.80 of the Florida Building Code adopted pursuant to F.S. § 553.73, as applied to construction, provided that a building permit is either not required or has been issued by the city.

State law reference(s)--Similar provisions, F.S. § 162.21(7).

Sec. 9-105. Article provisions supplemental means of enforcement.

The provisions of this section are additional and supplemental means of enforcing municipal codes or ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Nothing contained in this section shall prohibit the city from enforcing its codes or ordinances by any other means.

State law reference(s)--Similar provisions, F.S. § 162.21(8).

Sec. 9-106. No contest of citation; schedule of civil penalties.

(a) A person who receives a citation from a code enforcement officer for the violation of this Code or a city ordinance and who elects not to contest the citation shall be subject to a civil penalty in accordance with the following schedule:

Class	Fine	Costs	Total
I	$200.00	$13.00	$213.00
II	175.00	13.00	188.00
III	125.00	13.00	138.00
IV	100.00	13.00	113.00
V	75.00	13.00	88.00

(b) The schedule of fines and costs is included in this section to reflect the current uniform schedule of fines and costs imposed by the county court as of August 25, 1998. Any amendment to the uniform schedule of fines and costs by the county court shall take effect as ordered by the court, and shall be applicable to violations of this code and city ordinances without the necessity to amend the schedule set forth in this section.

(c) A violation of this Code or any city ordinance enforced pursuant to subsection (b) of this section shall constitute a class V violation, unless otherwise indicated; provided, however, that if the uniform schedule of fines and costs of the county court provides for a greater penalty, the greater penalty shall be imposed.

Back to Electronic Table of Contents

(Code 1978, § 1-8(b)(4), (5); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-107. Repeat violations.

A repeat violation of the same ordinance by the same person within 24 months from the date of the previous violation shall result in the fine and costs being set at the classification level one class above the classification level of the cited violation. Each repeat violation of the same ordinance by the same person within 24 months of the previous violation will increase the classification level one level from the previous classification level for the most recent violation. If at any time a class I level is reached, the penalty for any subsequent violation of the same ordinance by the same person within 24 months from the date of the first violation shall be as prescribed for a class I offense.

(Code 1978, § 1-8(b)(6); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-108. Waiver of right to contest citation.

Any person who fails to pay the appropriate civil penalty within the time allowed, or who fails to appear in county court to contest the citation, shall be deemed to have waived his/her right to contest the citation, and judgment may be entered against the person for an amount not to exceed $500.00.

(Code 1978, § 1-8(b)(7); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-109. Failure to comply constitutes offense; public nuisance.

(a) The violation of, or failure to comply with any provision of this Code shall constitute an offense against the city.

(b) In addition to the penalties provided for in this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or city ordinance shall be deemed a public nuisance and shall be subject to abatement by the city.

(Code 1978, § 1-8(c), (d); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-110. Continuing violations.

Each and every act, action or thing done in violation of the provisions of this Code, or city ordinance, shall be construed, deemed and taken as a separate and distinct violation of such provisions of this Code, and in every event that a violation of this Code, or city ordinance, or any of the provisions hereof, shall continue, each day of such continuance shall be deemed, construed and taken as a separate and distinct violation of the provisions of this Code or city ordinance that such condition so allowed to continue shall violate.

(Code 1978, § 1-8(e); Ord. No. 99-18, § 1, 4-6-1999)

State law reference(s)--Power of city to impose penalty for violation of ordinances, maximum imposed, F.S. § 162.21.

Secs. 9-111--9-133. Reserved.

ARTICLE IV. NOTICE TO APPEAR; ENFORCEMENT PROCEDURE*

Back to Electronic Table of Contents

***State law reference(s)--**Notice to appear; enforcement procedure, F.S. § 162.23.

Sec. 9-134. Generally.

(a) The ordinances contained in this Code may be enforced through the city code enforcement board pursuant to the procedures contained in article II of this chapter, or the notice to appear procedure in this article or the citation procedure in article III of this chapter.

(b) The ordinances contained in this Code may also be enforced in accordance with the procedures in this article.

(Code 1978, § 1-8(a), (b); Ord. No. 99-18, § 1, 4-6-1999)

State law reference(s)--Similar provisions, F.S. § 162.23.

Sec. 9-135. Notice to appear.

(a) An employee of the city who is duly authorized by the city manager and responsible for the enforcement of such ordinances, referred to in this section as a code enforcement officer, may issue a notice to appear in the county court if the code enforcement office, based on a personal investigation, has reasonable cause to believe that the person has violated a provision of this Code or a city ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer other than a police officer has no authority to arrest such person. Employees who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, or fire safety inspectors.

(b) Prior to issuing a notice to appear, the code enforcement officer shall provide written notice to the person that the person has committed a violation of this code or a city ordinance and shall establish a reasonable time period, within which the person must correct the violation. Such time period shall be no fewer than five days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. The code enforcement officer is not required to provide the person who has a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(Code 1978, § 1-8(b)(1), (2); Ord. No. 99-18, § 1, 4-6-1999)

State law reference(s)--Similar provisions, F.S. § 162.23.

Sec. 9-136. Form of notice.

The form of the notice to appear shall contain the following:

(a) The date and time issued;

(b) The name and address of the person to whom the notice to appear is issued;

(c) The date and time the violation was committed, if known;

Back to Electronic Table of Contents

(d) The facts constituting reasonable cause;
(e) The number or section of the code or ordinance violated;

(f) The name and authority of the code enforcement officer;

(g) The procedure for the person to follow to pay the fine, if any, or to contest the citation;

(h) The applicable civil penalty if a person elects to contest the citation;

(i) The applicable civil penalty if the person elects not to contest the citation;

(j) A conspicuous statement that if a person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, that person shall be subject to the maximum civil penalty.

(Code 1978, § 1-8(b)(3); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-137. No contest of citation or notice; schedule of civil penalties.

A person who receives a citation or notice to appear from a code enforcement officer for the violation of this Code or a city ordinance and who elects not to contest the citation shall be subject to a civil penalty in accordance with the following schedule:

Class	Fine	Costs	Total
I	$200.00	$13.00	$213.00
II	175.00	13.00	188.00
III	125.00	13.00	138.00
IV	100.00	13.00	113.00
V	75.00	13.00	88.00

The schedule of fines and costs is included in this section to reflect the current uniform schedule of fines and costs imposed by the county court as of August 25, 1998. Any amendment to the uniform schedule of fines and costs by the county court shall take effect as ordered by the court, and shall be applicable to violations of this Code and city ordinances without the necessity to amend the schedule set forth in this section.

(Code 1978, § 1-8(b)(4); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-138. Imposition of greater penalty.

A violation of this Code or any city ordinance enforced pursuant to this article shall constitute a class V violation, unless otherwise indicated; provided, however, that if the uniform schedule of fines and costs of the county court provides for a greater penalty, the greater penalty shall be imposed.

(Code 1978, § 1-8(b)(5); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-139. Repeat violations.

A repeat violation of the same ordinance by the same person within 24 months from the date of the previous violation shall result in the fine and costs being set at the classification level one class above the classification level of the cited violation. Each repeat violation of the same ordinance by the same person within 24 months of

Back to Electronic Table of Contents

the previous violation will increase the classification level one level from the previous classification level for the most recent violation. If at any time a class I level is reached, the penalty for any subsequent violation of the same ordinance by the same person within 24 months from the date of the first violation shall be as prescribed for a class I offense.

(Code 1978, § 1-8(b)(6); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-140. Waiving right to contest citation.

Any person who fails to pay the appropriate civil penalty within the time allowed, or who fails to appear in county court to contest the citation, shall be deemed to have waived his/her right to contest the citation, and judgment may be entered against the person for an amount not to exceed $500.00.

(Code 1978, § 1-8(b)(7); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-141. Supplemental nature of article.

The provisions of this article are an additional and supplemental means of enforcing city codes and ordinances. Nothing contained in this article shall prohibit the city from enforcing its codes or ordinances by any other means.

(Code 1978, § 1-8(b)(8); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-142. Failure to comply with article an offense.

The violation of, or failure to comply with any provision of this Code shall constitute an offense against the city.

(Code 1978, § 1-8(c); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-143. Public nuisance.

In addition to the penalties provided for in this article, any condition caused or permitted to exist in violation of any of the provisions of this Code or city ordinance shall be deemed a public nuisance and shall be subject to abatement by the city.

(Code 1978, § 1-8(d); Ord. No. 99-18, § 1, 4-6-1999)

Sec. 9-144. Continuing violations.

Each and every act, action or thing done in violation of the provisions of this Code, or city ordinance, shall be construed, deemed and taken as a separate and distinct violation of such provisions of this Code, and in every event that a violation of this Code, or city ordinance, or any of the provisions hereof, shall continue, each day of such continuance shall be deemed, construed and taken as a separate and distinct violation of the provisions of this Code or city ordinance that such condition so allowed to continue shall violate.

(Code 1978, § 1-8(e); Ord. No. 99-18, § 1, 4-6-1999)

State law reference(s)--Power of city to impose penalty for violation of ordinances, maximum imposed, F.S. § 162.21.

ARTICLE V. SPECIAL MAGISTRATE QUALIFICATIONS AND PROCEDURES

Sec. 9-145. Special Magistrate.

Back to Electronic Table of Contents

(a) *Alternative proceedings*. In lieu of having the code enforcement board hear and decide code violations or any other method available to enforce the city's code, the city commission may appoint one or more special magistrates to hear and dispose of such matters. The special magistrate shall have the same status, jurisdiction and authority as the code enforcement board. All references to the code enforcement board in the Largo Code of Ordinances and Comprehensive Development Code shall apply to the special magistrate, except that no legal counsel shall be appointed for special magistrate hearings.

(b) Minimum *Qualifications*. The minimum qualifications to be eligible for service as a special magistrate are as stated below. In addition, the city may specify additional required qualifications in its solicitation for a special magistrate.

(1) Be an active member in good standing of the Florida Bar with a minimum of five years recent experience in the practice of law, which experience shall include litigation and administrative hearing experience. Preference will be given to former judges, attorneys who have practiced as certified arbitrators or attorneys with local government experience.

(2) Shall not be an employee of the city or hold any office with the city, nor hold any other elective or appointive office in the county or state including serving as special magistrate.

(3) Shall comply with the Code of Ethics of the state of Florida and the Florida Bar Rules of Professional Conduct.

(b) *Solicitation and appointment*. Eligible candidates for special magistrate shall be solicited through a request for proposals, or other competitive solicitation pursuant to the city's purchasing policy and procedures. The selection committee shall evaluate and make recommendations to the city commission for the appointment of a special magistrate. The term of appointment of any special magistrate shall be for an initial term of three years, with the opportunity for two additional one year renewals, or as may otherwise be established by the city commission. Terms of appointment and compensation for the special magistrate shall be as established pursuant to a contract approved by the city commission. The city commission may appoint up to two alternate special magistrates to serve in the event of legal conflicts of interest or in the absence of the special magistrate.

(c) *Additional duties*. The city commission may, by ordinance and contract, specify that the special magistrate appointed under this section shall perform additional duties as a hearing officer conducting quasi-judicial hearings on other matters concerning the city's Code of Ordinances or Comprehensive Development Code.

(d) *Removal*. The special magistrate shall serve at the pleasure of the city commission and may be removed from service at any time, with or without cause, by a majority vote of the members of the city commission present and voting.

(e) *Conflicts*. The following conflict of interest provisions shall apply to the special magistrate.

(1) Upon appointment, the special magistrate shall comply with the disclosure requirements imposed by Florida law, including but not limited to, Sections 112.313 and 112.3145, Florida Statutes.

(2) The special magistrate shall comply with the voting requirements imposed by Florida law, including but not limited to, Sections 286.012 and 112.3143, Florida Statutes.

(3) For a period of one (1) year from the date of termination of office as special magistrate, however terminated, such person is hereby expressly prohibited from acting as agent or attorney in any proceedings, petition or other matter before a special magistrate for the city.

(4) No person who is or may become a party to a hearing before a special magistrate shall communicate ex

Back to Electronic Table of Contents

parte with the special magistrate concerning that violation. This restriction shall extend to any person appearing or interceding on behalf of a party, whether or not such person may have a direct personal or financial interest in the subject property or properties of the alleged violation.

(5) A special magistrate shall not communicate ex parte on his own volition with any party, representative of any party, or interceding person concerning an alleged violation; however, the special magistrate may consider a request regarding the scheduling or continuance of such hearings when such request is made in writing.

(6) In the event a legal conflict of interest prevents the special magistrate from hearing a case, the city commission may direct that the case be heard by an alternate special magistrate appointed by the city commission, or in the alternative the case may be referred to the city's code enforcement board.

Sec. 9-146. Duties and authority of special magistrate; establishment of procedures.

(a) *Duties and authority; establishment of procedures.* The special magistrate shall have the same duty and authority as the code enforcement board as set forth in this chapter. The special magistrate shall have the authority to establish procedures for the presentation of cases and establishment of fines in accordance with this chapter and Chapter 162, Florida Statutes. The City Attorney or attorney designee shall prosecute all cases before the special magistrate. The city commission shall determine the type and manner of cases to be heard by the special magistrate.

(b) *Reduction of Fines*. The special magistrate is authorized to reduce any fine he/she imposes pursuant to this section. The special magistrate shall establish procedures for hearing cases for reduction of fines and the special magistrate's decision shall be final.

(Ord. No. 2016-45, § 3, 2-16-2016)

Back to Electronic Table of Contents

Chapter 10 EMERGENCY SERVICES

Article I. In General
Secs. 10-1--10-18. Reserved.
Article II. Alarm Systems
Sec. 10-19. Purpose of article.
Sec. 10-20. Definitions.
Sec. 10-21. Alarm monitoring.
Sec. 10-22. Automatic telephone dialing alarm systems.
Sec. 10-23. Alarm user permits required; fee; renewal.
Sec. 10-24. Application for alarm permit; emergency notification and reporting service information.
Sec. 10-25. Issuance of permit decals.
Sec. 10-26. Necessary items for alarm systems to qualify for an alarm user permit.
Sec. 10-27. Response to alarm; determination of validity.
Sec. 10-28. Appeals.
Sec. 10-29. Fee assessment for alarm user permits.
Sec. 10-30. Liability.
Sec. 10-31. Interpretation.

ARTICLE I. IN GENERAL

Secs. 10-1--10-18. Reserved.

ARTICLE II. ALARM SYSTEMS

Sec. 10-19. Purpose of article.

The purpose of this article is to establish conditions and requirements for the use of emergency alarm systems in the city.
(Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-20. Definitions.

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

Alarm agent/alarm business means any person, corporation, firm or business which conducts a business of owning, operating, maintaining, installing, leasing or selling alarm devices within the city, and whose duties include any of the following: Selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing in any premises any alarm device as described in this article. An alarm business shall be a burglar alarm specialty electrical contractor which shall have, as a qualifying agent, a master burglar alarm technician with a valid county certificate of competency. An alarm business shall also have an occupational license issued by the city.

Alarm permit means a permit issued by the city allowing the operation of an alarm system within the city.

Alarm signal means the transmission of a signal, message or audible sound as a result of the activation of an alarm system.

Back to Electronic Table of Contents

Alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police department is expected to respond, but does not include alarms installed in conveyances or fire alarms.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained.

Audible alarm means a device designed for the detection of unauthorized entry to premises which generates an audible sound when activated.

Automatic telephone dialing alarm systems means the automatic dialing device or an automatic telephone dialing alarm system shall include any system which, upon being activated, automatically transmits by telephone line to the city police department a recorded message or code signal indicating a need for emergency response, or a system which, upon activation, connects to an answering service whose function it is to transmit to the city police department a need for emergency response.

False alarm means an alarm signal eliciting a response by the police department when a situation requiring that response does not exist, but does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user or alarm agent.

Hearing officer means an employee of the city designated by the chief of police to act as an impartial arbitrator at hearings related to the enforcement of this article.

Holdup alarm system means an alarm signaling a holdup or attempted holdup in progress wherein the alarm system is maintained.

(Code 1978, § 13-47; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-21. Alarm monitoring.

The city police communications center will not monitor alarms from any alarm system. Alarms shall be monitored by the alarm user's alarm agent/alarm business.

(Code 1978, § 13-48; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-22. Automatic telephone dialing alarm systems.

(a) It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency services from the police department.

(b) The chief of police, or his/her designee, when he/she has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operated in violation of subsection (a) of this section, shall, in writing, order the owner-operator or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order.

(c) Any automatic telephone dialing system installed unlawfully, as set forth in subsection (a) of this section prior to the effective date of the ordinance from which this article is derived, shall be removed within 30 days of the order as contained in subsection (b) of this section.

(Code 1978, § 13-49; Ord. No. 88-05, § 1, 2-16-1988)

Back to Electronic Table of Contents

Sec. 10-23. Alarm user permits required; fee; renewal.

(a) It shall be unlawful for any person to operate an alarm system without a valid alarm user permit. Violation of this section shall be a misdemeanor of the second degree, punishable as provided for in F.S. ch. 775.

(b) All alarm user permits will expire on September 30 of each year and must be renewed not later than October 1 of each year. Renewal permits will be issued after completion of an application form and the payment of a $25.00 renewal fee; except that permits for a premises that have had no false alarms during the preceding permit period will be renewed upon completion of an application but without any renewal fee.

(c) If a business has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit will be required for each structure.

(d) Subsections (b) and (c) of this section shall not apply in those situations where alarm user permits have been revoked under section 10-29.

(Code 1978, § 13-50; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-24. Application for alarm permit; emergency notification and reporting service information.

(a) *Applications.* Applications for alarm permits shall be made on forms provided by the police department. The application shall state the name, address and telephone number of the applicant's property to be serviced by the alarm and the name, address and telephone number of the applicant's residence, if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address and telephone number of that company. Each permit shall be valid until September 30 of each year.

(b) *Emergency notification.* Each application shall list an emergency telephone number of the user or his/her representative to permit prompt notification of alarm calls and facilities assisting the police in the inspection of the property. Changes in the emergency telephone numbers shall be kept current, and failure to provide updated information may constitute grounds for revocation of the permit. It shall be the responsibility of the alarm user to keep the listing current. The listing shall include the name, address and telephone number of at least one individual for residential alarm users and at least three individuals for business alarm users who will represent the alarm user in the event of an alarm.

(c) *Reporting service information.* Each holder of an alarm user permit shall immediately notify the police department, in writing, of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit.

(d) *Alarm user response to police call-out.* Representatives shall respond to the alarm location within a period of 30 minutes from the time of the alarm notification. Should the representative fail to respond to the alarm within that time period, any responding police officers may leave the alarm location. Refusal to respond to an alarm call-out by police shall be grounds for immediate revocation of the alarm user's permit.

(Code 1978, § 13-51; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-25. Issuance of permit decals.

A decal with the alarm user's permit number will be issued with the alarm user permit. This decal or renewal decal must be prominently posted on or near the front entrance to the premises so that the information provided on the decal is visible from outside the structure.

(Code 1978, § 13-52; Ord. No. 88-05, § 1, 2-16-1988)

Back to Electronic Table of Contents

Sec. 10-26. Necessary items for alarm systems to qualify for an alarm user permit.

(a) All alarm systems shall have a backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company.

(b) All alarm systems will have an automatic reset which silences the annunciator within 30 minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.

(Code 1978, § 13-53; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-27. Response to alarm; determination of validity.

(a) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was, in fact, required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(b) If the police officer at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user, at the address of the alarm system installation location, advising the alarm user of the false alarm.

(c) The chief of police, or his/her designee, shall have the right to inspect any alarm system on the premises to which a response has been made and he/she may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this article.

(Code 1978, § 13-54; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-28. Appeals.

(a) A hearing officer shall be appointed by the chief of police to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm, as determined by a police officer at the scene of such activated alarm.

(b) Upon receipt of any false alarm report from the city, the alarm user shall have ten days, orally or in writing, to request a hearing before the said hearing officer.

(c) At the hearing, which must be scheduled and concluded within 15 days from the date the request for same is received, the alarm user shall have the right to present evidence and testimony.

(d) The hearing officer shall make written findings available to the alarm user and the chief of police within ten days from the date the hearing is concluded.

(e) A decision by the chief of police, or his/her designee, to uphold or to cancel the false alarm report, which is the subject of the herein section, must be made within ten days from the receipt of the above findings by the chief of police.

(f) Until all of the steps set forth in this section have been completed, the false alarm in question will be considered to have been genuine and will not be considered the basis for the prima facie presumption that the involved alarm system is malfunctioning.

(Code 1978, § 13-55; Ord. No. 88-05, § 1, 2-16-1988)

Back to Electronic Table of Contents

Sec. 10-29. Fee assessment for alarm user permits.

(a) It is hereby found and determined that more than five false alarms within any permit year is excessive and constitutes a public nuisance.

(b) The activation of six or more false alarms within a permit year will be handled according to the following schedule:

(1) The sixth through eighth false alarms will be billed a $25.00 service charge per occurrence which shall be considered a bill owed by the alarm user to the city. Each $25.00 service charge incurred for the sixth through eighth false alarms at the premises described in the alarm user's permit shall be paid within 30 days from the date of receipt thereof. Failure to make payment within 30 days from date of receipt shall result in a discontinuance of police response to alarms that may occur at the premises described in the alarm user's permit until payment is received.

(2) The ninth false alarm shall result in revocation of the alarm user's permit in the following manner:

a. The alarm user shall be given ten days' advance written notification that the alarm user's permit will be revoked, which written notice shall set forth the reasons for such revocation.

b. The notice shall specify the date of revocation and that the police department will discontinue responding to alarms that occur at the premises described in the revoked permit after the date of revocation.

c. Reinstatement of the permit and police service will be made upon receipt of a letter from an alarm company licensed by the city stating that the alarm system is operating properly and a $50.00 reinstatement fee.

(3) The tenth false alarm shall result in a written notification to the alarm user that upon activation of the next false alarm the alarm user's permit will be revoked.

(4) The 11th false alarm shall result in revocation of the alarm user's permit in the manner described in subsection (b)(2) of this section, except that the fee for reinstatement shall be $100.00.

(5) The 12th false alarm shall result in a written notification to the alarm user that upon activation of the next false alarm the alarm user's permit will be revoked.

(6) The 13th false alarm shall result in revocation of the alarm user's permit in the manner described in subsection (b)(2) of this section, except that an inspection of the property by a police department representative and a representative from a licensed burglar alarm company shall be a condition precedent to reinstatement of the alarm user's permit and that the fee for reinstatement shall be $250.00.

(7) No action shall be taken by the city as a result of the 14th false alarm.
(8) The 15th false alarm shall result in a written notification to the alarm user that upon activation of the next false alarm the alarm user's permit will be revoked.

(9) The 16th false alarm shall result in revocation of the alarm user's permit in the manner described in subsection (b)(2) of this section, except that an inspection of the premises by a police department representative shall be a condition precedent to reinstatement of the alarm user's permit and that the fee for reinstatement shall be $350.00.

(10) No action shall be taken by the city as a result of the 17th and 18th false alarms.

Back to Electronic Table of Contents

(11) The 19th false alarm shall result in a written notification to the alarm user that upon activation of the next false alarm the alarm user's permit will be revoked.

(12) On the 20th and each subsequent false alarm, the alarm user's permit shall be revoked in the manner described in subsection (b)(2) of this section, except that the fee for reinstatement shall be $500.00.

(c) For the purposes of this section, a permit year will extend from October 1 through September 30 of the following calendar year. False alarms occurring during each permit year shall be handled in the same manner as set forth in subsections (a) and (b) of this section.

(Code 1978, § 13-56; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-30. Liability.

The city, its police department and any of its agents and employees shall not have any liability or responsibility for the operation or effectiveness of any alarm system and shall not be subject to any claims, demands or actions which may arise out of or in connection with the performance, nonperformance or nonresponse to any alarm signal.

(Code 1978, § 13-57; Ord. No. 88-05, § 1, 2-16-1988)

Sec. 10-31. Interpretation.

This article, which is administered by the city or its employees, shall be liberally construed to effect the purpose of this article and to achieve uniform interpretation and application of the respective provisions.

(Code 1978, § 13-58; Ord. No. 88-05, § 1, 2-16-1988)

Back to Electronic Table of Contents

Chapter 11 ENVIRONMENT

Article I. In General
Secs. 11-1--11-18. Reserved.
Article II. Nuisances
Division 1. Generally
Sec. 11-19. Public health nuisances.
Sec. 11-20. Businesses not to become offensive; discharge of noxious substances.
Sec. 11-21. Maintenance of pools, spas, ponds and fountains.
Sec. 11-22. Electronic Cigarettes
Secs. 11-23--11-45. Reserved.
Division 2. Cleanliness of Premises
Sec. 11-46. Definitions.
Sec. 11-47. Duty of owners and occupants.
Sec. 11-48. Removal of excessive growth of weeds and debris which are hazardous to health required.
Sec. 11-49. Inspection of property, notice to comply with article; hearing upon request; city to do work when owner or occupant fails to do so; lien on property for cost of work.
Sec. 11-50. Recordation, interest and foreclosure of lien.
Secs. 11-51--11-72. Reserved.
Article III. Outside Storage and Parking of Certain Vehicles
Sec. 11-73. Definitions.
Sec. 11-74. Storing of junk on property.
Sec. 11-75. Inoperative vehicles.
Sec. 11-76. Removal of inoperable vehicles.
Sec. 11-77. Heavy trucks and semitrailers on residential property, rights-of-way and easements.
Sec. 11-78. Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas.
Sec. 11-79. Hobby repair work.
Sec. 11-80. Nonoperative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours.
Sec. 11-81. Portable storage containers.
Sec. 11-82. Enforcement of article.
Sec. 11-83. Penalties.
Secs. 11-84--11-109. Reserved.
Article IV. Noise
Sec. 11-110. Declaration of necessity.
Sec. 11-111. Definitions.
Sec. 11-112. Exceeding prohibited limits.
Sec. 11-113. Exceptions.
Sec. 11-114. Waivers.
Sec. 11-115. Construction.
Sec. 11-116. Industrial or commercial.
Sec. 11-117. Created within residential zones.
Sec. 11-118. Emanating from boats or barges on water areas adjoining residential zones.
Sec. 11-119. Within outdoor public recreation areas and parks.
Sec. 11-120. Octave band sound level limits.
Sec. 11-121. Penalty for violation of article.

ARTICLE I. IN GENERAL

Back to Electronic Table of Contents

Secs. 11-1--11-18. Reserved.

ARTICLE II. NUISANCES

DIVISION 1. GENERALLY

Sec. 11-19. Public health nuisances.

(a) *Creation.* No person shall create, maintain or contribute to a nuisance or condition which is prejudicial to public health. A nuisances which is prejudicial to public health is a nuisance which tends to annoy the community, impair the health of the citizens thereof or which tends to corrupt the public morals. Such nuisances are hereby declared to be unlawful.

(b) *Abatement.* Whenever it shall develop that any person is maintaining a nuisance in the city in violation of the provisions of this article, it shall be the duty of the city manager or his/her designee to cause the same to be abated as provided by F.S. ch. 60 and/or section 11-49.

(Code 1967, §§ 11-3, 11-4; Code 1978, §§ 13-1, 13-2)

State law reference(s)--Nuisances injurious to health, F.S. § 386.01 et seq.

Sec. 11-20. Businesses not to become offensive; discharge of noxious substances.

No owner or occupant of any grocery store, packinghouse, meat shop, ice factory, ice cream parlor, bottling works, stable or other place of business shall permit the same to become a nuisance, or offensive or unhealthy, or suffer or permit any foul, unclean, nauseous or offensive water, liquid or other substance to pass therefrom, or from any premises under their control, into, over or upon any street, alley or open drain, gutter or sewer or over or upon any private grounds of any person.

(Code 1967, § 11-6; Code 1978, § 13-3)

Sec. 11-21. Maintenance of pools, spas, ponds and fountains.

All swimming pools, architectural pools, spas, manmade ponds and fountains shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or to become polluted. Designated retention and detention ponds are exempt from this section.

(Ord. No. 2004-09, § 4, 12-4-2003)

Sec. 11-22. Electronic Cigarettes

(a) *E-Cigarette* means any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine and/or other substances to the user that he or she inhales in simulation of smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

(b) *Use of an E-Cigarette* means the heating or ignition of an e-cigarette which creates a vapor of liquid nicotine and/or other substances which the user can inhale in the simulation of smoking.

(c) The use of E-Cigarettes is hereby strictly prohibited inside any enclosed building owned by the City of

Back to Electronic Table of Contents

Largo.

(d) This prohibition shall not apply to any City owned building that the City leases to a privately owned entity.

(Ord. No. 2015-25, § 1, 3-3-2015)

Secs. 11-23--11-45. Reserved.

DIVISION 2. CLEANLINESS OF PREMISES

Sec. 11-46. Definitions.

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

Debris means material which is stored externally and is not otherwise covered and shall include, but not be limited to, the following: household items, inoperative machinery, automobiles or appliances, refuse, garbage, rubbish, trash or junk, used scrap or lumber, pipe, steel, aluminum or other nonferrous metals, plumbing fixtures, insulation, and other building material, construction equipment, tanks, totes, cans, barrels, boxes, drums, piping, glass, old iron, plastic, cleared trees, removed tree stumps, inoperative boats or other inoperative recreational equipment.

Environmentally sensitive means land protected in its natural state by any other governmental agency.

Excessive growth means the growth of weeds or plants which are not cultivated or landscaped or regularly tended which reach a height in excess of 12 inches.

Land clearing means the cutting and/or removal of plant growth whose individual stems are two inches in diameter or greater with that growth covering a discernable portion of the property.

Mowing means the mechanical cutting of woody or grassy plant growth whose individual stems are less than two inches in diameter.

Owner means occupant or in the event of a vacant building or real property without a structure, the person, corporation, partnership, company, trust, estate or any combination of other business or legal entities, singular or plural, which is a record owner as recorded on the current tax rolls of the county.

Property means any individual, platted parcel of real property within the city, or any portion thereof, as it is recorded in the public records of the county, whether or not such parcel is contiguous to any other platted parcel, or any individual parcel of real property described by metes and bounds in the public records of the county.

Undeveloped state means land which is in a natural state and land which has never been cut or mowed.

(Code 1967, § 20-14; Code 1978, § 7-24; Ord. No. 82-71, § 1, 12-14-1982; Ord. No. 84-59, § 1, 10-2-1984)

Sec. 11-47. Duty of owners and occupants.

(a) No person who shall own, occupy or act as agent for the owner of any private property shall fail to remove or cause to be removed weeds, overgrowth, vegetation, debris and other materials or matter which constitute a hazard to health, safety or proper fire control from any such property.

Back to Electronic Table of Contents

(b) All tenants or occupants of any private real property abutting on any street in the city, or if no tenant or occupant, then the owner thereof shall be required to keep that part of the street between such property lines and the curb lines or drivable area of the street of which such property abuts in a clean and sanitary condition at all times by keeping the same free from excessive weed growth and trash of all kinds and by keeping the grass mowed.

(Code 1967, § 20-15; Code 1978, § 7-25; Ord. No. 81-55, § 1, 11-17-1981; Ord. No. 82-71, § 1, 12-14-1982; Ord. No. 84-59, § 1, 10-2-1984)

Sec. 11-48. Removal of excessive growth of weeds and debris which are hazardous to health required.

(a) Weeds, overgrowth and/or uncultivated vegetation which has, over a discernable portion of a defined area or tract of land, attained a mean leaf height of 12 inches and accumulations of debris shall constitute a hazard to health, safety or fire control.

(b) In such areas the provisions of this section shall relate to privately owned land within 100 feet of the nearest public or private boundary or right-of-way and to all developed or improved tracts or lots under ten acres in area. These provisions shall not relate to land in undeveloped state, nor wetlands and environmentally sensitive areas as designated in the adopted environmental management conservation plan.

(Code 1967, § 20-15.1; Code 1978, § 7-26; Ord. No. 78-983, § 1, 3-21-1978; Ord. No. 82-71, § 1, 12-14-1982; Ord. No. 84-59, § 1, 10-2-1984)

Sec. 11-49. Inspection of property, notice to comply with article; hearing upon request; city to do work when owner or occupant fails to do so; lien on property for cost of work.

(a) The city manager or his/her duly appointed representative shall have authority to inspect all properties within the city to determine compliance with the requirements of this article. In any case where he/she shall determine that there is a failure to comply with such provisions, he/she shall cause a notice to be sent to such person or to be affixed to such property. Such notice shall constitute a notice of violation and generally specify the manner in which this article is being violated. It shall fix a date for compliance with this article, which shall not be less than ten days from the mailing or posting of such notice. Such notice shall also contain a statement that if the violation is not abated as directed and no written request for a hearing before the commission is made within the prescribed time, the city will abate such condition and assess the prescribed cost thereof against the property. If such violation has not been abated by the person to whom the notice has been sent, nor a commission hearing requested thereon within the time prescribed, then the city shall cause such condition to be alleviated or the objectionable materials removed and the cost thereof, in accordance with the currently adopted rates including all administrative costs, shall be a lien upon the property affected thereby.

(b) Charges for services provided to private properties in violation of this article can be found on file with the city in the city clerk's office.

(Code 1967, § 20-16; Code 1978, § 7-27; Ord. No. 78-983, § 2, 3-21-1978; Ord. No. 80-17, § 1, 4-15-1980; Ord. No. 82-1971, § 1, 12-14-1982; Ord. No. 83-36, § 1, 5-3-1983; Ord. No. 84-59, § 1, 10-2-1984; Ord. No. 89-43, § 1, 9-5-1989; Ord. No. 92-17, § 1, 3-3-1992)

Sec. 11-50. Recordation, interest and foreclosure of lien.

The lien provided for in section 11-49 shall be perfected by recording the same against the property affected if not paid within ten days after notice thereof is given to the owner of such property. Such liens shall draw interest at the rate of 12 percent per annum until paid and may be foreclosed after the period of one year if not

Back to Electronic Table of Contents

paid.

(Code 1967, § 20-17; Code 1978, § 7-28; Ord. No. 82-71, § 1, 12-14-1982; Ord. No. 83-36, § 2, 5-3-1983; Ord. No. 84-59, § 1, 10-2-1984)

Secs. 11-51--11-72. Reserved.

ARTICLE III. OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES

Sec. 11-73. Definitions.

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

Fully enclosed structure means any commercial or residential garage and any other manmade and permitted building structure which effectively screens and prevents viewing of its contents from adjacent residents, walkways, roadways or alleys. Temporary covers including, but not necessarily limited to, tarpaulins, lattice, screens, linens, and curtains shall not be used to enclose and qualify a structure as a fully enclosed structure.

Heavy truck means any motor vehicle, including charter buses and other types of buses, with a gross vehicle weight of more than 11,000 pounds and which is designed or used for the carriage of goods or persons or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

Hobby means the repairing, reconditioning, or rebuilding of all vehicles which is done for personal enjoyment or entertainment only, with no profits, compensation, or reimbursement of any kind involved.

Inoperative vehicle means any self-propelled vehicle designed for travel along the ground, in the air or through water under its own power which is not capable of such travel in its existing mechanical condition; or any dismantled, partially dismantled, discarded, wrecked, demolished or partially demolished vehicle; or any vehicle not bearing a current license plate or having a current registration.

Period of continuous construction means a period when construction on a project is progressing forward, as evidenced by a valid building permit and, at a minimum, involves biweekly inspections documenting construction activity that is continuing in a reasonable manner.

Portable storage container means any portable, aboveground container including, but not limited to, semitrailers (licensed or not which exceed 25 feet in length) and other containers normally used for shortterm storage. For purposes of this definition, the term "solid waste containers" and similar types of containers shall not be considered as portable storage containers. For purposes of enforcement, the portable storage containers shall be categorized according to size and use as follows:

(a) *Category A.* Containers of size 1,120 cubic feet or less used for storage on residential properties; and
(b) *Category B.* Containers of size over 1,120 cubic feet and those used for storage on nonresidential properties.

Property means any individual, platted parcel of real property within the city, or any portion thereof, as it is recorded in the public records of the county, whether or not such parcel is contiguous to any other platted

Back to Electronic Table of Contents

parcel, or any individual parcel of real property described by metes and bounds in the public records of the county.

Reverse frontage means a legally described parcel having both front and rear lot frontage on a publicly dedicated right-of-way.

Semitrailer means any vehicle without motor power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings, propellers or hulls and to transport persons or property or pull non-self-propelled vehicles or machinery and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor home, motor scooter, moped, and tractor.

(Code 1978, § 9-1; Ord. No. 2004-08, § 1, 12-4-2003; Ord. No. 2005-33, 1, 5-17-2005)

Sec. 11-74. Storing of junk on property.

No person shall store or allow to remain on any property, or discard, within the city, any dismantled, partially dismantled, nonoperative or discarded household or commercial appliances, machinery, vehicles, nor parts of any such items, nor scrap metal or junk.

(Code 1978, § 9-2; Ord. No. 97-29, § 2, 7-1-1997)

Sec. 11-75. Inoperative vehicles.

(a) No person shall knowingly leave any partially dismantled, wrecked, discarded, junked, or unlicensed vehicle on any street or highway within the city.

(b) It shall be unlawful for any person to store or keep any inoperable vehicles on any property within the city.

(c) Exceptions.

(1) One inoperative vehicle or a vehicle registered as a collector's item by the state division of motor vehicles and provided that such vehicles are maintained in such a manner that they do not constitute a health, safety, or fire hazard and are contained in a fully enclosed structure.

(2) Vehicles stored or kept on the property of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, provided that any dismantled, discarded, wrecked, demolished, or partially demolished vehicles are stored in a fully enclosed structure or in an approved junkyard as provided in the comprehensive development code.

(Code 1978, § 9-3; Ord. No. 97-29, § 2, 7-1-1997)

Sec. 11-76. Removal of inoperable vehicles.

(a) It shall be unlawful for any person to park, store, place or locate on any private or public property, or the owner or occupant of any property to park, store, locate or allow to be located on private or public property owned or occupied by such owner or occupant, outside of a legally constructed fully enclosed structure, any abandoned, disabled or inoperative vehicle or parts thereof.

(b) In the event any person or the owner or occupant of any property fails to remove any inoperative vehicle unlawfully stored or displayed on the property as described in subsection (a) of this section within ten days

Back to Electronic Table of Contents

after having received written notice requiring such removal, the city may cause the removal and disposal of such unlawfully stored or displayed inoperative vehicle. The removal and disposal of such inoperative vehicles may be accomplished either by city work force or by private contract.

(c) In the event the person or the owner or occupant of any property upon which is located an inoperative vehicle outside of a fully enclosed legally constructed structure shall fail to remove such inoperative vehicle within ten days after having been served with written notice requiring such removal, the city or its private contractor may remove such inoperative vehicle and shall store the same for a maximum period of 30 days. During such 30-day period, the owner of the vehicle may redeem such inoperative vehicle after paying to the city the reasonable and necessary charges for the removal and storage of such inoperative vehicle and presentation to the city of adequate proof of ownership of such inoperative vehicle. After such 30-day period, the city may dispose of such inoperative vehicle. For the purpose of this subsection, the term "occupant" shall mean any person in apparent control or possession of the property upon which the inoperative vehicle is located.

(d) The written notice required by this section shall be deemed to have been served if:

(1) A copy of the notice is personally delivered to the party to be notified;

(2) A copy is left at the party's usual place of abode with some person above 15 years of age who resides at the party's usual place of abode, and informing such person of the contents thereof;

(3) A copy is mailed by either registered or certified United States mail with return receipt requested; or

(4) If the name of such party or the place of residence or post office address cannot be ascertained after diligent search and inquiry or in the event a notice sent by either registered or certified mail shall be returned undelivered, such notice is posted in a conspicuous place on the property upon which the items described in this section are or were located.

(e) Should a violation notice be issued for a violation having occurred pursuant to subsection (c) of this section, any subsequent violation of the same section on the same real property by the same owner or occupant of the real property on which the violation previously occurred, occurring within 180 calendar days, shall result in a reduction of time for compliance from ten consecutive days to five consecutive days, and the city may proceed with removal of the inoperative vehicle and/or other appropriate action or proceeding in a court of competent jurisdiction or the city's code enforcement board in order to abate any such violation. In addition, the provisions of this section may be enforced by and through any means available for the enforcement of city codes.

(f) The notice required by this section shall contain a complete description of the inoperative vehicle to be removed, a description of the location of the inoperative vehicle to be removed, the section of the Code violated, and the date by which the inoperative vehicle must be removed or brought into compliance. In addition, the notice must contain notification that a hearing may be held at the person's, owner's or occupant's request. The hearing may be requested by notice in writing to the city at the address prescribed in the notice of violation. The notice that a hearing is requested must be received by the city prior to the tenth day from the date of service of the written notice of violation provided for in this section. A hearing, if requested, shall be held by the code enforcement board prior to the city's removal of the inoperative vehicle. The alleged violator, the city and all interested parties shall have the right to present evidence and appear before the code enforcement board either in person or through counsel.

(g) At any hearing held pursuant to this section, the code enforcement board shall decide, based upon the evidence presented and the applicable ordinances and laws, whether or not the violation specified is sustained by the facts and shall rule expeditiously. The code enforcement board shall not be bound by the strict rules of evidence. If a hearing is requested, the city shall not cause the removal of the inoperative vehicle until the code

Back to Electronic Table of Contents

enforcement board has sustained the violation and five consecutive days have elapsed from the date that the code enforcement board's decision is served upon the violator which service shall be complete upon mailing by registered United States mail or upon delivery by hand or facsimile.

(Ord. No. 2005-33, § 2, 5-17-2005)

Sec. 11-77. Heavy trucks and semitrailers on residential property, rights-of-way and easements.

No person shall park or store a heavy truck on any residential property, nor shall any person park or store a semitrailer on any residential property. The parking of trucks or semitrailers on right-of-way or easement areas within residential areas shall also be prohibited.

(Code 1978, § 9-4; Ord. No. 97-29, § 2, 7-1-1997)

Sec. 11-78. Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas.

(a) *Within street right-of-way.* It shall be unlawful for any person to park, cause to be parked, or allow to be parked any of the following described recreational equipment or other hereinafter described vehicles on any street or right-of-way for a period of time exceeding three hours, unless actual loading or unloading is taking place:

(1) Any aircraft or aircraft trailer.

(2) Any boat or boat trailer.

(3) Any hauling trailer.

(4) Any of the following recreational type vehicles: travel trailers, motor homes, mobile homes, camping trailers, motor coaches, pop-up camping trailers, pickup coaches, auto campers or any other such vehicle designed or utilized for permanent or temporary residence.

(5) Any semitrailer truck or cab or semitrailer.

(6) Any commercial vehicle. A commercial vehicle is defined as any vehicle designed or utilized for a commercial or industrial function, or any vehicle marked with or displaying exterior commercial advertising (other than to indicate the manufacturer, dealer or model of the vehicle itself).

(7) Any inoperable vehicle either in whole or in part. Inoperable in the sense that the vehicle will either not propel itself nor function lawfully nor is equipped and fully licensed for operation on the streets and highways of the state.

(b) *Within any frontal building setback area from the street right-of-way or in the case of corner lots, within the side setback area from the side street.* It shall be unlawful for any person to park, place, install, or store, cause to be parked, placed, installed, or stored, or allow to be parked, placed, installed, or stored within frontal building setback areas from the street right-of-way or in the case of corner lots, also within the side setback area from the side street, on single-family, mobile home lot, duplex and triplex residentially platted, zoned or designated property, the following type vehicle or structures:

(1) Any aircraft or aircraft trailer.

(2) Any boat or boat trailer.

Back to Electronic Table of Contents

(3) Any hauling trailer.

(4) Any recreational vehicle as defined in subsection (a)(4) of this section.

(5) Any semitrailer truck or cab or semitrailer.

(6) Any commercial vehicle as defined in subsection (a)(6) of this section.

(7) Any inoperable vehicle either in whole or in part. Inoperable in the sense that the vehicle will either not propel itself nor function lawfully nor is equipped and fully licensed for operation on the streets and highways of the state.

(8) Any vehicle of whatever type displaying a "for sale" sign and which vehicle is not titled to the owner or occupant of the premises upon which the vehicle is located.

(9) Any structure whether temporary or permanent which is attached to the ground by poles and covered with a fabric such as cloth or tarpaulin, including, but not limited to a canopy or tent and which is used for temporary or permanent storage of vehicles.

(c) *Prohibited vehicles.* It shall be unlawful to park or store or cause to be parked or stored or allow to be parked or stored upon any residentially zoned or designated property any garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck, or similar vehicle designed or utilized to transport wastes or hazardous or noxious or toxic materials.

(d) *Exceptions.*

(1) The foregoing parking restrictions shall not apply to:

a. Noncommercial passenger vehicles, passenger vans and passenger pickup trucks;

b. Emergency vehicles (licensed and defined by state law);

c. Public or quasi-public utility vehicles less than 20 feet in overall length (as measured in a straight line between extremities);

d. Official vehicles of governmental agencies.

(2) The foregoing parking restrictions shall not apply to commercial vehicles during the actual performance of a service at the premises where the same is parked. Neither shall the foregoing parking restrictions apply to the loading, unloading or minor repairing or cleaning of recreational vehicles provided such act is fully completed within the shortest reasonable time period possible (under no circumstances longer than 48 hours.

(e) *Scope of section.* The parking of vehicles, boats and trailers, etc., in residential areas shall be subject to these parking restrictions regardless of the date such parking commenced, and shall not be deemed an allowable nonconforming use within the meaning prescribed within the comprehensive development code; provided, however, that these provisions shall not be construed to affect lawful nonconforming uses of the land itself.

(f) *Obstruction of sidewalk.* Other provisions of this section to the contrary notwithstanding, it shall be unlawful to park or store, cause to be parked or stored, allow to be parked or stored any vehicle, including but not limited to, passenger, recreational or commercial in such a manner that any portion of a public sidewalk is obstructed by any part of the vehicle.

Back to Electronic Table of Contents

(Code 1978, § 13-9; Ord. No. 89-24, § 2, 4-18-1989; Ord. No. 2000-71, § 1, 7-18-2000; Ord. No. 2004-09, §§ 1--3, 12-4-2003)

Sec. 11-79. Hobby repair work.

It is unlawful for any person to repair, keep, or work on any inoperative vehicle, unless such hobby is conducted in and totally contained within a fully enclosed structure and conducted in such a manner so as not to create a health, safety, or fire hazard. This shall not apply to minor repair and maintenance activities such as by way of illustration, the changing of oil, sparkplugs, tires, so long as said minor work does not exceed a reasonable length of time, not to exceed 72 hours. Repair of vehicles purchased for repair and resale, or vehicles repaired for any compensation received, shall be considered an auto repair business, not a hobby.

(Code 1978, § 9-5; Ord. No. 97-29, § 2, 7-1-1997)

Sec. 11-80. Nonoperative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours.

No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any dismantled, partially dismantled, nonoperative, or discarded household or commercial appliances, machinery, vehicles nor parts of any such items, nor scrap metal or junk, to remain on such property longer than 72 hours.

(Code 1978, § 9-8; Ord. No. 97-29, § 2, 7-1-1997)

Sec. 11-81. Portable storage containers.

(a) Based upon the use of the property, portable storage containers shall not be placed on a property for periods longer than indicated as follows:

(1) Single-family, duplex, and triplex areas: seven calendar days.

(2) Industrial: unlimited.

(3) Recreation/open space/preservation: three calendar days.

(4) All other nonresidential uses: 30 calendar days.

(b) No more than 1,120 cubic feet of storage as measured in individual or multiple portable storage containers shall be allowed per dwelling unit on a single-family, duplex, or triplex platted parcel. No more than one portable storage container, regardless of category, shall be allowed per leased retail space within a multitenant shopping center or freestanding commercial parcel at any one given time.

(c) At least 30 calendar days shall pass between the removal and subsequent placement of portable storage containers. For construction sites involving any land use, the time limit for portable storage containers related to and used for the ongoing construction shall be restricted to the period of continuous construction as defined in this section. Any portable storage container at the site of construction, and not specifically related to and used for construction, shall be subject to this section in its entirety.

(d) Portable storage containers placed on nonresidential land shall not reduce existing on-site parking, obstruct traffic circulation aisles, or encroach into drainage areas or landscaping buffers. Portable storage containers placed on residential land shall be located in the driveway or on a hard surface. Stacking of portable storage containers on top of each other shall not be permissible in any land use designation.

Back to Electronic Table of Contents

(e) The following exemptions shall apply provided conditions in subsection (d) of this section are complied with portable storage containers used for deliveries and placed on land for less than 72 hours: portable storage containers which are not visible from the adjacent public right-of-way and any adjoining residential area; businesses located on legally described parcels which have reverse frontage. Similarly, charitable and philanthropic societies, and voluntary organizations, such as Goodwill, Salvation Army, and other similar organizations, are exempt from the application of this article for use of "donation station" donation boxes but in no case will storage containers be allowed on any property for the use of storage. The donated use of portable storage containers by for-profit companies to nonprofit organizations for special events shall be considered charitable for purposes of this subsection. Mobile home communities, condominiums, and apartment complexes are exempt from this section.

(f) No permit fee shall be required for any portable storage containers regardless of category. However, each container placed in accordance with this article shall have affixed to its side a placard which can be plainly seen in public indicating the date of placement and the volume of storage expressed in cubic feet. Failure by the business, during container placement, to post portable storage containers with the required information shall be considered a violation of this section and subject to the penalties outlined in section 11-83.

(g) Continued on-site placement of a temporary portable storage container beyond the allowable time limits as specified in subsection (a) of this section shall either:

(1) Require compliance with the accessory uses standards for detached storage buildings, as provided in the comprehensive development code; or

(2) Constitute a class III zoning violation subject to penalties as provided for in section 1-15 and chapter 9.

(Code 1978, § 9-8.1; Ord. No. 99-40, § 2, 5-18-1999)

Sec. 11-82. Enforcement of article.

The provisions of this article shall be enforced by the building official and by the chief of police or their designated agents. The building official and the chief of police are authorized to remove or have removed any such items as are defined and prohibited.

(Code 1978, § 9-9; Ord. No. 97-29, § 2, 7-1-1997)

Sec. 11-83. Penalties.

Penalties may be imposed by the following methods:

(a) *Administrative abatement.* The city corrects a violation of the Code and the costs of such abatement is then recouped by the city as provided in sections 11-49 and 11-50 and includes the placement of a lien against the property on which the violation occurred.

(b) *Notice to appear.* The issuance of a court citation with a fine as specified in the county uniform fine schedule regarding local ordinance violations as provided in chapter 9.

(Code 1978, § 9-10; Ord. No. 97-29, § 2, 7-1-1997)

Secs. 11-84--11-109. Reserved.

Back to Electronic Table of Contents

ARTICLE IV. NOISE

Sec. 11-110. Declaration of necessity.

It is found and declared that:

(a) The making and creation of excessive, unnecessary or unusually loud noises within the city limits is a condition which has existed for some time and the amount and intensity of such noises is increasing.

(b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and effect are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.

(c) The necessity in the public interest for the provisions and prohibitions contained and enacted in this article is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and repose of the city and its inhabitants.

(Code 1978, § 13-33; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-111. Definitions.

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

Ambient noise means the all-encompassing noise associated with a given environment, being usually a composite of sound from many sources near and far.

A-weighted level (dBA) means the total broadband sound level of the noise spectrum as measured using the A-weighted network of a sound level meter. The unit of measurement is the dBA. Sound level meter settings shall be for slow response, except for motor vehicle measurements which shall be fast response.

Commercial zone means any geographic area designated for commercial or professional activities by the city's comprehensive plan.

Continuous noise means a noise which remains essentially constant in level during the period of observation.

Decibel (dB) means a division of a logarithmic scale used to express the ratio of two like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by ten.

Emergency means a situation wherein immediate work is necessary to restore property to a safe condition following a public calamity or immediate work is required to protect persons or property from an imminent exposure to danger.

Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination vehicle.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Impulsive noise means a noise which is characterized by brief excursions of sound pressure which significantly exceed the ambient noise level.

Back to Electronic Table of Contents

Industrial zone means any geographic area designated for industrial or manufacturing activities by the city's comprehensive plan.

Intermittent noise means a noise whose sound pressure level exceeds the ambient noise level at either regular or irregular intervals.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor-drive cycle means every motorcycle and every motor scooter with a motor which produces not to exceed five-brake horsepower, including every bicycle with a motor attached.

Motor vehicle means any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Noise means one or a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear.

Noise level means the sound pressure level as measured in dBA unless otherwise specified. A measurement of noise must be at least five dB above the ambient noise level.

Octave band means all of the components in a sound spectrum whose frequencies are between two sine-wave components separated by an octave.

Residential zone means any geographic area designated for single-family or multifamily dwellings by the city's comprehensive plan.

Sound level meter means an instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this article shall meet or exceed the requirements for type 2 sound level meter in accordance with ANSI Standard S1-4.

Sound pressure level means the squared ratio, expressed in decibels, of the sound pressure under consideration to the standard reference pressure of 0.0002 dyne/cm^2. The ratio is squared because pressure squared, and not pressure, is proportional to energy.

Vehicle means any device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1978, § 13-33.1; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-112. Exceeding prohibited limits.

It shall be unlawful, except as expressly permitted in this article, to make, cause or allow the making of any noise or sound within the boundaries of the city which exceeds the limits set forth in this article.

(Code 1978, § 13-33.2; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-113. Exceptions.

Back to Electronic Table of Contents

Notwithstanding the noise prohibitions set out in this article, the following shall be permitted:

(a) *Warning devices.* The operation of warning or emergency signal devices such as sirens, horns, and bells when utilized for their intended purpose.

(b) *Emergency repair.* Noises resulting from equipment or operations incidental to the emergency repair of facilities or restoration of services such as public utilities or other emergency activities in the public interest.

(c) *Railway, shipping, and aircraft.* Ordinary noise created by the operation of railways, shipping lanes and aircraft.

(d) *Permitted holiday observances.* Noises consistent with cultural, historical or traditional observances, holidays and ceremonies, provided that a permit for such event has been obtained from the city; if required by the city Code.

(Code 1978, § 13-33.3; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-114. Waivers.

(a) Applications for waivers for relief from the maximum allowable noise level limits designated in this article shall be made in writing. Such applications for waivers shall be made to the city manager or his/her duly authorized representative. Any waiver granted by the city manager under this section must be in writing and shall contain all conditions upon which such permit shall be effective. The city manager or his/her duly authorized representatives may grant the waiver as applied for under the following conditions:

(1) The city manager may prescribe any reasonable conditions or requirements they deem necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to the use of mufflers, screens or other sound attenuating devices.

(2) Waivers from maximum allowable noise level limits may only be granted for noises created within an industrial or commercial zone by operations which were in existence on January 31, 2000.

(3) Waivers may be issued for no longer than 180 days, renewable by further application to the city manager.

(b) Any party feeling aggrieved by the denial of its application for waiver under this section by the city manager may appeal such denial to the city commission, such appeal to be filed within 30 days from the date of denial.

(Code 1978, § 13-33.4; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-115. Construction.

(a) No person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment.

(b) No construction activities shall be permitted between the hours of 6:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday, that produce noise exceeding 55 dBA, measured at the nearest property line of an adjacent residential area. Construction equipment that must be operated near a residentially zoned area on a 24-hour per day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by an acoustical enclosure during the hours of 6:00 p.m. to 7:00 a.m., unless the unshielded noise level is less than 55 dBA,

Back to Electronic Table of Contents

measured at the closest adjacent residentially zoned property line.

(Code 1978, § 13-33.5; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-116. Industrial or commercial.

(a) No noise shall be created or permitted to be created in an industrial or commercial zone which exceeds those levels given in table 1, in this section, as measured on the adjacent property line.

Table 1
Maximum Noise Levels Permitted in Industrial and Commercial Zone

Zone from which noise emanates	Adjoining commercial zone (no time limit)	Adjoining residential zone (7:00 am - 6:00 pm Monday through Saturday)
Industrial	72 dBA	66 dBA
Commercial	66 dBA	60 dBA

The maximum permitted noise level emanating from a commercially or industrially zoned district, measured at the nearest adjacent residentially zoned property line for the hours between 6:00 p.m. and 7:00 a.m., Monday through Saturday and during all hours of Sunday, shall be 55 dBA.

(b) In cases of impulsive noises, the noise levels listed in subsection (a) of this section shall be increased by ten dBA (as measured on a sound level meter) during the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, but shall not exceed the levels of table 1 during the period from 6:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday.

(c) Exceptions to maximum noise levels.

(1) An exception to the noise levels listed in table 1 may be permitted by the granting of a waiver, under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its noise levels exceed those given in table 1. Responsibility for the granting of such waivers shall lie with the city manager or his/her duly authorized representative.

(2) A further exception to the noise levels listed in table 1 shall be permitted in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential zone, and subsequently, through the encroachment of residential development or rezoning, now finds itself adjoining a residential zone. In instances of this latter nature, the noise ordinance pertaining to industrial-commercial boundaries shall govern, and the business shall not be required to meet those noise levels pertaining to residential boundaries.

(Code 1978, § 13-33.6; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-117. Created within residential zones.

Back to Electronic Table of Contents

(a) Except for those noises otherwise specifically provided for within this article, it shall be unlawful to create or to permit to be created any noise within a residential zone that exceeds 72 dBA during the hours between 7:00 a.m. to 6:00 p.m., or 55 dBA during the hours between 6:00 p.m. and 7:00 a.m., daily, measured at the nearest adjacent property line.

(b) It shall be unlawful to operate or permit to be operated any air conditioning, heating or ventilating unit at any time that produces a noise exceeding 60 dBA, measured at the nearest adjacent property line.

(c) In the case of multifamily dwelling units, it shall be unlawful to create or permit to be created any noise that exceeds 55 dBA during the hours between 7:00 a.m. to 9:00 p.m., or 40 dBA during the hours between 9:00 p.m. and 7:00 a.m., daily, measured from a neighbor's dwelling.

(Code 1978, § 13-33.7; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-118. Emanating from boats or barges on water areas adjoining residential zones.

(a) No craft shall be operated or be permitted to be operated on water areas adjoining residential zones which produces noise that exceeds 55 dBA, measured at the nearest adjacent residential property line, during the hours of 9:00 p.m. to 7:00 a.m., daily, except as provided in subsection (b) of this section.

(b) In the case of construction barges or dredges, a permit from the city manager must be obtained in order to operate during the hours of 9:00 p.m. to 7:00 a.m. This permit will only be granted when the barge or dredge operator has satisfied the city manager that he/she has done all that is reasonably possible to minimize the noise impact on the adjacent residential community.

(Code 1978, § 13-33.8; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-119. Within outdoor public recreation areas and parks.

It shall be unlawful to operate or permit to be operated any mechanical or electrical device within an outdoor public recreation area or park that produces a noise exceeding 72 dBA during the hours between 7:00 a.m. to 9:00 p.m., or 55 dBA during the hours between 9:00 p.m. to 7:00 a.m., daily, measured at the nearest adjacent residentially zoned property line, except for planned community events, including but not limited to concerts, speeches, sporting events, fireworks displays, etc. When a planned community event will create noise in excess of the limits specified in this section, a permit must be obtained prior to the event.

(Code 1978, § 13-33.9; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-120. Octave band sound level limits.

In addition to the standards listed in this article, for any source or sound which can be detected on any parcel of property adjacent to the source or sound, the maximum allowable sound level limit for the individual octave bands whose centers are 31.5, 63, 125, 250, and 500 Hertz shall not exceed 65 dB.

(Code 1978, § 13-33.10; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Sec. 11-121. Penalty for violation of article.

Violations of this article are punishable as provided in section 1-15.

Back to Electronic Table of Contents

(Code 1978, § 13-33.11; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

Back to Electronic Table of Contents

Chapter 12 RESERVED

Back to Electronic Table of Contents

Chapter 13 FIRE PREVENTION AND PROTECTION*

***State law reference(s)--**Fire prevention and control, F.S. ch. 633.

Article I. In General
Secs. 13-1--13-18. Reserved.
Article II. Standards
Sec. 13-19. Florida Fire Prevention Code adopted; where copies filed; conflicts with other laws and regulations.
Sec. 13-20. Fire hydrant spacing and location.
Sec. 13-21. Standby and emergency fire watches.
Sec. 13-22. Enforcement of article; designation of fire inspector.
Sec. 13-23. Incineration, bonfires and outdoor rubbish fires.
Sec. 13-24. Violations; imposition of penalty not to excuse violation; discontinuance of violations.
Secs. 13-25--13-51. Reserved.
Article III. Fire Rescue Department
Sec. 13-52. Powers and duties of fire chief.
Sec. 13-53. Assistants to fire chief.
Sec. 13-54. Taking apparatus beyond city limits.
Sec. 13-55. Apparatus to be kept in good condition and ready for use.
Sec. 13-56. Hindering or interfering with fire rescue department; injuring apparatus.

ARTICLE I. IN GENERAL

Secs. 13-1--13-18. Reserved.

ARTICLE II. STANDARDS

Sec. 13-19. Florida Fire Prevention Code, Section 633.0215, Florida Statutes, adopted; where copies filed; conflicts with other laws and regulations.

The Florida Fire Prevention Code, 2007 edition, and the regulations adopted by the state fire marshal, as amended from time to time, in accordance with F.S. § 633.0215, are hereby adopted and made as much a part of this article as is every word, sentence, section and part as if it were set out herein. All rules issued by the state fire marshal pursuant to F.S. § 633.15, and any supplements or revisions thereof, shall be in full force and effect in the city and shall be enforced by the fire chief or duly authorized representative. A copy of such codes and regulations is filed in the office of the city manager or duly authorized representative and shall be available for inspection during regular business hours.

(Code 1978, § 6-1; Ord. No. 2004-13, § 1, 11-18-2003; Ord. No. 2010-11, § 1, 1-19-2010)

Sec. 13-20. Fire hydrant spacing and location.

(a) Fire hydrants in single-family residential areas shall be spaced no more than 500 feet apart measured along the line of street travel distance. For commercial, industrial and multifamily residential areas, a minimum of one fire hydrant assembly shall be accessible and within 500 feet, as fire apparatus would travel with extension of hose lines to the most remote point of every structure.

Back to Electronic Table of Contents

(b) Hydrants located on public roadways may not be credited as meeting the 500-foot maximum spacing where:

(1) The extension of hose lines would require closure of the following roadways as defined by the city comprehensive development code:

a. Limited access (expressway);

b. Major arterial; or

c. Minor arterial.

(2) The extension of hose lines would require the crossing/closure of a railroad.

(c) Public and private hydrants.

(1) Public hydrants. All public hydrants may be credited for use subject to spacing and access as detailed within subsections (a) and (b) of this section.

(2) Private hydrants. Private hydrants not under the control and/or ownership of a subject property may not be credited for use unless evidence of a binding perpetual access and use agreement, satisfactory to the city, between all affected parties is submitted to the city fire marshal.

(Code 1978, § 6-1.1; Ord. No. 2004-13, § 2, 11-18-2003)

Sec. 13-21. Standby and emergency fire watches.

(a) The fire chief or designee shall determine the need for standby fire watches in any place of public assembly/occupancy where due to the number of people expected to attend, and/or the nature of the performance, exhibition, event, display, contest or activity, a threat to public safety exists, in the sole discretion of the fire chief or designee. The fire chief may require the owner, agent or lessee organizing the event to employ one or more firefighters, firefighter/paramedics, and or fire inspectors to be in attendance during the event for the purpose of a standby fire watch. The owner, agent or lessee organizing the event shall compensate the city for any and all costs related to the employment of a standby fire watch.

(b) The fire chief or designee may require implementation of an emergency fire watch in any place of public assembly/occupancy where any fire protection equipment or system is deemed inoperable, defective, or out of service and/or a threat to public safety exists, in the sole discretion of the fire chief or designee. The fire chief or designee may require the owner, agent or lessee to assign a qualified person to conduct fire watch procedures until such time as the fire protection equipment or system is fully restored. In the event that the owner, agent or lessee is unable or unwilling to assign a qualified person, the fire chief may employ one or more firefighters and/or fire inspectors for the purpose of an emergency fire watch. The owner, agent or lessee shall compensate the city for any and all costs related to the employment of an emergency fire watch.

(Code 1978, § 6-1.2; Ord. No. 2004-13, § 3, 11-18-2003)

Sec. 13-22. Enforcement of article; designation of fire inspector.

(a) The fire chief of the city, or duly authorized representative, shall be authorized to enforce the provisions of this article and all rules and regulations as set forth and established by the state fire marshal and this article. Any such person so authorized by the fire chief to enforce the provisions of this article and all rules and regulations as set forth and established by the state fire marshal shall be designated as fire marshal or fire inspector.

Back to Electronic Table of Contents

(b) Persons designated fire marshal or fire inspector shall be certified by the division of state fire marshal of the department of insurance in accordance with F.S. § 633.081(2).

(Code 1978, § 6-2; Ord. No. 2004-13, § 4, 11-18-2003)

Sec. 13-23. Incineration, bonfires and outdoor rubbish fires.

(a) *Permit required.* No person shall incinerate any materials or shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public or private property within the corporate limits of the city without first obtaining a permit or other proper authorization from the city manager, fire chief or duly authorized representatives. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

(b) *Location restricted.* No persons shall incinerate any materials, kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:

(1) The location is not less than 50 feet or some other distance approved by the fire department from any structure; and

(2) Adequate provision is made to prevent any such fire or incineration from spreading to any structure.

(c) *Attendance of open fires.* Incineration of materials, bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a hose of sufficient capacity, connected to the water supply, so as to control such fire, or shall have such other fire extinguisher equipment capable of controlling such fire readily available for use at all times until such fire is completely extinguished.

(d) *Chief or fire inspector may prohibit.* The chief, fire inspector, or duly authorized representatives of the fire department may, in the discretion of such official, prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous or constitute a public nuisance.

(Code 1967, § 10-4.1; Code 1978, § 6-3)

Sec. 13-24. Violations; imposition of penalty not to excuse violation; discontinuance of violations.

Any person or any agent or representative thereof who violates any provisions of this chapter or the codes hereby adopted or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder shall, upon conviction, be punished in accordance with section 1-15, in the discretion of the judge. Each day's continuance of any violation of any provision of this article or the codes hereby adopted shall constitute a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. The application of the in this section penalty shall not be held to prevent the enforced discontinuance of any such violation.

(Code 1967, § 10-4.2; Code 1978, § 6-4)

Secs. 13-25--13-51. Reserved.

ARTICLE III. FIRE RESCUE DEPARTMENT

Back to Electronic Table of Contents

Sec. 13-52. Powers and duties of fire chief.

The city manager shall have charge and control of the fire rescue department, all associated personnel, tools and equipment, apparatus and fire stations of the city. The fire chief shall establish the standard of public protection and safety relative to the control and extinguishment of fires; emergency medical services; and natural or manmade disasters. Staffing levels and resource deployment policies shall be under the control and at the direction of the fire chief.

(Code 1967, § 10-5; Code 1978, § 6-16; Ord. No. 2004-13, § 5, 11-18-2003)

Sec. 13-53. Assistants to fire chief.

The fire chief may, with the advice and consent of the commission, have one or more assistants and such other personnel as may be necessary.

(Code 1967, § 10-6; Code 1978, § 6-17)

Sec. 13-54. Taking apparatus beyond city limits.

Under no circumstances shall the fire apparatus of the city be used outside of the city limits, except:

(1) To fulfill contractual obligations or mutual aid agreements of the city in effect at such time; or

(2) Upon express order of the city manager, the fire chief or the duly authorized representative thereof.

(Code 1978, § 6-23; Ord. No. 2004-13, § 9, 11-18-2003)

Sec. 13-55. Apparatus to be kept in good condition and ready for use.

It shall be the duty of the fire chief to see and know that the fire and rescue apparatus of the city is kept in the places designated by him/her and that it is in good condition and in perfect readiness to respond to a call at a moment's notice.

(Code 1978, § 6-24; Ord. No. 2004-13, § 10, 11-18-2003)

Sec. 13-56. Hindering or interfering with fire rescue department; injuring apparatus.

It shall be unlawful for any person to interfere or attempt to interfere with or hinder in any way the fire rescue department or any member thereof while such are engaged in assigned duties. It shall also be unlawful for any person to refuse or neglect to obey any lawful order of any officer in command of any part of the fire rescue department while the same is on duty or to injure or attempt to injure any part of the fire apparatus of the city whatsoever.

(Code 1978, § 6-25; Ord. No. 2004-13, § 11, 11-18-2003)

Back to Electronic Table of Contents

Chapter 14 HOUSING

Article I. In General
Secs. 14-1--14-18. Reserved.
Article II. Fair Housing
Sec. 14-19. Purpose; declaration of policy.
Sec. 14-20. Definitions.
Sec. 14-21. Discriminatory housing practices--Unlawful transactions and activities.
Sec. 14-22. Same--Financing of housing.
Sec. 14-23. Same--Provision of brokerage services.
Sec. 14-24. Exceptions.
Sec. 14-25. Civil remedy.

ARTICLE I. IN GENERAL

Secs. 14-1--14-18. Reserved.

ARTICLE II. FAIR HOUSING

Sec. 14-19. Purpose; declaration of policy.

The general purpose of this article and the policy of the city is to secure for all individuals within the city freedom from housing discrimination because of race, color, religion, ancestry, sex, familial status, national origin, handicap, or place of birth, in connection with any of the transactions set forth in section 14-21 which affects any housing operation or in connection with any public sale, purchase, rental or lease of any housing accommodations.

(Code 1978, § 8-21; Ord. No. 82-64, § 1, 10-19-1982; Ord. No. 2000-09, § 1, 11-2-1999)

Sec. 14-20. Definitions.

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

Financial institution means any person, as defined in this section, engaged in the business of lending money or guaranteeing loans.

Handicap (handicapped persons) means persons who have a physical or mental impairment which substantially limits one or more of such person's major life activities, have a record of such impairment, or are regarded as having such an impairment.

Housing, housing accommodations or *dwelling* means any building, mobile home or trailer, structure or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more persons, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure or portion thereof, or any real property as defined herein, used or intended to be used for any of the purposes set forth in this definition.

Mortgage broker means any individual who is engaged in or performs the business or service of a mortgage

Back to Electronic Table of Contents

broker as the same is defined by state statutes.

Open market means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or mortgage broker, or by advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

Owner means any person having any legal or equitable right to sell, rent, lease or possess any housing accommodation, including but not limited to a lessee, sublessee, cotenant, assignee, or managing agent.

Person means one or more individuals, governments, governmental programs, governmental agencies, political subdivisions, labor unions, firms, joint ventures, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, estates, trusts, business trusts, syndicates, fiduciaries, unincorporated organizations, trustees, trustees in bankruptcy or receivers, or the agents of any of them.

Real estate broker or *real estate salesman* means any individual qualified by law, who for a fee, commission, salary or for other consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, appraises, auctions, exchanges, rents or leases any housing accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself/herself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee for contracting for collection of a fee in connection with a contract whereby he/she undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or any individual employed by or acting on behalf of any of these.

Real property means buildings, structures, lands, tenements, lease holds, sublease holds, cooperatives and condominiums.

Religion means a personal set or institutionalized system of attitudes, beliefs and practice relating to a supernatural force or being or its equivalent in secular faiths, including the presence or absence of commitment or devotion to any faith.

Sex means the state of being a male or female.

To rent means to lease, to sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Unlawful discriminatory practice means a practice prohibited as defined herein.

(Code 1978, § 8-22; Ord. No. 82-64, § 2, 10-19-1982)

Sec. 14-21. Discriminatory housing practices--Unlawful transactions and activities.

Except as provided in section 14-24, it shall be an unlawful discriminatory housing practice:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, familial status, or handicap.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, religion, national origin, sex, familial status, or handicap.

Back to Electronic Table of Contents

(c) To represent to any person because of race, color, religion, national origin, sex, familial status, or handicap, that any dwelling is not available to persons who possess the financial resources either to purchase or rent the dwelling directly or who can secure from a financial institution the necessary financial resources to purchase or rent when such dwelling is, in fact, so available.

(d) To make, print, or publish, or cause to be made, printed, or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, sex, familial status or handicap.

(e) To place or display any other device either purporting to offer for sale, leasing, 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.

(f) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, color, religion, national origin, sex, familial status, or handicap.

(g) To promote, induce, influence or attempt to promote, induce or influence by the use of postcards, 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 a process or pattern of inciting neighborhood unrest, community tension, or fear of racial, color, religious, nationality, ethnic, sexual, or handicapped, change in any street, block, neighborhood, or any other area, due to the race, color, religion, national origin, sex, familial status, or handicap of actual or anticipated neighbors, tenants or prospective buyers of any housing.

(h) To cause to be made any untrue or intentionally misleading statement, advertise or in any other manner attempt as part of a process or pattern of inciting neighborhood unrest, community tension or fear of racial, color, religious, nationality, ethnic, sexual, familial status, or handicapped, change in any street, block, neighborhood, or any other area, to obtain a listing of housing for sale, rental assignment, transfer or other disposition, where such statement, advertising or other representation is false or materially misleading or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to make any other such material misrepresentations in order to obtain such listing, sale, removal from, lease, assignment, transfer or other disposition of said housing.

(i) To make, as part of a process or pattern of discouraging the purchase, rental, occupancy or other use of any housing in a particular block or neighborhood area, any representation to a person known to be a prospective purchaser that such block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to racial, color, religious, nationality, ethnic, sexual, familial status, or handicapped composition of such neighborhood, block or area.

(j) To place or display any device or to indicate by use of postcards, letters, circulars, telephone, visitation or any other means, directly or indirectly, either purporting to offer for sale, rental, leasing, 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, rental or other disposition.

(k) To discriminate in the sale or rental, or otherwise make unavailable, or deny a dwelling to any buyer or renter because of a handicap of:

1. That buyer or renter;

Back to Electronic Table of Contents

2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

3. Any person associated with that buyer or renter.

(l) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling because of a handicap of:

1. That person;

2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

3. Any person associated with that person.

(m) For purposes of subsections (11) and (12) of this section only:

1. Discrimination includes:

a. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;

b. A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

c. In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), a failure to design and construct those dwellings in a manner that:

(i) The public use and common use portions of the dwellings are readily accessible to and useable by handicapped persons;

(ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) All premises within the dwellings contain the following features of adaptive design:

(A) An accessible route into and through the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Useable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

2. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1," suffices to satisfy the requirements of subsection (13)a.3.(iii) of this section.

3. As used in subsection (13)a.3 of this section, the term "covered multifamily dwellings" means:

Back to Electronic Table of Contents

a. Buildings consisting of four or more units if the buildings have one or more elevators; and

b. Ground floor units in other buildings consisting of four or more units.

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

(n) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his/her having exercised or enjoyed, or on account of his/her having aided or encouraged any other person in the exercise of enjoyment of, any right granted or protected by this article.

(Code 1978, § 8-23; Ord. No. 82-64, § 3, 10-19-1982; Ord. No. 2000-09, § 2, 11-2-1999)

Sec. 14-22. Same--Financing of housing.

It shall be discriminatory housing practice for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise the business of which consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to any financially qualified person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling or to discriminate against him/her 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, religion, national origin, sex, familial status, or handicap, of such person or any person associated with him/her in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants, of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, however, that nothing contained in this section shall impair the scope or effectiveness of the exceptions in section 14-24.

(Code 1978, § 8-24; Ord. No. 82-64, § 4, 10-19-1982; Ord. No. 2000-09, § 3, 11-2-1999)

Sec. 14-23. Same--Provision of brokerage services.

It shall be a discriminatory housing practice to deny any person, who is otherwise professionally qualified by state law, access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, national origin, sex, familial status, or handicap.

(Code 1978, § 8-25; Ord. No. 82-64, § 5, 10-19-1982; Ord. No. 2000-09, § 4, 11-2-1999)

Sec. 14-24. Exceptions.

(a) Nothing in sections 14-21, 14-22 and 14-23 shall apply to:

(1) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, familial status, or handicap.

(2) Rooms or units in dwellings 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 his/her residence.

Back to Electronic Table of Contents

(3) Any single-family house or duplex sold or rented by an owner, who does not own more than three such single-family homes or duplexes at any one time, if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker or real estate salesperson or person in the business of selling or renting dwellings or without the publication, posting or mailing of any advertisement or written document in contravention of section 14-21, but, this shall not prohibit the use of an attorney, escrow agents, abstractors, title companies and such other professional assistance as is necessary to perfect or transfer title to a dwelling. For the purpose of this subsection and subsection (a)(2) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

a. He/she has, within the preceding 12 months, participated as agent, other than in the sale of transactions involving the sale or rental of any dwelling or any interest therein;

b. He/she has, within the preceding 12 months, participated as agent, other than in the sale of his/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 dwelling or any interest therein; or

c. He/she is the owner of any dwelling designed for or intended for occupancy by, or occupied by, five or more families.

(4) A person or owner who wishes to rent a portion of a single dwelling unit to a person or persons of the same sex when such persons cohabit the single dwelling unit.

(5) A person engaged in the business of furnishing appraisals of real property which involves taking into consideration factors other than race, color, religion, sex, handicap, familial status, or national origin.

(b) The term "familial status" shall not apply to housing intended for, and solely occupied by, persons 62 years of age or older. Housing satisfies the requirements of this section even though:

(1) There were persons residing in such housing on September 13, 1988, who were under 62 years of age, provided that all those who become occupants after September 13, 1988, are persons 62 years of age or older.

(2) There are unoccupied units, provided that all such units are reserved for occupancy by persons 62 years of age or older.

(3) There are units occupied by employees of the housing (and family members residing in the same unit) who are under 62 years of age, provided they perform substantial duties directly related to the management or maintenance of the housing.

(c) The term "familial status" shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit, pursuant to this section.

(d) Housing for older persons, provided that at least 80 percent of the units in the housing facility are occupied by at least one person 55 years of age or older per unit except that a newly constructed housing facility for first occupancy after March 12, 1989, need not comply with this subsection until 25 percent of the units in the facility are occupied. Housing satisfies the requirements of this section even though:

(1) On September 13, 1988, under 80 percent of the occupied units in the housing facility were occupied by at least one person 55 years of age or older per unit; provided that at least 80 percent of the units that are occupied by new occupants after September 13, 1988, are occupied by at least one person 55 years of age or older.

(2) There are unoccupied units, provided that at least 80 percent of such units are reserved for occupancy by at least one person 55 years of age or over.

Back to Electronic Table of Contents

(3) There are units occupied by employees of the housing (and family members residing in the same unit) who are 55 years of age provided they perform substantial duties directly related to the management or maintenance of the housing.

(e) A person shall not be personally liable for monetary damages for a violation of this section if such person reasonably relied in good faith on the application of the exemption under this section relating to housing for older persons. For purposes of this subsection, a person may show good faith reliance on the application of the exemption only by showing that:

(1) The person has no actual knowledge that the facility or the community is ineligible, or will become ineligible, for such exemption; and

(2) The facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.

(Code 1978, § 8-26; Ord. No. 82-64, § 6, 10-19-1982; Ord. No. 2000-09, § 5, 11-2-1999)

Sec. 14-25. Civil remedy.

No person, organization, society, association, or corporation, or any agent or representative thereof shall violate any of the provisions of this article. The county human rights ordinance (Ord. No. 92-12, as amended, article II, division 3, subdivision II, housing violations) is hereby incorporated by reference. In the event of any such violation or imminent threat thereof, or upon any party's refusal to comply with the city commission's order, the city authorizes the county attorney to file civil suit on its behalf.

(Code 1978, § 8-28; Ord. No. 82-64, § 8, 10-19-1982; Ord. No. 2000-09, § 6, 11-2-1999)

Back to Electronic Table of Contents

Chapter 15 MISCELLANEOUS OFFENSES

Sec. 15-1. State misdemeanors adopted.

All violations of state law, which are classified as misdemeanors, are hereby adopted by reference and made an offense against the ordinances of the city. Persons found guilty of violating any such misdemeanors shall be punished as provided by state law for such misdemeanors.

Case law annotation(s) -- Adoption of state law relating to misdemeanors by city upheld, see *McFarland* vs. *Roberts*, 74 So. 2d 88 (Fla. 1954); also *Orr* vs. *Quigg*, 135 Fla. 653, 185 So. 726, and *Wright* vs. *Worth*, 83 Fla. 204, 91 So. 87; adoption of state law misdemeanors by reference includes laws both in existence at the time and those later adopted by the state legislature, see *State* vs. *Smith*, 189 So. 2d 846 (Fla. 4th D.C.A. 1966). Follows rule in *Hecht* vs. *Shaw*, 112 Fla. 762, 151 So. 333 (1933), " when the adopting statute makes no reference to any particular statute or part of statute by its title or otherwise, but refers to the law generally which governs a particular subject, the reference in such a case includes not only the law in force at the date of the adopting act, but also all subsequent laws on the particular subject referred to "

(a) A municipality may enact an ordinance which creates an offense against municipal law for the same act that constitutes an offense against state law. *Jaramillo* vs. *City of Homestead*, 322 So. 2d 496 (Fla. 1975).

(b) A municipality by ordinance may adopt state misdemeanor statutes by specific reference or by general reference, such as that contained in an ordinance making it unlawful to commit, within city limits, any act which is or shall be recognized by the laws of the state as a misdemeanor. Id.

(c) An adoption by general reference of a misdemeanor statute permits subsequent amendments, revisions and repeals of the laws by the state legislature to apply to the municipal ordinance. Id.

State law reference(s) -- State law misdemeanors, see Florida Statutes general index under heading "Crimes" for listing of state law misdemeanors; penalty for misdemeanors, F.S. §§ 775.062, 775.083.

Sec. 15-2. Trespass prohibited; authorization to issue trespass warning for private property.

(a) It shall be unlawful and a trespass for any person to, without authority of law, go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, owner's agent, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings or premises or part, portion or area thereof, at a place or places where the sign may be reasonably seen with letters not less than two inches in height.

(b) It shall be unlawful and a trespass for any person to enter or remain in any unoccupied or unfinished building or structure without the consent of the owner or owner's agent thereof.

(c) For the purposes of this Section, the term “person lawfully in charge” includes officers of the Largo Police Department when the owner, lessee, custodian, agent, manager or other person lawfully in charge of the property provides written authorization, according to procedures established by the Chief of Police for police officers to issue trespass warnings. Such authorizations shall be kept on file in the Police Department.

(Ord. No. 2012-32, § 1, 4-17-2012)

Back to Electronic Table of Contents

Sec. 15-3. Trespass warnings; authorization to issue trespass warning for public property.

(a) All sworn City police officers are hereby authorized to issue a trespass warning to any individual who violates any City ordinance, rule or regulation or state law or lawful directive of a City employee or official which violation was committed while on or within a City facility, building or outdoor area, including but not limited to, municipal parks (but excluding rights-of-way), for the specific property where the violation occurred. In addition, all sworn City police officers are hereby further authorized to issue a trespass warning to any individual who willfully enters or remains in or on any City facility, building or outdoor area, including but not limited to, municipal parks (but excluding rights-of-way) after being asked by a City employee or official, while acting in the scope of his/her employment, to leave or depart.

(b) For the purpose of this Section, "right-of-way" shall include those sidewalks which are closest to a paved street, provided that the street side edge of the sidewalk is within twenty (20) feet of the curbline closest to the property.

(c) Trespass warnings shall be issued as follows:

(1) For minors (individuals less than eighteen (18) years of age):

a. For the first violation, the individual may be issued a trespass warning for a period not to exceed one (1) year.
b. For the second violation, the individual may be issued a trespass warning for a period not to exceed two (2) years.
c. For a third violation, the individual shall be permanently trespassed from the premises until such time as he/she reaches eighteen (18) years of age or for three (3) years, whichever is longer.

(2) For adults (individuals eighteen (18) years of age or older):

a. For the first violation, the individual may be issued a trespass warning for a period not to exceed two (2) years.
b. For a second or subsequent violation, the individual shall be permanently trespassed from the premises.

Any trespass warning issued pursuant to this Section shall be applicable to the specific the property or premises where the trespass occurred.

(d) A copy of the trespass warning shall be issued in writing and delivered to the individual receiving said warning. A copy may also be forwarded, upon request, to the department director having control over the facility, building or outdoor area where the trespass warning was issued. A copy of each trespass warning shall be retained on file in the Largo Police Department either in writing or electronically.

(e) Any person found on or within any City facility, building, or outdoor area, including but not limited to municipal parks, in violation of a trespass warning may be arrested for trespassing, except as otherwise provided in this Section.

(f) The City Manager or his/her designee may authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied. The Police Department shall receive a copy of any such written authorization.

(g) This Section shall not be construed to limit the authority of any City employee or official to issue a trespass warning where authorized to do so pursuant to applicable local or state law or rule or City policy, for any

Back to Electronic Table of Contents

lawful reason for any City property, including rights-of-way when closed to general vehicular or pedestrian/patron use, or when necessary or appropriate to protect the public welfare.

(Ord. No. 2012-32, § 2, 4-17-2012)

Sec. 15-4. Soliciting or manifesting an intent to solicit prostitution, sexual activity, assignation or lewdness.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Prostitution* shall have the same meaning as set forth in Section 796.07, Florida Statutes.

(2) *Within public view* means any area generally accessible by or visible to the public, including streets, sidewalks, bridges, alleys, plazas, parks, driveways and parking lots. The term includes being within any motor vehicle which is on or in an area described in the preceding sentence, if the conduct is visible from outside the vehicle, whether the vehicle is moving or not. The term also includes being within any doorway or entrance to a building or dwelling or on the grounds surrounding the building or dwelling, and being within any building open to the general public, including but not limited to any building in which food or drink is served or entertainment is provided. The interior enclosed portion of a structure not open to the general public shall not be considered within public view.

(3) *Sexual activity* shall have the meaning as set forth in Section 796.07, Florida Statutes, and shall also include any act of lewdness or assignation as those terms are defined herein.

(4) *Assignation* means to make any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

(5) *Lewdness* means to give or receive one's body for hire for an indecent or obscene act.

(6) *Solicit* means inducing, asking, enticing, requesting, or otherwise encouraging a person to commit a crime. The crime solicited need not be committed.

(7) *Previously verified pattern of solicitation activity* means the occurrence of a series of activities in close temporal proximity to each other, three or more of which meet each of the following criteria:

1. The activities are those activities described in Section 15-4(d);

2. The activities are the same activities that preceded, in close temporal proximity, a prior solicitation for prostitution, assignation or lewdness, for which the person engaging in the activities, within the knowledge or reasonable belief of the arresting officer, previously pled nolo contendere (no contest); had an adjudication withheld for a previous offense relating to or involving prostitution, assignation or lewdness; or was found guilty in any court of the state of any offense relating to or involving prostitution, assignation or lewdness; and

3. The activities occur within two (2) years after the date of a plea of no contest, finding of guilt with adjudication withheld, or conviction required in subsection (b)(7)2 of this section.

(c) It shall be unlawful for any person to exhibit, within public view, a previously verified pattern of solicitation activity.

(d) Activities which are part of a previously verified pattern of solicitation activity include:

Back to Electronic Table of Contents

(1) The person repeatedly beckons to, stops, or attempts to stop or engage passersby in conversation;

(2) The person repeatedly stops or attempts to stop motor vehicles' operators by hailing, waving of arms or any other bodily gesture;

(3) The person approaches a passerby or motorist, has left with that person for a short period of time, and upon return to the same area repeats this pattern with a different person;

(4) The person takes flight or tries to conceal himself or herself upon the appearance of a law enforcement officer;

(5) The person gestures to, touches, or exposes his or her breast, groin or buttocks;

(6) The person inquires whether a potential patron, procurer or prostitute is a law enforcement officer or searches for articles that would identify a law enforcement officer;

(7) The person inquires of a potential patron, procurer or prostitute about an act that would constitute sexual activity;

(8) The person requests the touching or exposure of his or her breast, groin or buttocks.

(e) No law enforcement officer shall arrest an individual for a violation of this section for the mere act of loitering, soliciting a ride from a vehicle for hire, entering a motor vehicle, or waving at a passing motor vehicle.

(f) Penalty.

(1) A first violation of this section is punishable by imprisonment for a term not exceeding sixty (60) days and a fine not exceeding five hundred U.S. Dollars ($500.00)

(2) A second or subsequent violation of this section is punishable by imprisonment for a term not exceeding six (6) months and a fine not exceeding one thousand U.S. Dollars ($1,000.00).

(Ord. No. 2013-41, § 1, 4-16-2013)

Sec. 15-5. Precursor acts facilitating prostitution unlawful.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Public Encounter* means face-to-face contact between two or more persons which originates in the City where at least one of the parties thereto is on public property, a public street, highway or right-of-way, or is visible from any of the foregoing, regardless of whether any party is in a motor vehicle.

(2) *Contact* means sufficiently close proximity between two (2) or more persons so as to permit verbal communication between them.

(3) *Public property* means any park, greenspace or other property owned by a governmental agency that is open for use by the general public.

(4) *Right-of-way* shall be defined as provided in Code of Ordinances section 21-103 and shall include sidewalks as that term is defined in section 15-3 of this Code.

Back to Electronic Table of Contents

(5) *Street* or *highway* means as defined by Section 316.003, Florida Statutes, as the same may be amended from time to time and shall include privately owned ways or places used for vehicular travel by the owner and persons having express or implied permission from the owner, such as businesses invitees or licensees.

(b) Prohibited Acts. It shall be unlawful for any person participating in a public encounter to:

(1) Demand or request any other encounter participant to expose his or her sexual organ;

(2) Demand or request any female encounter participant to expose her breast(s);

(3) Expose his or her sexual organ;

(4) Expose her breast if female;

(5) Fondle or touch the sexual organ of any other encounter participant, whether or not the sexual organ is covered by clothing or any other material;

(6) Fondle or touch the breast of any female encounter participant, whether or not the breast is covered by clothing or any other material;

(7) Demand or request any encounter participant to fondle or touch the sexual organ of any other encounter participant, whether or not the sexual organ is covered by clothing or any other material; or

(8) Demand or request any other encounter participant to fondle or touch the breast of any female encounter participant, whether or not the breast is covered by clothing or other material.

(c) Violation of this section is not contingent upon the participants expressly mentioning money, prostitution, sexual acts or any euphemism for any of those terms.

(d) This section shall not apply to:

(1) Law enforcement officers who are within their jurisdiction, on duty, and otherwise engaged in approved law enforcement activity;

(2) Medical personnel including physicians, nurses, and emergency responders while engaged in providing legitimate medical treatment.

(e) Enforcement. In order to limit application of this section to prostitution related activities and not prohibit otherwise lawful behavior between persons not involved in prostitution related activities, this section shall be enforced only when a law enforcement officer is one of the participants in the public encounter. This fact need not be known to the other participant(s).

(f) Penalty.

(1) A first violation of this section is punishable by imprisonment for a term not exceeding sixty (60) days and a fine not exceeding five hundred U.S. Dollars ($500.00)

(2) A second or subsequent violation of this section is punishable by imprisonment for a term not exceeding six (6) months and a fine not exceeding one thousand U.S. Dollars ($1,000.00).

(Ord. No. 2013-41, § 2, 4-16-2013)

Back to Electronic Table of Contents

Chapter 16 MOTOR VEHICLES AND TRAFFIC*

***State law reference(s)--**Uniform traffic control law, F.S. ch. 316.

Article I. In General
Secs. 16-1--16-18. Reserved.
Article II. Specific Street Regulations
Division 1. Generally
Secs. 16-19--16-39. Reserved.
Division 2. Speed Limits
Sec. 16-40. Maximum limits enumerated.
Sec. 16-41. Maximum speed generally.
Sec. 16-42. School zones.
Sec. 16-43. Identification and signing of certain zones.
Sec. 16-44. State speed limits shall prevail in case of conflict.
Secs. 16-45--16-61. Reserved.
Article III. Stopping, Standing and Parking
Sec. 16-62. Applicability of article regulations.
Sec. 16-63. Angle parking.
Sec. 16-64. Parking during certain hours on certain streets.
Sec. 16-65. Parking prohibited for certain purposes.
Sec. 16-66. Parking at all times on certain streets.
Sec. 16-67. Parking limited on certain streets.
Sec. 16-68. Stopping, standing or parking in alleys.
Sec. 16-69. Parking in designated fire or safety zones.
Sec. 16-70. Fines and penalties for violation of parking prohibitions.
Secs. 16-71--16-98. Reserved.
Article IV. Parades; Processions; Oversized Vehicles; Sound Trucks
Sec. 16-99. Permits required.
Secs. 16-100--16-126. Reserved.
Article V. Enforcement
Sec. 16-127. Engineering Services Division; duties generally.
Sec. 16-128. Specific powers and duties of Engineering Services Division.
Secs. 16-129--16-154. Reserved.
Article VI. Truck Routes
Sec. 16-155. Definitions.
Sec. 16-156. Established; map.
Sec. 16-157. Observance required; exceptions.
Sec. 16-158. Manner of utilization.
Sec. 16-159. Hours of operation/time of day restriction.
Sec. 16-160. City manager to install signs.

ARTICLE I. IN GENERAL

Secs. 16-1--16-18. Reserved.

Back to Electronic Table of Contents

ARTICLE II. SPECIFIC STREET REGULATIONS

DIVISION 1. GENERALLY

Secs. 16-19--16-39. Reserved.

DIVISION 2. SPEED LIMITS*

***State law reference(s)--**Speed limits, F.S. § 316.189.

Sec. 16-40. Maximum limits enumerated.

The following maximum speed limit zones are established by this section and shall be properly identified with appropriate speed zone signing:

Forty-Five Miles Per Hour		
On	From	To
Belcher Rd.	South city limits	East Bay Dr.
Seminole Blvd.	Walsingham Rd.	East bay Dr.
Starkey/Keene Rd.	South city limits	Belleair Rd.
Ulmerton Rd.	U.S. Highway 19	Hamlin Blvd.

Forty Miles Per Hour		
On	From	To
113th St./(New) Ridge Rd.	Walsingham Rd.	Palmer Dr., S.W.
Belcher Rd.	East Bay Dr.	Belleair Rd.
East Bay Dr.	U.S. Highway 19	Seminole Blvd.
Missouri Ave.	East Bay Dr.	Belleair Rd.

Thirty-Five Miles Per Hour		
On	From	To
137th St. N.	Wilcox Rd.	Walsingham Rd.
1142nd Ave.	East city limits	Belcher Rd.
Alt. Keene Rd.	East Bay Dr.	McMullen Rd.
Clearwater/Largo Rd.	Palmer Dr., S.W.	2nd Ave., N.W.
Highland Ave.	East Bay Dr.	Belleair Rd.
Lake Ave.	McMullen Rd.	Belleair Rd.

Back to Electronic Table of Contents

McMullen Rd.	Alt. Keene Rd.	Keene Rd.
Oakhurst/Indian Rocks Rd.	South city limits	North city limits
Wilcox Rd.	Pine St.	Indian Rocks Rd.

(Code 1978, § 12-2(a); Ord. No. 2007-40, § 1, 6-19-2007)

Sec. 16-41. Maximum speed generally.

On all other roads, highways and streets within the city there is hereby established a maximum speed limit zone of 30 miles per hour.

(Code 1978, § 12-2(b); Ord. No. 81-21, §§ 1--6, 8, 5-19-1981)

Sec. 16-42. School zones.

Established school speed limit zones shall be properly identified and appropriately signed as 15 miles per hour at designated times during the day. The location of these school speed limit zones shall be established by the Engineering Services Division.

(Code 1978, § 12-2(c); Ord. No. 81-21, §§ 1--6, 8, 5-19-1981)

Sec. 16-43. Identification and signing of certain zones.

Speed limit zones other than 30 miles per hour shall be properly identified and appropriately signed utilizing guidelines established in the "Manual of Uniform Traffic Control Devices" published by the state department of transportation. Additional signing shall be posted at the entrances to the city, as necessary, indicating the 30-mile-per-hour speed limit as designated by this division.

(Code 1978, § 12-2(d); Ord. No. 81-21, §§ 1--6, 8, 5-19-1981)

Sec. 16-44. State speed limits shall prevail in case of conflict.

All speed limit zones including the 30-mile-per-hour zones shall be lawful on all roads, highways and streets within the city limits, except where speed limit zones are established and prescribed exclusively by the state. Locations where speed limit zones, established and prescribed by the state, are in conflict with this division, those state speed limit zones shall prevail until such time as they are amended and appropriately designated by the state to conform with this division.

(Code 1978, § 12-2(e); Ord. No. 81-21, §§ 1--6, 8, 5-19-1981)

Secs. 16-45--16-61. Reserved.

ARTICLE III. STOPPING, STANDING AND PARKING

Sec. 16-62. Applicability of article regulations.

(a) The provisions of this article prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified 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 police officer or official traffic control device.

Back to Electronic Table of Contents

(b) The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1967, § 14-70; Code 1978, § 12-16)

Sec. 16-63. Angle parking.

Upon those streets which have been signed or marked by the for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(Code 1967, § 14-73; Code 1978, § 12-18)

State law reference(s)--Authority to permit angle parking, F.S. § 316.195.

Sec. 16-64. Parking during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified therefor on any day, except Sundays and full legal holidays, within any district or upon any of the streets designated pursuant to this Code or laws of the state where such stopping, standing and parking are so prohibited.

(Code 1978, § 12-22; Ord. No. 76-818, § 2, 3-2-1976)

Sec. 16-65. Parking prohibited for certain purposes.

No person shall park a vehicle upon any street for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

(3) Displaying advertising.

(4) Selling merchandise from such vehicle except in a duly established market place, or when so authorized or licensed under this Code or any other ordinances of the city.

(Code 1967, § 14-77; Code 1978, § 12-23)

Sec. 16-66. Parking at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets designated as streets upon which parking is prohibited at all times.

(Code 1967, § 14-79; Code 1978, § 12-25)

Sec. 16-67. Parking limited on certain streets.

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by such signs at any time between those hours so stated by such signs on any day, except Sundays and full legal holidays, within any district or upon any of the streets designated as areas and locations where such parking limitations apply.

Back to Electronic Table of Contents

(Code 1967, § 14-80; Code 1978, § 12-26)

Sec. 16-68. Stopping, standing or parking in alleys.

(a) No person shall stop, stand or park a vehicle within an alley in a business district, except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes. No person shall stop, stand or park a vehicle in any other alley in such a manner, or under such conditions, as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(b) 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.

(Code 1967, § 14-82; Code 1978, § 12-28)

Sec. 16-69. Parking in designated fire or safety zones.

(a) No person shall stop, stand or park a vehicle for any purpose at any location marked and designated as a fire and/or safety lane.

(b) The driver of a vehicle may stop temporarily at such a location while actually engaged in the loading or unloading of passengers. Such stop must leave the driver in actual physical control of the vehicle at all times while so stopped and shall not exceed two minutes in duration. Such driver must move immediately upon order of any police officer or firefighter engaged in the performance of their duties.

(Code 1978, § 12-41; Ord. No. 83-64, § 1, 12-20-1983)

Sec. 16-70. Fines and penalties for violation of parking prohibitions.

For a violation of parking prohibitions, the following fines shall be imposed as designated:

(a) All overtime parking . . . . $ 30.00

(b) Leaving keys in ignition 30.00

(c) Double parking 30.00

(d) Parking in a no-parking zone 30.00

(e) Parking in fire lanes 30.00

(f) Stopping, standing, or parking a vehicle within a parking space designated for persons who have disabilities without displaying a disabled parking permit . . . . 100.00.

(g) All other improper parking . . . . 30.00.

(h) In addition to the other penalties provided for herein, there is hereby imposed a surcharge of $3.00 for violations of F.S. § 316.1945(1)(2)(5) or (6), stopping, standing or parking prohibited in specified places, to be used for funding of a firefighters education program. This surcharge shall be paid by the clerk of the circuit court into the firefighters education trust fund, a special reserve fund maintained by the city. Funds collected from this surcharge shall be distributed quarterly to fund a firefighters education trust fund, as authorized by F.S. § 316.008(5).

Back to Electronic Table of Contents

(Code 1978, § 12-42; Ord. No. 83-64, § 1, 12-20-1983; Ord. No. 86-17, § 1, 4-1-1986; Ord. No. 2000-50, § 1, 3-17-2000)

Secs. 16-71--16-98. Reserved.

ARTICLE IV. PARADES; PROCESSIONS; OVERSIZED VEHICLES; SOUND TRUCKS

Sec. 16-99. Permits required.

(a) No procession or parade, except the forces of the United States armed services, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street or roadway, except in accordance with a permit issued by the Engineering Services Division and such other regulations as are set forth in this Code or F.S. ch. 316. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale or advertising in any fashion except in accordance with a permit issued by the Engineering Services Division.

(b) No oversized or overweight vehicle or equipment may be driven, occupy or proceed upon any street or roadway, except in accordance with a permit issued by the Engineering Services Division and such other regulations as are set forth in this Code or F.S. ch. 316.

(Code 1978, § 12-51; Ord. No. 76-818, § 2, 3-2-1976)

Secs. 16-100--16-126. Reserved.

ARTICLE V. ENFORCEMENT

Sec. 16-127. Engineering Services Division; duties generally.

It shall be the general duty of the Engineering Services Division to plan and determine the installation and proper timing and maintenance of traffic control devices; to plan and direct the operation of traffic on the streets of the city, including parking areas; to conduct investigations of traffic conditions; to cooperate with other municipal and state officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets; and to carry out the additional powers and duties imposed by this Code or any other ordinances of the city or as directed by the city manager or the commission.

(Code 1978, § 12-62(b))

Sec. 16-128. Specific powers and duties of Engineering Services Division.

In conjunction with his/her authority under this article, the Engineering Services Division shall have the following specific powers and duties:

(a) *Through streets.* To designate streets or parts of streets as through streets.

(b) *Stop signs.*

(1) *Through streets.* Whenever this Code or any other ordinance of the city designates and describes a through street, or when any street is designated as a through street by the Engineering Services Division, it shall be the duty of the Engineering Services Division to place and maintain a stop sign on every street intersecting such through street or intersecting that part thereof described and designated as such, except at those intersections which are controlled by automatic signals or other traffic control devices.

Back to Electronic Table of Contents

(2) *Stop intersections.* To determine and designate intersections where a particular hazard exists upon other than through streets, and to determine whether vehicles shall stop at one or more entrances to any such intersection, and to erect a stop sign at every place where he/she shall find a stop required, except at those intersections which are controlled by automatic signals or other traffic control devices. Every such stop sign erected pursuant to this chapter shall be a standard sign adopted by the state road department.

(c) *Turning markers.* To place markers, buttons or signs within or adjacent to intersections and thereby require and direct that a different course from that specified in this article is traveled by vehicles turning at an intersection.

(d) *Restricted turn signs.* To determine those streets or intersections of such streets from which drivers of vehicles shall not make a right turn, left turn or U-turn, and to place proper signs upon such streets and at such intersections. The making of such turns may be prohibited between the hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are unrestricted.

(e) *Crosswalks.* To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at those places where he/she shall find that there is particular danger to pedestrians crossing the roadway, and when he/she shall further find that the existence of a crosswalk will reduce that danger.

(f) *Safety zones.* To establish safety zones of such kind and character and at such places where he/she shall find that there is particular danger to pedestrians, and which are consistent with state law, and where he/she shall find that the existence of a safety zone will reduce that danger.

(g) *One-way streets.* Whenever any ordinance or resolution of the city designates any one-way street, roadway or alley, the Engineering Services Division shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(h) *Traffic lanes.* To mark lanes upon the roadway of any street where he/she shall find that a regular alignment of traffic is necessary in the interests of safety and efficiency, or at such places as he/she may find to be advisable, consistent with the traffic regulations of the city and state law.

(i) *Play streets.* To declare and to establish, whenever he/she shall find that the public safety and convenience are best served thereby, any street or part thereof a play street, and to place appropriate signs and barricades enclosing the roadway indicating and helping to protect the same.

(j) *Traffic control devices.* To place and maintain, or remove, traffic control signs, signals, lane markings and other devices, and to determine the hours and days during which any traffic control device shall be in operation or be in effect, when and as required under the traffic regulations of the city to indicate and to carry out the provisions of such regulations, and to place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic regulations of the city and under state law and to regulate, warn or guide traffic; provided that no stop sign or traffic control signal shall be erected or maintained at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway, unless approval, in writing, has first been obtained from the state road department. In all respects all traffic control signs, signals and devices shall conform to the manual and specifications as approved by the state road department. All signs and signals required for a particular purpose shall be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices. The Engineering Services Division may test traffic control devices under actual conditions of traffic.

Back to Electronic Table of Contents

(k) *Temporary or experimental regulations.* To make all regulations necessary to make effective the provisions of the traffic regulations of the city and to make and enforce temporary or experimental regulations, consistent with this article, to cover emergencies or special conditions. No such regulation shall be effective and in force until and unless adequate signs, signals or other notices are erected clearly indicating such regulation. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(l) *Angle parking.* To determine the location of angle parking zones, and to erect and maintain appropriate signs indicating the same and giving notice thereof.

(m) *Parking prohibitions and restrictions generally.* To prohibit or restrict the stopping, standing or parking of vehicles on any street, and to erect signs giving notice thereof, whenever in his/her opinion such stopping, standing or parking of vehicles interferes with the movement of traffic thereon. Such signs shall be official signs, and no person shall stop, stand or park any vehicle in violation of the signs.

(1) *All-night parking.* To prohibit all-night parking, and to erect signs giving notice thereof, upon any street or portion thereof, whenever in his/her opinion such prohibition is necessary or advisable in the interest of public safety.

(2) *School zones.* To prohibit parking upon either or both sides of any street adjacent to any school property, and to erect signs giving notice thereof, when such parking in his/her opinion would interfere with traffic or create a hazardous situation.

(3) *Narrow streets.* To prohibit parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet, and to erect signs giving notice thereof.

(4) *One-way streets.* To prohibit the standing or parking of vehicles upon the lefthand side of any one-way street, and to erect signs giving notice thereof. To determine when standing or parking may be permitted upon the lefthand side of streets which include two or more separate roadways, and to erect signs giving notice thereof.

(5) *Hazardous or congested areas.* To designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(n) *No-parking zones.* To designate certain streets where parking shall be prohibited at all times; and to designate certain places where parking shall be prohibited at all times, and shall erect signs giving notice thereof.

(o) *Limited-parking zones.* To erect signs in each block limiting the parking time on certain streets and giving notice thereof.

(p) *Parking meter zones.* To determine and designate metered parking zones, and to install and maintain upon any of the streets or parts of streets so determined as many parking meters as are necessary in such metered parking zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles. The parking meters may be of whatever type as determined by the city commission.

(q) *Loading zones.* To determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs, indicating the same and stating the hours during which the provisions of this subsection are applicable.

(r) *Public carrier stands.* To establish bus stops, bus stands, taxicab stands and stands for other passenger

Back to Electronic Table of Contents

common-carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

(s) *Truck routes.* To designate certain streets as truck routes to be used for the expeditious and convenient movement of farm tractors, trailers, semitrailers, trucks and other commercial vehicular traffic, and to give notice thereof by means of appropriate signs placed along such streets. To prohibit the use of the roadway by farm tractors, trailers, semitrailers and by trucks or other commercial vehicles, and to impose limitations as to the weight thereof on designated streets where in his/her opinion the public safety is concerned, but such prohibitions and limitations shall not become effective until notice thereof is given by means of appropriate signs placed on such streets.

(t) *Bicycle riding prohibitions.* To erect signs on any sidewalk or street prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey the same.

(Code 1978, § 12-62(c); Ord. No. 76-818, § 2, 3-2-1976)

Secs. 16-129--16-154. Reserved.

ARTICLE VI. TRUCK ROUTES

Sec. 16-155. Definitions.

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

Deviating truck means any truck in the restricted vehicle classification which travels over a street other than a designated truck route.

Truck means any vehicle designed, used or maintained for the transportation of property in the following classifications:

(a) *Restricted vehicles (heavy trucks)* means single unit, multi-rear-axle trucks with a maximum length of 40 feet and a GVW exceeding 35,000 pounds to a maximum GVW of 70,000 pounds (including dump trucks and concrete mixers), and all tractor trailer and semitrailer combinations with a maximum length of 55 feet and a maximum GVW of 80,000 pounds. Restricted vehicles shall also include all vehicles, regardless of size, that are transporting hazardous material.

(b) *Unrestricted vehicles (light/medium trucks)* means pickups, vans, and panels with a maximum length of 21 feet and a maximum gross vehicle weight (GVW) of 8,000 pounds, and single unit, single rear axle trucks with a maximum length of 35 feet and a maximum GVW of 44,000 pounds.

Truck route means certain streets as designated on the citywide truck routing plan, made a part of this article, by reference, over and along which trucks in the restricted vehicle classification shall operate within the city during designated hours.

(Code 1978, § 12-71; Ord. No. 82-65, § 1, 11-16-1982; Ord. No. 90-32, § 1, 4-17-1990)

Sec. 16-156. Established; map.

There is hereby established within the city a system of truck routes as shown on a map on file in the office of the city clerk. The streets indicated as truck routes on the map, and no others shall be used for truck traffic in the

Back to Electronic Table of Contents

restricted classification.

(Code 1978, § 12-72; Ord. No. 82-65, § 2, 11-16-1982)

Sec. 16-157. Observance required; exceptions.

(a) All trucks in the restricted vehicle classification within the city shall be operated only over and along the truck routes established pursuant to this article.

(b) This article shall not prohibit the following:

(1) Operation on streets of destination, if authorized truck routes are used until reaching the intersection nearest the destination point and be proven upon request through possession of a valid and current delivery ticket or other dispatch order.

(2) Authorized emergency vehicles.

(3) Detoured trucks on an officially established detour, if such trucks could lawfully be operated upon the street for which the detour is established.

(4) Authorized public service.

(Code 1978, § 12-73; Ord. No. 82-65, § 3, 11-16-1982)

Sec. 16-158. Manner of utilization.

(a) *Truck traffic of outside origin.*

(1) *To an inside destination point.* All restricted trucks entering the city for a designation point in the city shall proceed only over an established truck route and shall deviate only at the intersection with the street upon which the traffic is permitted, nearest the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(2) *To multiple inside destination points.* All restricted trucks entering the city for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street upon which truck traffic is permitted, nearest the first destination point. Upon leaving the first destination point, a deviating truck shall proceed to other destination points by the shortest direction and only over truck routes. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(b) *Truck traffic of inside origin.*

(1) *To an outside destination point.* All restricted trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed to the nearest intersection of a designated truck route and travel from that point to the city limits only over designated truck routes.

(2) *To inside destination points.* All restricted trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed only over designated truck routes.

(Code 1978, § 12-74; Ord. No. 82-65, § 4, 11-16-1982)

Sec. 16-159. Hours of operation/time of day restriction.

Back to Electronic Table of Contents

Trucks shall be able to travel upon truck routes at all hours of the day unless duly authorized signs are installed limiting the hours of use on a particular street or portion of street. Those streets which are designated as partially restricted truck routes shall be off limits to trucks in the restricted classification during the hours of 6:00 p.m. to 6:00 a.m. Any restricted truck attempting to utilize a partially restricted truck route during the restricted time period shall be regarded as a deviating truck.

(Code 1978, § 12-75; Ord. No. 82-65, § 5, 11-16-1982)

Sec. 16-160. City manager to install signs.

The city manager shall cause truck routes to be clearly posted, and is hereby authorized to install appropriate signs along designated roadways to control truck operations, in accordance with the provisions of this article. Signs will conform to those shown in the "Manual of Uniform Traffic Control Devices," and their use shall be as designated therein.

(Code 1978, § 12-76; Ord. No. 82-65, § 6, 11-16-1982)

Back to Electronic Table of Contents

Chapter 17 PARKS AND RECREATION*

***State law reference(s)--**Playgrounds and recreation centers generally, F.S. ch. 418.

Sec. 17-1. Definitions.
Sec. 17-2. Traffic laws.
Sec. 17-3. Trucks and other vehicles.
Sec. 17-4. Soliciting rides or fares.
Sec. 17-5. Use of motorcycles, scooters, mopeds or similar vehicles within park property.
Sec. 17-6. Parking.
Sec. 17-7. Preservation of park property.
Sec. 17-8. Protection and preservation of wildlife.
Sec. 17-9. Recreation activities.
Sec. 17-10. Bathing and swimming.
Sec. 17-11. Boating.
Sec. 17-12. Fishing.
Sec. 17-13. Hunting and firearms.
Sec. 17-14. Picnic areas and use.
Sec. 17-15. Games.
Sec. 17-16. Horseback riding and livestock.
Sec. 17-17. Domestic animals.
Sec. 17-18. Toy firearms, fireworks and explosives.
Sec. 17-19. Pollution of park property waters.
Sec. 17-20. Refuse and trash.
Sec. 17-21. Aircraft.
Sec. 17-22. Use of vehicles.
Sec. 17-23. Gambling.
Sec. 17-24. Noise.
Sec. 17-25. Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions; business licenses; application and issuance.
Sec. 17-26. Advertising, publicity and signs.
Sec. 17-27. Public demonstrations, gatherings, performances, speeches.
Sec. 17-28. Drunkenness and use of narcotics.
Sec. 17-29. Intoxicating liquors, beer, wine and narcotics.
Sec. 17-30. Proper use of facilities.
Sec. 17-31. Camping.
Sec. 17-32. Photography and film making.
Sec. 17-33. Prohibited activities in city parks.
Sec. 17-34. Special permission.
Sec. 17-35. Resident preference for programs and services.
Sec. 17-36. Enforcement of regulations and business tax receipts.
Sec. 17-37. Smoking at outdoor athletic facilities and in outdoor park structures
Sec. 17-38. Penalties.
Sec. 17-39. Areas embraced.

Sec. 17-1. Definitions.

Back to Electronic Table of Contents

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

Department means the city recreation, parks and arts department.

Director means the director of the city recreation, parks and arts department.

Park property means all areas, buildings, locations and facilities operated and maintained by the department.

Park roads means all surfaced areas ten feet wide or wider designated for vehicular traffic, and passing through any legally defined park or recreational area or any part thereof. All other trafficways, either unpaved or narrower than ten feet, are classified as work trails, bridle paths or simply trails or paths.

Parking area means any designated part of any park road, drive or special area contiguous thereto that may be set apart for the standing or stationing of any vehicles.

Parks and other areas operated and maintained by the city recreation, parks and arts department means parks, playgrounds, recreation fields, museums, buildings, lakes, bays, streams, canals, channels, lagoons, waterways, water areas, submerged lands, shorelines and beaches therein and all public service facilities located on or in grounds, waters, buildings and structures in the county which are under the control or assigned for upkeep, maintenance or operation by the city recreation, parks and arts department.

Person means any individual regardless of age or sex, or any corporation, company, association, firm, copartnership, club or society, or any association of persons, or any agent or employee thereof.

Vehicle means any wheeled conveyance (except a baby carriage or wheelchair) for the transportation of persons or materials whether:

(1) Powered or drawn by a motor, such as an automobile, truck, motorcycle, or scooter;

(2) Animal drawn such as a carriage, wagon or cart;

(3) Self-propelled, such as a bicycle or tricycle; or

(4) Any trailer in tow of any size, kind or description.

Exception is made as to any recreational or park transportation service on rails or otherwise, where especially authorized by the director of recreation, parks and arts.

(Code 1978, § 14-1; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-2. Traffic laws.

(a) Applicable state vehicle laws shall apply in and about all park property and in addition thereto the following rules shall be applicable on roads and driveways within park property.

(b) No person driving, operating, controlling or propelling any vehicle, motorized, horse-drawn or self-propelled, shall use any other than the regularly designated paved or improved park roads or driveways, except when directed to do so by a law enforcement officer or department employee.

(c) No driver or operator of any vehicle shall obstruct traffic or park or stop on any road or driveway except at places so designated or in case of an emergency beyond his/her control. If so caused to stop or park for more

Back to Electronic Table of Contents

than 15 minutes, the operator shall report such fact to a law enforcement officer or department employee.

(d) The operator of any vehicle must obey all signs in regard to speed limits, danger, direction of traffic, and other traffic rules specifically applicable in park property.

(e) All law enforcement officers and park employees are hereby authorized and instructed to direct traffic whenever and wherever needed in the recreation and parks areas and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of the regulations of this chapter and such supplementary regulations as may be issued. All persons shall comply with any lawful order, signal or direction of such officer or employee. All persons shall observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(f) No person shall drive a vehicle at a speed greater than is reasonable or prudent, having due regard for the surface, width and condition of paving and the traffic thereon. All vehicles shall give right-of-way to children or bicyclists. The maximum speed shall be 30 miles per hour excepting at the more congested centers and near park buildings, beaches, and picnic and play areas, and in said last-mentioned areas, maximum speed shall be 15 miles per hour. All persons shall not exceed the speed limits as posted within the individual parks.

(g) Where a highway traverses a city recreation park area and is available for public use at all times, said road shall be open to all through traffic permitted on any county road or highway, but such through traffic shall conform to park speed and traffic regulations, and vehicles otherwise not permitted to operate in park areas shall not stop therein except in case of emergency, whereupon prompt report must be made by the driver to a park officer or attendant.

(h) No person shall cause any vehicle to enter any city park, except through the designated park entrance gate. No person shall cause any vehicle to enter any city park until the required fee, if any, has been paid, except those entering on park business.

(Code 1978, § 14-2; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-3. Trucks and other vehicles.

No private or public trucks, carts, wagons or other vehicles carrying building materials, merchandise or other articles of freight or merchandise for sale shall enter any recreation or park area or make use of park property roads except traversing the park property on roads especially designated for such passage to service adjacent lands not available via other than park property or in connection with recreation and/or park work and activities. Exception is made for empty trucks not for hire and used solely at the time for transporting persons to park property for recreational purposes.

(Code 1978, § 14-3; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-4. Soliciting rides or fares.

No pedestrian shall solicit rides from any driver nor shall any driver of any vehicle for hire or otherwise solicit riders for money or fares in any park property unless authorized by the director of recreation, parks and arts.

(Code 1978, § 14-4; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-5. Use of motorcycles, scooters, mopeds or similar vehicles within park property.

No person shall ride, drive or propel any motorcycle, motorized scooter, moped or motor vehicle on any but the regular vehicular roads within park property except as specifically authorized for accessibility pursuant to the Americans With Disabilities Act (ADA).

Back to Electronic Table of Contents

(Code 1978, § 14-5; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-6. Parking.

(a) No person shall park a vehicle any place on park property other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by law enforcement officers or department employees who are authorized to designate other areas for parking when conditions so warrant.

(b) No person shall park or station any vehicle in any zone designated and marked "NO PARKING," or otherwise marked for restricted use except briefly for the expeditious loading or unloading of passengers or freight, and in no case in excess of five minutes for passengers and ten minutes for freight.

(c) No person shall double park any vehicle at any time on any road or parkway or parking concourse, unless so directed by a law enforcement officer or park attendant.

(Code 1978, § 14-6; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-7. Preservation of park property.

(a) As all park property is city property, no person shall willfully mark, deface or injure in any way, or displace, remove or tamper with, any park building or building material, water lines or other public utilities or parts or appurtenances thereof, park signs, notices or other boundary markers, or other structures, or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) No person shall dig, move or remove from any park area any beach sand whether submerged or not, or any soil, rocks, stones, trees, shrubs, plants, seeds, flowers, fruits or nuts, down-timber or other wood or materials, or make any search, excavation by tool, equipment, metal detector, blasting or other means or agency, or construct or erect any buildings or structures of whatever kind whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit and by authority of the recreation, parks and arts department.

(c) Trees, shrubbery and lawns are assets of park property and no person shall cut, carve or injure the bark, or break off limbs or branches or mutilate in any way, or pick the flowers, fruits, seeds or nuts of any tree or plant, nor shall any person dig in or otherwise disturb the grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, nor shall he/she pile debris or material of any kind on or about any tree or plant, whether temporary or permanent in character or use without written permission of the recreation, parks and arts director.

(d) No person shall transplant or remove any tree or plant or part thereof, or collect or remove flowers, except that scientists or students of botany may procure from the recreation, parks and arts director special permission to collect plant specimens.

(e) No person shall tie or hitch a horse or other animal to any tree or plant.

(f) No person shall stand, sit or lie on any structure not intended for such use.

(Code 1978, § 14-7; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-8. Protection and preservation of wildlife.

(a) No unauthorized person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot or throw or propel by any means missiles at any wildlife creature, be it mammal, aquatic or marine life, bird or reptile roaming free about park property or in captivity in a cage, nor shall any unauthorized person remove or

Back to Electronic Table of Contents

possess the young of any wild animal or the nest or eggs of any reptile or bird or collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen dead or alive.

(b) No person shall disobey posted notice prohibiting feeding mammals, birds, reptiles, amphibians or fish.

(c) No person shall place, dump, abandon or leave any fish, mammal, reptile or bird, either wild or domestic on park property.

(Code 1978, § 14-8; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-9. Recreation activities.

While using the park property, it is the responsibility of each visitor to conduct his/her activities in such a manner so as to prevent injury or loss of life to any person. Therefore, it is necessary to prescribe rules for activities performed in park property.

(Code 1978, § 14-9; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-10. Bathing and swimming.

(a) No person, regardless of age, sex or manner of dress, shall swim, wade or bathe in waters or waterways other than at such places as posted for such activities, whether it be beach, lake, pond or pool.

(b) No person shall erect or cause to be erected any tent, shelter or structure on or in any beach, bathing or wading area in such a manner that guide a wire, rope, extension, brace or support connected or fastened from any such structure to any other structure, stake, rock or other object is necessary, nor shall any other such structure, tent or shelter lack an unobstructed view of the interior from at least two sides.

(c) No person shall carry, transport or cause to be transported any glassware, bottles, self-opening cans or any other potentially dangerous or sharp objects into any beach, bathing, wading or swimming pool areas.

(d) No person shall frequent any waters or bathing beach for the purpose of swimming or bathing except between such hours of the day as shall be designated by the department for such purposes for each individual area.

(e) Bathing beaches may be closed to the public and bathing therein may be prohibited at any time when in the opinion of the director such bathing is dangerous or otherwise inadvisable.

(f) No persons or pets shall wash or be washed with or without soap or other cleansers in bathing areas.

(g) Except for special events sponsored by the city, no pets shall be allowed in or on the bathing areas or beaches.

(Code 1978, § 14-10; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-11. Boating.

(a) No person shall bring into or operate any boat, yacht-cruiser, canoe, raft or other watercraft (except toys too small for human occupancy) in any park property watercourses, bays, lagoons, lakes, canals, rock pits, rivers, ponds, or sloughs other than those so designated for such use or purpose by the department.

(b) All persons navigating or operating a motor-equipped boat in park property waters shall comply with all established speed and navigation regulations.

Back to Electronic Table of Contents

(c) No motor-equipped boat shall be operated in park property waters within 200 feet of bathing areas or areas frequented by bathers or swimmers, nor shall any person engage in waterskiing in park property waters within 200 feet of areas frequented by bathers and swimmers, nor shall any person or persons engaged in any phase of waterskiing act or perform in any such manner as to annoy, inconvenience or endanger any bather, swimmer, fisherman or occupant of any boat whether underway, anchored, docked or beached. No boat being used for the purpose of towing any skier or skiers in park waters shall be operated with less than two persons aboard at all times.

(d) No person shall display any sign, placard, notice or commercial announcement of any kind upon a boat or vessel while occupying dockage or mooring space, except that "FOR SALE" signs may be posted with written permission of the department.

(e) No person shall be permitted to rent, hire or operate for charge any kind of boat or watercraft, whether powered or not, on any park property waters unless approved by the department. Nor shall any boat, operating for hire, or carrying passengers for money, or contemplating the same, be allowed or caused to land or receive such passengers at any dock or wharf or landing place or anchorage in park property, except by special permit. Persons operating such boats desiring to maintain a scheduled boat line for such purpose, either annual or seasonal, may make formal written application to the director. All persons operating such boat lines or liveries shall be subject to all the rules and regulations governing the operating of boats in park property waters, as contained herein.

(Code 1978, § 14-11; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-12. Fishing.

(a) Commercial fishing or the buying or selling of fish caught is strictly forbidden.

(b) No person shall fish in any park property waters, whether fresh or salt, and whether by the use of hook-and-line, seine, net, trap, spear, gig, or other device, except in such waters thereof as are or may be designated by the department for that use and under such regulations and restrictions as have been or may be prescribed by said department.

(c) No person shall at any time fish from beaches in any area where bathing is permitted.

(Code 1978, § 14-12; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-13. Hunting and weapons not constituting firearms.

(a) No person shall carry, use or possess air rifles, bow and arrows, slingshots, boomerangs, blow darts, horseshoes, paint balls, or any other form of weapons, potentially harmful to wildlife or dangerous to human safety except as and in accordance with the rules and regulations as a participant in a program sponsored by the department. This section shall not apply to the carrying, use, or possession of firearms or ammunition as those terms are defined in Section 790.001, Florida Statutes, and which are regulated solely by the State of Florida.

(b) No person shall, without prior written authorization, hunt, trap or pursue wildlife by any means or method whatsoever.

(Code 1978, § 14-13; Ord. No. 83-66, § 14, 1-3-1984; Ord. No. 97-10, § 1, 1-7-1997; Ord. No. 2011-42, § 2, 9-20-2011)

Sec. 17-14. Picnic areas and use.

Back to Electronic Table of Contents

(a) No person shall picnic, lunch or cook in any area not specifically designated by and regulated by the department supervisors for such usage.

(b) No person shall build, light or cause to be lighted any fire upon the ground or beach or other object in any area except in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire. To maintain cleanliness and order as well as to reduce fire hazard, each picnic party shall see that its fire is completely extinguished before leaving and that all trash such as boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If there are no such trash receptacles available, then refuse shall be carried away from the area to be properly disposed of elsewhere.

(c) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table or other object of park property. No person shall leave any fires and/or coals unattended at any time.

(d) The department and its assistants will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding picnics in any picnic area, building or structure shall not use the same to the exclusion of others for an unreasonable time, the determination of what is unreasonable being at the discretion of the department supervisor. Use of the individual fireplaces, together with tables and benches, follows generally the rule of "first come, first served" except in the case of a signed rental agreement.

(Code 1978, § 14-14; Ord. No. 83-66, § 15, 1-3-1984; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-15. Games.

No person or persons shall engage in rough or potentially dangerous activities, games or practice for same, in park property areas in such a manner that other park users are placed in danger or so as to interfere with the use of the park by others. Where there are park property areas specifically designated and set aside for specific activities such as model aircraft, no person or persons shall engage in such activities in park property areas other than those specifically designated areas. No person or persons shall engage in scheduled games or practices for sports except in park property areas designated or set aside for such use.

(Code 1978, § 14-15; Ord. No. 83-66, § 16, 1-3-1984; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-16. Horseback riding and livestock.

(a) No person shall engage in horseback riding in any park property area other than those where provision for such is made by clearly marked bridle paths, trails, rings and other necessary features and then only upon thoroughly broken and properly restrained animals that are ridden with care, prevented from grazing, straying unattended, unattended to any rock, tree or shrub, and not ridden or led on land other than that so designated.

(b) No livestock or other farm animals of any sort, reptiles kept as pets or birds kept as pets are allowed within any city parks except by department authorization, and then only when associated with a city authorized special event or approved park rental.

(Code 1978, § 14-16; Ord. No. 83-66, § 17, 1-3-1984; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-17. Domestic animals.

(a) Dogs and other pets will be excluded from any place where food and drinks are sold.

(b) All dogs shall at all times be restrained and on adequate leashes not greater than six feet in length.

Back to Electronic Table of Contents

(c) It shall be unlawful for any person owning or having custody or control of any dog on city property upon occurrence to fail to remove immediately the dog's excrement therefrom.

(d) In compliance with regulations of the state, all pets are excluded from all swimming areas and beaches, except as specifically approved by the recreation, parks and arts department and health officials.

(e) The provisions of this section shall not apply to Seeing Eye and guide dogs used by blind persons, to dogs used by police officers for law enforcement or tracking purposes, or to dogs while being trained in a city-authorized dog training program.

(Code 1978, § 14-17; Ord. No. 83-66, § 18, 1-3-1984; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-18. Toy firearms, fireworks and explosives on park property.

(a) No person shall without prior written authorization, at any time, bring into or have in his/her possession or discharge anywhere on park property, any toy firearm, air rifle, airgun, toy cannon, slingshot, bow and arrow, or any toy or instrument that discharges projectiles either by air, elastic, or any other force. Water guns may be used/operated on park property, at the department director's discretion, so long as it does not interfere with or disturb another patron's use of City-owned park property.

(b) No person shall without prior written authorization, bring into or have in his/her possession or set off or otherwise cause to explode, discharge or burn on park property any firecrackers, torpedoes, rockets, toy firearms, or cannon or other fireworks or explosives of flammable material or any substance, compound, mixture or article that, in conjunction with any other substance or compound may explode, discharge or burn.

(c) Parents or guardians shall be held strictly responsible and accountable for the actions of minors in regard to the prohibitions in subsections (a) and (b) of this section.

(d) This section shall not apply to the use, possession, or discharge of firearms or ammunition as those terms are defined in Section 790.001, Florida Statutes, and which are regulated solely by the State of Florida.

(Code 1978, § 14-18; Ord. No. 97-10, § 1, 1-7-1997; Ord. No. 2011-42, § 3, 9-20-2011; Ord. No. 2012-21, § 1, 12-6-2011)

Sec. 17-19. Pollution of park property waters.

Using the fountains, ponds, lakes, streams, bays or any other bodies of water within park property or the tributaries; storm sewers or drains flowing into them, as dumping places for any substance or matter or thing which will or may result in the pollution of said waters is hereby prohibited.

(Code 1978, § 14-19; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-20. Refuse and trash.

No person shall deposit or drop or place any refuse including bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products or containers or foil upon the ground or in or on any other park property except in the receptacle provided for trash disposal.

(Code 1978, § 14-20; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-21. Aircraft.

Back to Electronic Table of Contents

(a) No person operating, directing or responsible for any airplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus shall take off from or land in or on any park property, except when human life is endangered or written permission has been obtained from the director.

(b) No person operating any aircraft shall engage in acrobatic flight over park property or fly lower than 1,000 feet above the highest obstruction within a horizontal radius of 2,000 feet of the aircraft or fly within those minimum distances found in Federal Aviation Regulations for pilots.

(Code 1978, § 14-21; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-22. Use of vehicles.

No person, except in emergencies, shall change any parts, repair, wash, grease or perform other maintenance on a vehicle on any park property.

(Code 1978, § 14-22; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-23. Gambling.

No person or organization shall conduct raffles, bingo games, card games for money or drawings for prizes or participate in any other forms of gambling within park property whether they are for charity or otherwise, unless in compliance with state law and only upon department approval.

(Code 1978, § 14-23; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-24. Noise.

(a) No person entering or being upon park property shall make excessive, unnecessary noise.

(b) No motorboats shall be operated unless equipped to divert exhaust under water or to otherwise muffle the sounds thereof.

(c) Use of loudspeakers, public address systems or amplifiers is prohibited except pursuant to special permission issued by the department.

(Code 1978, § 14-24; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-25. Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions; business tax receipts; application and issuance.

(a) No person, organization or firm other than the department or regularly licensed concessionaires acting by and under the authority of the city shall expose or offer for sale, rent or trade any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or merchandise except by written permission by the department director. No person shall solicit alms or contributions for any purpose, whether public or private, nor shall any person circulate any petitions of any character except by written permission by the department director.

(b) No person shall tell fortunes or foretell futures for money, by any means or method whatever.

(c) No person shall engage in business within city parks as a canvasser, solicitor, peddler, or transient merchant without having first been issued a registration of business tax receipt.

Back to Electronic Table of Contents

(d) Each person requiring a business tax receipt pursuant to this chapter shall submit to the city a written, sworn application therefor, which shall include the applicant's name, home and business address, telephone number of both, name of corporation or firm with which associated if applicable, type of permission sought, where business is to be conducted and for what period of time, and type of goods or services involved.

(e) If an individual requiring a license pursuant to this chapter is canvassing, soliciting, peddling, or otherwise involved in a business subject to this chapter on behalf of or pursuant to the sponsorship or control of another person or entity, that person or entity may submit an application and fee for each individual subject to this chapter and acting on behalf of the person or entity submitting the application.

(f) Upon receipt of a complete, executed, sworn application and payment of the fee required the city shall issue a business tax receipt to the applicant indicating the receipt number, his/her name, business address, telephone number, type of permission issued, and dates of issuance and expiration.

(g) An issued business tax receipt shall be valid only for that period of time stated in the application and on the receipt as being the time period for the business.

(h) No vendors or performers will be allowed to exhibit wares or perform in the Military Court of Honor at any time.

(i) The Military Court of Honor shall only be available for recognized military memorial services in conjunction with city-sponsored or cosponsored events as approved by the director.

(j) Any person engaging in business within any city park shall prominently and conspicuously display on his/her person, or the premises where the business is conducted, the business tax receipt issued pursuant to this chapter while engaged in such business.

(k) Any person legally entitled to apply for and receive a business tax receipt under the provisions of this chapter shall make such application to the city on the forms required for that purpose. Every applicant of the function proposed is to be described in full as to the location, ownership, and use of the premises in connection therewith. The city may require plans, specification or drawings and such other information as it may deem necessary and pertinent, prior to the issuance of the business tax receipt. If the city determines that the plans, specifications, drawings, descriptions or other information furnished by the applicant is in compliance with this chapter, and other regulations of the city, it shall issue the business tax receipt applied for upon payment of the required fee.

(Code 1978, § 14-25; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-26. Advertising, publicity and signs.

(a) No person shall use the park drives or parkways or enter any park or recreation area for the purpose of announcing, displaying, advertising or calling attention to any person, or meetings or assemblies thereof, or for the purpose of demonstrating, advertising or calling attention to any article or service for sale or for hire, nor shall any signs, slogans, loud speakers or advertising display of any nature whatever be used for such purposes; no person shall place or station on any park property any vehicle whatsoever displaying any such advertising or used for such purposes as hereinbefore mentioned.

(b) Except in a city-sponsored or city-sanctioned event, no person shall display, distribute, post or fix any banner, sign, handbill, pamphlet, circular, placard, or any other printed matter containing advertising.

(c) No person shall drive, park or station on any park road, parkway, or parking lot any vehicle displaying a sign or notice that it is for sale or exchange, or otherwise display advertising.

Back to Electronic Table of Contents

(Code 1978, § 14-26; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-27. Public demonstrations, gatherings, performances, speeches.

No person or representatives of any political party, religious sect, musical group, office aspirant, theatrical or circus group or other public exhibition shall hold or attempt to hold any meeting, make any speeches, perform any act or ceremony, or hold any parade or drill, unless authorized by the department. No public address or electrical amplification will be permitted.

(Code 1978, § 14-27; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-28. Drunkenness and use of narcotics.

No drunk or intoxicated person or individual under the influence of alcohol, drugs or narcotics will be permitted entry to park property and if discovered therein will be subject to arrest and/or immediate expulsion.

(Code 1978, § 14-28; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-29. Intoxicating liquors, beer, wine and narcotics.

(a) No person shall sell, consume or have in his/her possession any alcoholic liquor, beer, wine, and illegal drugs or narcotics of any form within any park property. Alcohol, liquor, beer and wine may be sold and consumed with city manager approval as outlined in the City's fee ordinance and Chapter 4 of this code.

(b) Subsection (a) of this section to the contrary and notwithstanding, the city manager in appropriate circumstances and for certain scheduled events and uses shall have discretion to authorize the sale, possession and/or consumption of an otherwise lawful alcoholic beverage.

(c) No person shall conduct himself/herself by improper immoral actions or dress or use profane language. Such conduct shall subject the violator or violators to refusal of the park's privileges in addition to any penalty opposed herein, or by other laws.

(Code 1978, § 14-29; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-30. Proper use of facilities.

(a) No person over the age of six shall occupy or enter any restroom, dressing room, bathhouse or pavilions or other structures thereof which are reserved or designated by the department for the exclusive use of the opposite sex.

(b) No person shall loiter in or around any restroom, dressing room or bathhouse.

(c) No person shall engage in recreation or other activities other than those prescribed in certain areas set aside for such purposes, to wit; In areas set aside for boating, swimming is prohibited, and in areas set aside for swimming, boating is prohibited.

(d) No person shall dress or undress except in such bathhouses or structures as may be provided and maintained by the department, and no person shall dress or undress in any vehicle, toilet, restroom, or on the beach except as provided above.

(e) No person shall enter or remain upon park property at any time other than officially posted hours of

Back to Electronic Table of Contents

normal park operation except by written permission from the director.

(f) No person shall remain upon park property after a lawful command to leave by any law enforcement officer or by department staff.

(Code 1978, § 14-30; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-31. Camping.

(a) No person shall set up tents, shacks or any other temporary shelters, or any special vehicle to be used, or that could be used for such purpose; such as a house trailer, camp trailer, camp wagon, or the like, for the purpose of overnight camping except within such areas, if any, as may have been provided for such use.

(b) Camping on park grounds is prohibited except at such times and places as may be designated by the department and except pursuant to a special permission issued by the department in writing.

(Code 1978, § 14-31; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-32. Photography and film making.

(a) No person shall without prior written authorization by the director make still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of persons, either amateur or professional or the posing of professional models; said written permission may be issued only when such activities will permit the normal use of facilities by other visitors. However, the provisions of this section do not in any way restrict the use of cameras by amateur photographers or professionals not using set scenery, casts or models.

(b) Bona fide newspaper, press association, newsreel and/or television news department personnel, identified by press cards or passes, and assigned by their respective editors to make photographs for use of such communications media, will be regarded as persons performing a task involving the freedom of the press as set forth in the Constitution of the United States of America and, accordingly, will be assisted in their endeavors to the utmost degree by all department personnel.

(Code 1978, § 14-32; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-33. Prohibited activities in city parks.

Except for activities of the city, or a governmental agency within the scope of its governmental authority, it shall be unlawful for any person to do any one or more of the following in a park owned or controlled by the city:

(a) Be in the park or on park or on park property during the hours when the park is closed.

(b) Construct any hut, shanty, or other shelter, except by special permit issued by the department in association with a special event.

(c) Discharge or deposit human wastes, except in toilet facilities provided by the city.

(d) Drive, putt or otherwise hit golf balls.

(e) Sleep or otherwise be, or remain in any bushes, shrubs, or other foliage.

(f) Use public restrooms to shave and or shower or bathe.

Back to Electronic Table of Contents

(g) Use roller or inline skates, skateboards or bikes in or about the Military Court of Honor of Largo Central Park. No bikes, skateboards, roller or inline skates or motorized vehicles of any sort are allowed in the Military Court of Honor, and/or Rotary Rainbow Playground of Largo Central Park.

(h) Bathe or otherwise be in or remain in a water fountain and/or reservoir.

(Code 1978, § 14-33; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-34. Special permission.

Recreational activities other than those prohibited under section 17-33 may be allowed by special permission if authorized by the director.

(Code 1978, § 14-34; Ord. No. 97-10, § 1, 1-7-1997)

Sec. 17-35. Resident preference for programs and services.

Preference to residents in recreational programming, parks, and services shall be a priority. For purposes of this section, the term "preference" is defined as favorable rate structures and resident-first policies for programming and scheduling.

(Code 1978, § 14-35; Ord. No. 99-37, § 4, 2-2-1999)

Sec. 17-36. Enforcement of regulations and business tax receipts.

All rules and regulations and business tax receipts contained in this document are enforceable by all law enforcement officers, the City Manager, the director, and those properly designated recreation, parks and arts department employees.

(Code 1978, § 14-36; Ord. No. 97-10, § 1, 1-7-1997; Ord. No. 99-37, § 4, 2-2-1999)

Sec. 17-37. Smoking at outdoor athletic facilities and in outdoor park structures.

(a) No person shall smoke or carry a lighted cigarette, cigar, cigarillo, or pipe on any park property where there is an athletic field or court. There will be no smoking at the bleachers or any spectator area, the dugouts, sidelines, or on the fields. Smoking will only be allowed in designated areas.

(b) No person shall smoke or carry a lighted cigarette, cigar, cigarillo, or pipe in any park shelter, playground, gazebo, overlook, fitness zone, court, deck, interpretive kiosk, observation tower, dock, memorial plaza or other posted areas.

(Code 1978, § 14-39; Ord. No. 2000-109, § 1, 9-19-2000; Ord. No. 2014-36, § 1, 3-18-2014)

Sec. 17-38. Penalties.

Any person who commits the offense of violating any of the provisions of this article shall be punished by a fine in the sum not to exceed $500.00, or by imprisonment in the county jail for a period not to exceed 60 days, or by both fine and imprisonment.

(Code 1978, § 14-37; Ord. No. 97-10, § 1, 1-7-1997; Ord. No. 99-37, § 4, 2-2-1999)

Sec. 17-39. Areas embraced.

Back to Electronic Table of Contents

All territory that includes recreation, parks and arts department property areas, buildings, locations and facilities, including all areas within the city or owned by the city, whether the same be in the incorporated or unincorporated areas of the city, shall be embraced by the provisions of this article.

(Code 1978, § 14-38; Ord. No. 97-10, § 1, 1-7-1997; Ord. No. 99-37, § 4, 2-2-1999)

Back to Electronic Table of Contents

Chapter 18 RESERVED

Back to Electronic Table of Contents

Chapter 19 PLANNING AND DEVELOPMENT*

***State law reference(s)--**Local government comprehensive planning and land development regulations, F.S. § 163.3161 et seq.

Article I. In General
Sec. 19-1. Intergovernmental relationships; delineation with Pinellas Planning Council.
Sec. 19-2. Comprehensive plan.
Sec. 19-3. General annexation policy guidelines.
Secs. 19-4--19-24. Reserved.
Article II. Trees and Shrubs
Sec. 19-25. City exempt from county tree removal ordinance.

ARTICLE I. IN GENERAL

Sec. 19-1. Intergovernmental relationships; delineation with Pinellas Planning Council.

(a) The city hereby designates its community development department, as set forth in the Charter of the city, to be responsible for the preparation of the comprehensive plan for said city and for the preparation of materials, documents and criteria required by the Local Government Comprehensive Planning Act.

(b) The city retains for itself and said designated planning department all rights, duties and responsibilities allowed under its charter and common acts as regards the planning, land use, zoning or rezoning of land within its geographic boundaries, but recognizes the coordinative function of the Pinellas planning council relative to surrounding areas and the county.

(Code 1978, § 15-1; Ord. No. 75-789, §§ 1, 2, 10-7-1975)

Charter reference(s)--Planning and zoning, § 6.01 et seq.

Sec. 19-2. Comprehensive plan.

(a) *Authority.* The ordinance from which this section is derived is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. ch. 163, part II, as amended.

(b) *Adoption of city comprehensive plan.* The comprehensive plan is hereby adopted in conformance with and pursuant to provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3184 et seq.

(c) *Implementation.* The city manager, or the manager's designee, shall be responsible for the general administration of the comprehensive plan. The community development director, or the director's designee, shall be responsible for reviewing all ordinances; and pursuant to F.S. § 163.3194, to identify those which pertain to land development for submission to the planning board for their review, consideration and recommendation to the city commission. The community development director, or the director's designee, shall be responsible for evaluating all development orders pursuant to the comprehensive plan.

Back to Electronic Table of Contents

Editor's Note – Ord. No. 2015-37, adopted on June 16, 2015, repealed Section 19-2(d) in its entirety.

(e) *Contents of the plan.* Along with the provisions of this section the city comprehensive plan shall consist of the goals, objectives, and policies of the future land use; transportation; housing; public facilities, more particularly the sanitary sewer, solid waste, drainage, and water conservation subelements; national resources; recreation/open space, economic development; intergovernmental coordination, and capital improvements elements, and the concurrency management system, and the implementation, monitoring and evaluation requirements.

(f) *Legal status of the comprehensive plan.*

(1) After and from the effective date of the ordinance from which this section is derived, all development undertaken by and also taken in regard to development orders issued by the city shall be consistent with the city comprehensive plan.

(2) All land development regulations enacted or amended shall be consistent with the city comprehensive plan adopted herein by this section any land development regulations existing at the time of adoption which are not consistent with and furthers the adopted city comprehensive plan shall be amended so as to be consistent.

(Code 1978, § 15-2; Ord. No. 80-33, § 1, 9-2-1980; Ord. No. 82-1, § 1, 1-19-1982; Ord. No. 82-72, § 1, 1-4-1983; Ord. No. 85-20, § 1, 8-6-1985; Ord. No. 85-71, § 1, 11-5-1985; Ord. No. 91-02, § 1, 11-20-1990; Ord. No. 94-05, §§ 1, 2, 12-7-1993; Ord. No. 99-25, §§ 1, 2, 1-19-1999; Ord. No. 2000-56, § 7, 4-18-2000)

Sec. 19-3. General annexation policy guidelines.

(a) *Legal status of developed annexed lands.* The city may honor a development order or development permit from the unincorporated county, by granting conforming status to dimensions development standards or permitted uses regardless of whether or not the standard or use is permitted by the city's land development code. Upon redevelopment, the annexed site shall be required to comply with the city's permitted uses and development standards.

(b) *Adoption of policies for annexation and provision of services.* The city commission may adopt by resolution, policies establishing and implementing the city's policies regarding annexation and the provision of services to properties within the city's boundaries, properties within the city's annexation area, and properties outside the city's boundaries and the city's annexation area.

(c) *County development approvals for contiguous lands.* The city shall not honor development orders approved after October 1, 1997, by the county for land contiguous to the city and within the city's annexation area unless it can be demonstrated that it is in the best interest of the city.

(d) *Annexation area designated.* The term "annexation area" as used in subsection (b) of this section and sections 23-84, 23-85, and 23-91, means that area that is adopted by an amendment to the county charter or by a special act of the state legislature as the city's annexation area. If no such area is designated by a county charter amendment or special act, then the map attached as exhibit A to Ordinance No. 2000-77 shall define the city's annexation area for purposes of these sections.

(Code 1978, § 15-5; Ord. No. 99-37, § 5, 2-2-1999; Ord. No. 2000-77, § 1, 8-1-2000)

Secs. 19-4--19-24. Reserved.

ARTICLE II. TREES AND SHRUBS

Back to Electronic Table of Contents

Sec. 19-25. City exempt from county tree removal ordinance.

The incorporated area of the county within the boundaries of the city is hereby exempted from the provisions of the county Tree Removal Regulating Ordinance No. 76-16.

(Code 1978, § 21-1; Ord. No. 83-17, § 11, 4-19-1983)

Back to Electronic Table of Contents

Chapter 20 SOLID WASTE

Article I. In General
Sec. 20-1. Definitions.
Sec. 20-2. Mandatory collection of solid waste.
Sec. 20-3. Title to waste materials.
Sec. 20-4. Collection and disposal service offered by other parties.
Secs. 20-5--20-28. Reserved.
Article II. Collection Regulations, Fees and Charges
Sec. 20-29. Application to classifications of collection and disposal services.
Sec. 20-30. Scheduled residential curbside service.
Sec. 20-31. Scheduled single-family attached, high-density and mobile home park residence service.
Sec. 20-32. Commercial and industrial container service.
Sec. 20-33. Bulky waste and white goods.
Sec. 20-34. Construction and demolition debris.
Sec. 20-35. Dead animals.
Sec. 20-36. Unclassified services.
Sec. 20-37. Special services for the disabled.
Sec. 20-38. Special services at no cost.
Secs. 20-39--20-66. Reserved.
Article III. Placement of Waste
Sec. 20-67. Permitted containers.
Sec. 20-68. Damages to containers.
Sec. 20-69. Use of containers.
Sec. 20-70. Placement of prohibited materials.
Sec. 20-71. Placement of containers.
Sec. 20-72. Placement of waste other than in containers.
Secs. 20-73--20-102. Reserved.
Article IV. Unlawful Storage, Accumulation, Dumping and Disposal
Sec. 20-103. Storage or accumulation of waste on premises.
Sec. 20-104. Unlawful dumping or disposal.
Secs. 20-105--20-121. Reserved.
Article V. Recycling
Sec. 20-122. Separation of materials.
Sec. 20-123. Sale or disposal of recyclable materials.

ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.

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

Additional service means a service which is not part of the scheduled services provided under the uses subscription, and which is performed and charged in addition to subscribed services.

Annual means the period beginning October 1 and ending the following September 30 of any year.

Automated container means a container provided by the city and emptied by mechanical means on the site

Back to Electronic Table of Contents

where it is used.

Biohazardous material means any solid or liquid waste which may have the capacity of causing or transmitting infection or disease to humans or animals. The term includes, but is not limited to, nonliquid human tissue, laboratory and veterinary waste which contains human disease causing or transmitting agents, human blood and blood products, body fluid, and other materials which, in the opinion of the department of health and rehabilitative services, presents a risk of infection to persons or animals outside the generating facility.

Bulk container means a container provided by the city for scheduled commercial or industrial service, or for special purposes, including, but not limited to, two-, four-, six-, eight- or ten-cubic yard capacity and are emptied by mechanical means on the site where they are used.

Bulky waste means those items the large size or weight of which precludes or complicates their handling by normal collection, processing, or disposal methods employed by the city.

City means the city, its elected officials, officers, duly appointed officials, and agents.

City manager means the city manager or designee.

Commercial curbside service means a classification of service which uses automated containers.

Commercial establishment means any building or site devoted to retail, wholesale, light repair, institutional, recreational, religious, governmental, or similar nonresidential and nonindustrial uses.

Commercial waste means solid waste generated as a consequence of operating a commercial establishment, exclusive of hazardous or biohazardous waste.

Compactor means a solid waste container system incorporating mechanical devices which reduce the volume of the solid waste for more efficient storage and easier handling.

Construction and demolition debris means materials generally considered not to be water soluble and are non-hazardous in nature including, but not limited to, steel, glass, brick, concrete, non-hazardous roofing materials, pipe, gypsum wallboard, and lumber resulting from the construction, demolition, or maintenance of a structure. Soil, tree remains, and other vegetative matter resulting from site work or land clearing shall not be considered construction and demolition debits.

Duplex/triplex residence means a structure containing two or three residential dwelling units, on one lot, which are attached to each other, but which are not attached to any other dwelling unit.

Emergency condition means any condition under which it would not be feasible to provide services specified by this chapter in accordance with the terms and conditions of this chapter.

Hazardous waste means solid waste identified by the state department of environmental protection as hazardous waste in accordance with the Florida Administrative Code.

High-density residence means a structure containing four or more separate dwelling units on one parcel or a grouping of four dwelling units on one parcel, such as an apartment complex or condominium.

Holiday means days, as designated by the city commission, during which services specified by this chapter may not be provided in accordance with established schedules.

Horticultural and yard waste means vegetative matter resulting from landscaping maintenance which is not a

Back to Electronic Table of Contents

primary byproduct of a subscriber's commercial or industrial activity.

Household hazardous waste means hazardous waste generated as a consequence of occupying and maintaining a residential unit.

Household waste means waste typically generated in the course of occupying and maintaining a residential unit.

Industrial establishment means any building or site devoted to warehousing, storaging, manufacturing, reconstructing or remanufacturing, transporting, maintaining utilities and similar nonresidential and noncommercial uses.

Industrial waste means solid waste generated as a consequence of operating an industrial establishment, exclusive of hazardous or biohazardous waste.

Lockable container means a bulk container which has been fitted with a lock by the city.

Mixed land use means a single lot with residential dwelling units and commercial establishments. Such uses shall be considered commercial establishments for the purposes of this chapter.

Mobile home park residence means one or more parcels of land under single ownership on which two or more mobile homes are occupied as residences, exclusive of mobile homes used as an allowable accessory use; and mobile home communities with continuing local general management, which may involve a condominium or cooperative ownership arrangement.

Nonscheduled service means an additional service which is requested by a subscriber, or is provided by the city in response to a perceived threat to health, safety or welfare.

Recyclable material means those materials which would otherwise be considered solid waste, where it has been separated for collection and it is feasible to collect, separate, or process the material in such a manner that it can be reused or used to produce another product.

Residential container curbside service means a classification of residential service which uses automated container.

Residential dwelling unit means a single-family unit providing complete independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Roll-off container means large capacity containers used for commercial or industrial service, or for special purposes, including, but not limited to, capacities between ten and 40 cubic yards and which is transported with its contents by vehicle to a solid waste disposal site.

Roll-out container means a bulk container which has been fitted with wheels by the city so that it can be rolled to a designated location for collection by the city.

Scheduled service means solid waste services provided to a subscriber according to a predetermined schedule which meets the mandatory subscription requirements of this chapter.

Shared bulk container means a bulk container which is shared by two or more subscribers.

Single-family residence attached means a structure containing one dwelling unit and attached to another dwelling unit by means of a common wall.

Back to Electronic Table of Contents

Single-family residence detached means a structure containing one dwelling unit, and not attached to any other dwelling unit by any means.

Solid waste means garbage, yard trash, white goods, construction and demolition debris or other discarded material, including solid, liquid, or semisolid material resulting from the construction or occupancy of residential, commercial, or industrial establishments.

Subscriber means the person, corporation, or agent thereof responsible for paying fees for services delivered pursuant to this chapter.

Subscription means one or more classifications of scheduled service which are routinely provided to a subscriber.

White goods means discarded large domestic or commercial appliances such as ranges, water heaters, freezers, refrigerators, and other items of a similar nature.

(Code 1978, § 7-1; Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-1), 11-7-2006)

Sec. 20-2. Mandatory collection of solid waste.

(a) *Mandatory subscription.* All solid waste generated and accumulated within the city limits by residential, commercial, and industrial property shall be collected and removed by the city, except as otherwise provided herein. No owner, occupant, or other person having control over real property shall collect, remove, or cause to be removed any solid waste generated on such real property except as provided herein.

(b) *Prima facie evidence of solid waste production.* The fact that any residential, commercial, or industrial property within the city is being constructed, is occupied, or is capable of being occupied shall be prima facie evidence that solid waste is being generated or accumulated upon such property.

(c) *Fees.*

(1) *Responsibility for fees.* The owner of land or premises to which solid waste collection service is provided by the city shall have the ultimate responsibility for satisfying all city charges therefor, whether such are presently or previously provided. Provision of collection service shall be presumed to be a direct benefit to the owner of the premises served. Accounts for such service opened in the name of individuals or entities other than the owner of land or premises shall be presumed at the instance of and as agent for such owner.

(2) *Billing.* Fees and charges for solid waste collection and disposal services may be billed at the same time and together with charges for water or sewer services, or a bill may be prepared by the city and sent to the subscriber. The period covered by a bill may be monthly, bimonthly, or any other period as may be determined by the city.

(3) *Treatment of delinquent accounts.* All such charges for city collection of solid waste not satisfied within 30 days of billing for such services are considered delinquent and shall constitute grounds for discontinuance of collection to the served land or premises. All such delinquent charges shall constitute a lien on the land or premises so served until fully satisfied, and such lien, which shall draw interest at the rate of one percent per month compounded annually until paid, shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes. Such liens not fully satisfied within 60 days following notification to the owner of such serviced premises or land of the filing of a certificate of indebtedness to perfect such lien shall subject the described lot, land or premises to foreclosure in the manner provided by law for foreclosure of mortgages on real property.

(d) *Minimum solid waste collection and disposal standards.*

Back to Electronic Table of Contents

(1) *Single-family residence detached (up to three dwelling units on one lot), duplex and triplex residences.* Minimum service shall consist of scheduled residential curbside service as defined in article II of this chapter.

(2) *Single-family residence attached, high-density residence and mobile home park residences.* Minimum service shall consist of either:

a. Scheduled bulk container service of not less than one-half cubic yard per residential dwelling unit collected not less than once per week, or such capacity and collection frequency as determined by the city based on demonstrated need; or

b. Scheduled automated container service for each residential dwelling unit.

Such services shall be provided under the terms and conditions for this classification of service as defined in article II of this chapter.

(3) *Commercial and industrial establishments.*

a. *Minimum level of service.* Except where otherwise provided herein, each commercial or industrial establishment shall subscribe to scheduled bulk container service of not less than two cubic yards collected once per week, or such capacity and collection frequency as determined by the city based on demonstrated need. Such services shall be provided under the terms and conditions for this classification of service as defined in article II of this chapter.

b. *Exceptions.*

1. Where approved by the city, commercial customers in contiguous locations may share a single container provided for scheduled bulk container service. Moreover, such customers which generate minimal amounts of solid waste may subscribe to a minimum capacity of less than two cubic yards per week, where approved by the city.

2. Where approved by the city, commercial customers may be permitted to subscribe to commercial curbside service where the city has made a determination that:

i. The volume and type of waste is such that use of a bulk container is not warranted;

ii. Field conditions make it impractical to provide solid waste collection service using a bulk container; or

iii. Use of a bulk container would create or contribute to a significant blighting influence on the surrounding area.

(e) *Acceptance of additional services.* Where a subscriber has placed solid waste for collection which would comprise an additional service beyond those which are currently subscribed, or where a subscriber requires an additional service beyond those which are currently subscribed to comply with the requirements of this article, such a condition shall comprise authorization to provide such service and agreement to pay such fees as are prescribed by this chapter without prior notification.

(Code 1978, § 7-2; Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-2), 11-7-2006)

Sec. 20-3. Title to waste materials.

(a) *Materials titled to the city.* All waste materials presented for collection pursuant to this chapter, with the

Back to Electronic Table of Contents

exception of prohibited materials, are the property of the city. All solid waste and any recyclable materials mixed therein, except for materials prohibited under this chapter, once placed at the collection location becomes the exclusive property of the city. Recovery of recyclable materials from any solid waste by any party must occur prior to the offering of such solid waste for collection to the city.

(b) *Collection or scavenging of recyclable materials by other parties.* It shall be unlawful for any party other than the city to remove materials offered by a subscriber for collection pursuant to this chapter.

(Code 1978, § 7-3; Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-4. Collection and disposal service offered by other parties.

(a) *Prohibited services.* It shall be unlawful for any party, other than the city, to engage in the business of collecting, removing, or disposing of household waste, construction and demolition debris, commercial, or industrial waste, unless otherwise authorized by this chapter. This chapter shall not, however, prohibit the actual producers of solid waste, or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying, disposing of, or managing such solid waste, provided such producers or owners comply with the provisions of this chapter and with all other governing laws and ordinances. This chapter shall not be construed to provide for the collecting, conveying, disposing of, or managing of solid waste by contract with other parties.

(b) *Permitted services.*

(1) *Permitted materials.* This chapter shall not prohibit a private collector who possesses all applicable federal, state, and local licenses and permits from collecting, conveying, disposing of, or managing the following kinds of solid waste which are not prohibited under subsection (a) of this section:

a. Household hazardous waste.

b. Inflammable and explosive materials.

c. Biohazardous materials.

d. Hazardous waste.

e. Recyclable materials which are not included in household, commercial, or industrial waste, or offered for collection to the city.

(2) *Permitted hours of operation.* It shall be unlawful for any private collector authorized to provide services under this chapter to collect or transport solid waste within the city between the hours of 7:00 p.m. and 7:00 a.m.

(3) *Placement of containers.* Subscribers or private collectors authorized to provide services under this chapter shall not place any container or receptacle for solid waste outside of any building or structure without first having obtained permission from the city approving the location of such container.

(c) *Exception to prohibited services.* The city may honor an existing private refuse contract for existing development which annexes into the city for the remainder of the contract term or for five years from the date of annexation, whichever is shorter, provided that such contract was in effect for at least six months prior to the date of first reading of the annexation ordinance.

(Code 1978, § 7-4; Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 99-37, § 2, 2-2-1999; Ord. No. 2007-02, § 1(7-4), 11-7-2006)

Back to Electronic Table of Contents

Secs. 20-5--20-28. Reserved.

ARTICLE II. COLLECTION REGULATIONS, FEES AND CHARGES

Sec. 20-29. Application to classifications of collection and disposal services.

Solid waste collection and disposal services shall be provided in accordance with the terms, conditions and schedule for each classification described in this article. The following shall apply to the classifications of services provided herein:

(a) Collection schedules may be modified to accommodate holidays or emergency conditions.

(b) Unless otherwise specified, fees for each classification of service are for the capacity provided, and apply whether or not a container is full when collected.

(c) Where services are charged on a monthly basis, the monthly charge shall apply for services provided for any portion of a month.

(Code 1978, § 7-5(a)--(c); Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-30. Scheduled residential curbside service.

(a) The charge per month for scheduled residential curbside service shall be $17.65.

(b) This classification of service shall include the following:

(1) One city-provided automated container shall be collected twice per week. Solid waste placed in automated containers shall be limited to household waste generated on the site to which the subscription applies.

(2) Collection and disposal service for an additional city-provided automated container shall be provided at an additional charge as provided in subsection (a) of this section. A minimum subscription period of six months is required for this service.

(3) Acceptance of additional services. Where a subscriber has placed solid waste for collection which would comprise an additional service beyond those which are currently subscribed, or where a subscriber requires an additional service beyond those which are currently subscribed to comply with the requirements of this article, such a condition shall comprise authorization to provide such service and agreement to pay such fees as are prescribed by this article for such additional service without prior notification.

(4) Collection of recyclable materials in a city-provided container once per week.

(5) Collection of horticultural and yard waste generated on the premises to which the subscription applies. Collections shall be performed on a scheduled weekly basis.

(6) Collection of bulky waste not to exceed four collections annually in an amount not to exceed 20 cubic yards per collection. Collections shall be performed on a scheduled weekly basis.

(Code 1978, § 7-5(c)(1); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2004-56, § 1, 6-15-2004; Ord. No. 2007-02, § 1(7-5(c)(1)), 11-7-2006)

Sec. 20-31. Scheduled single-family attached, high-density and mobile home park residence service.

Back to Electronic Table of Contents

Single-family attached, high-density residences and mobile home parks may subscribe to one of the following services pursuant to city approval:

(a) *Scheduled bulk container service.* The fee for this service shall be provided and charged as provided in section 20-32.

(b) *Residential curbside service.* The fee for this service shall be provided and charged for each residential dwelling unit as provided in section 32-30. This classification of service shall include the following:

(1) One city-provided automated container shall be collected twice per week. Solid waste placed in automated containers shall be limited to household waste generated on the site to which the subscription applies.

(2) Collection and disposal service for each additional city-provided automated container shall be provided at an additional charge as provided in section 20-30. A minimum subscription period of six months is required for this service.

(3) Collection of recyclable materials in a city-provided container once per week.

(4) Collection of horticultural and yard waste generated on the premises to which the subscription applies. Collections shall be performed on a scheduled weekly basis.

(5) Collection of bulky waste not to exceed four collections annually in an amount not to exceed 20 cubic yards per collection. Collections shall be performed on a scheduled weekly basis.

(Code 1978, § 7-5(c)(2),(3); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2004-56, § 1, 6-15-2004; Ord. No. 2007-02, § 1(7-5(c)(2)), 11-7-2006)

Sec. 20-32. Commercial and industrial container service.

(a) *Scheduled bulk container service.* This classification of service shall include the following services and fees:

(1) Scheduled bulk container service charged in accordance with the monthly fees as follows:

	Number of Collections Per Week and Monthly Fee					
Container Size In Cubic Yards	1	2	3	4	5	6
Two	$50.00	$106.00	$159.00	$212.00	$265.00	$318.00
Four	$96.00	$204.00	$305.00	$407.00	$509.00	$611.00
Six	$141.00	$299.00	$448.00	$598.00	$747.00	$897.00
Eight	$184.00	$390.00	$585.00	$780.00	$975.00	$1,170.00

(2) Fee for pulling out the bulk container from the enclosure for cleaning by the subscriber, $50.00.

(3) Monthly fee for collection of cardboard bulk containers once per week with an additional $25.00 monthly fee for each collection frequency greater than once per week, $25.00.

Back to Electronic Table of Contents

(4) Chemical deodorizing of the bulk container after each collection.

(5) Cleaning of the bulk container once annually.

(6) Collection of bulky waste conforming with the following terms:

a. For sites with multiple bulk containers, the collections of bulky waste shall be limited to a maximum of two collections per month.

b. For each bulk container having a capacity of four cubic yards or less, collection of bulky waste is limited to one collection annually and the total amount may not exceed 20 cubic yards per collection.

c. For each bulk container having a capacity of greater than four cubic yards, collection of bulky waste is limited to one collection annually and the amount may not exceed 30 cubic yards per collection.

d. Normal commercial or industrial waste, or waste which is a primary byproduct of the commercial or industrial establishment are ineligible for collection as bulky waste.

e. Such collections shall be performed on a scheduled weekly basis.

(7) Bulk containers which are determined by the city as containing putrescent waste, being unsanitary, or emitting an offensive odor shall be cleaned at the direction of and by the city at additional cost as provided in subsection (h) of this section.

(8) The minimum subscription period for a container under this classification of service shall be six months. Moreover, a subscriber may not reduce the size of his/her container within this six-month period. A subscriber may reduce the size of the container, effective at the end of the current billing period, if the request is received within six weeks of the subscriber's first receiving service, provided the city affirms that the current capacity is adequate for storing and disposing the solid waste being generated on the site.

(Ord. No. 2011-11, § 1, 12-7-10)

(b) *Shared scheduled bulk container service.*

(1) Where permitted by the city, multiple commercial and industrial subscribers in contiguous locations may share and be billed for use of a single bulk container. In such cases, the city shall determine the capacity necessary for and attributable to each subscriber. Each subscriber shall be charged a pro rata share of the charge for use of the bulk container in accordance with rates applicable for scheduled bulk container service and related services. A minimum fee of $25.50 shall be charged to each subscriber having an assigned capacity of less than two cubic yards per collection.

(2) The minimum subscription period for a container under this classification of service shall be six months. Moreover, a subscriber may not reduce the amount of capacity provided for his/her use within this six-month period. A subscriber may, however, reduce the amount of capacity provided for his/her use, effective at the end of the current billing period, if the request is received within six weeks of the subscriber's first receiving service, provided that the city affirms that the capacity being provided is adequate for storing and disposing the solid waste being generated on the site.

(c) *Commercial curbside service.*

(1) The fee for commercial curbside service shall be $17.65 per month.

(2) This classification of service shall include the following:

Back to Electronic Table of Contents

a. One city-provided automated container shall be collected twice per week. Solid waste placed in automated containers shall be limited to commercial and industrial waste generated on the site to which the subscription applies.

b. Collection and disposal service for each additional city-provided automated container shall be provided at an additional charge as provided in section 20-30. A minimum subscription period of six months is required for this service. Moreover, a subscriber may not reduce the amount of capacity provided for his/her use within this six-month period. A subscriber may reduce the amount of capacity provided for his/her use, effective at the end of the current billing period, if the request is received within six weeks of the subscriber's first receiving service, provided the city affirms that the current capacity is adequate for storing and disposing the solid waste being generated on the site.

(d) *Nonscheduled bulk container service.*

(1) *Additional collections for existing scheduled bulk containers.* The following fees shall apply where a scheduled bulk container service subscriber requests or requires pickups in excess of the normally scheduled level of service:

Size Container	Fee/Pick-up
Two Yard	$38.00
Four Yard	$49.00
Six Yard	$59.00
Eight Yard	$70.00

(2) *Temporary use of bulk containers.* A subscriber may request the use of, or use of additional, bulk containers on a temporary basis, for six consecutive months or fewer, where the siting requirements described in section 20-71 can be met. Services shall be available and charged in accordance with subsection (d)(1) of this section.

(3) *Sanitary condition of bulk containers.* Bulk containers which are determined by the city as containing putrescent waste, being unsanitary, or emitting an offensive odor shall be cleaned at the direction of and by the city at additional cost as provided in subsection (h) of this section.

(4) *Prepayment requirements for temporary bulk containers.* Applicants for this classification of service who do not maintain a city sewer account shall execute a service agreement with the city and provide a prepayment amount in accordance with the standards in subsection (f)(1) of this section.

(e) *Scheduled roll-out bulk container service.* Subscribers requiring moveable bulk containers will be charged for scheduled bulk container service in accordance with the following monthly fees:

	Number of Collections Per Week and Monthly Fee					
Container Size in Cubic Yards	1	2	3	4	5	6
Two	$58.00	$122.00	$183.00	$244.00	$305.00	$366.00
Four	$104.00	$220.00	$329.00	$439.00	$549.00	$659.00

Back to Electronic Table of Contents

Scheduled roll-out bulk container service shall be available for two- and four-cubic-yard bulk containers only.

(Ord. No. 2011-11, § 2, 12-7-2010)

(f) *Roll-off container service.*

(1) *Prepayment requirements.* Applicants for this classification of service who do not maintain a city wastewater account shall execute a service agreement with the city and provide a prepayment. Prepayments will immediately be applied against all charges for service. Prepayments must be reestablished in the original amounts required prior to successive services being rendered in accordance with the following standards:

a. Residential customers: A cash prepayment; or credit card authorization, preauthorized in an amount equal to the greater of $500.00 or the estimated charges for a two-month period.

b. Commercial and industrial customers: A cash prepayment; or credit card authorization, preauthorized in an amount equal to the greater of $1,000.00 or the estimated charges for a two-month period.

(2) *Roll-off container service fees.*

a. Fees for roll-off container service shall comprise a fee for each pickup in accordance with the following fees based on container size, plus the actual cost of waste disposal (tipping fee):

Size Container	Fees/Pick-up
10 Cubic Yards	$130.00
20 Cubic Yards	$143.00
30 Cubic Yards	$157.00
40 Cubic Yards	$173.00

b. Inaccessibility to roll-off container shall be charged a fee equal to the pickup charge based on container size.

c. On-site relocation requests shall be charged a $75.00 fee per occurrence.

(3) *Compactor service fees.*

a. Fees for compacted roll-off containers shall comprise a fee for each pickup in accordance with the following charges based on container size, plus the actual cost of waste disposal (tipping fee):

Size Container	Fees/Pick-up
10 Cubic Yards	$173.00
20 Cubic Yards	$186.00
30 Cubic Yards	$200.00
40 Cubic Yards	$216.00

Back to Electronic Table of Contents

b. The cost of service shall include cleaning of the roll-off container by the city after each pickup.

c. Compacted roll-off containers determined by the city as containing putrescible waste shall require the subscriber to have, at a minimum, one pickup per week.

(g) *Compactor disposal service.* Fees for disposal of solid waste from compactor systems not using roll-off containers shall be at a rate four times the amount charged for scheduled bulk container service for the same or similar volume and frequency of pickup, in accordance with the rate schedule in subsection (a) of this section.

(h) *Container washing and deodorizing.*

(1) A bulk container's washing and deodorizing shall cost $55.00 per occurrence.

(2) A roll-off container's washing and deodorizing shall cost $35.00 per occurrence.

(3) An automated container's washing and deodorizing shall cost $25.00 per occurrence.

(4) An on-site compactor cleanup and reloading fee is $75.00 per occurrence.

(i) *Lockable containers.* Subscribers requiring lockable containers shall be charged and additional $5.00 per container per month. Scheduled roll-out bulk container service with a lockable container shall be available for two- and four-cubic-yard bulk containers only.

(Code 1978, § 7-5(c)(4); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2004-56, § 1, 6-15-2004; Ord. No. 2007-02, § 1(7-5(c)(3)), 11-7-2006)

Sec. 20-33. Bulky waste and white goods.

Waste such as limbs, tree trunks, white goods, and other bulky items which cannot be placed in a container shall be collected by special arrangement between the subscriber and the city. The fee for bulky waste and white goods collection and disposal service in excess of the maximums established for scheduled residential container service, and commercial and industrial establishments shall be as follows:

(1) For each trip to the site being served, $35.00;

(2) The waste disposal cost (tipping fee); and

(3) If it is determined by the city that the amount placed for collection equals or exceeds 20 cubic yards, the subscriber shall be provided a 20-cubic yard roll-off container in which to place the debris for removal and charged as provided in section 20-32(f)(2).

(Code 1978, § 7-5(c)(5); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-5(c)(4)), 11-7-2006)

Sec. 20-34. Construction and demolition debris.

Subscribers shall make special arrangements with the city for the collection and disposal of demolition debris in order to ensure that materials are disposed of in a proper and safe manner and to ensure that waste does not damage the city's solid waste collection and transportation equipment. The city reserves the right to perform collection and disposal services for construction and demolition debris or to direct an applicant to obtain such services elsewhere if for any reason the city is unable to provide the level of services necessary. The city reserves the right to identify the manner in which such services are provided by other parties, where approved by the city, to ensure that they are provided in a manner consistent with public safety, health, and welfare.

Back to Electronic Table of Contents

(Code 1978, § 7-5(c)(6); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-5(c)(5)), 11-7-2006)

Sec. 20-35. Dead animals.

Small dead animals, such as dogs, cats, or other animals of similar size, shall be picked up by the city as a special service at no charge. All such animals must be wrapped in a garbage bag or placed in a box and set at curbside for collection. The city shall not pick up dead animals produced by businesses engaged in the handling, treating, or disposing of animals.

(Code 1978, § 7-5(c)(7); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-5(c)(6)), 11-7-2006)

Sec. 20-36. Unclassified services.

The city manager shall have the authority to provide solid waste collection, handling, disposal and related services not otherwise specified in this article where there is a demonstrated public need. Fees for unclassified services shall comprise the direct cost of providing the services, including the cost of labor, supervision, equipment, materials, supplies, disposal fees, and other costs incidental to providing such services; plus a 15 percent surcharge for administrative handling.
(Code 1978, § 7-5(c)(8); Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-37. Special services for the disabled.

The city shall provide solid waste collection services to disabled residents by entering onto the private property of such residents to collect solid waste under the following conditions:

(1) The disabled resident shall request such service in writing;

(2) The disability which is the basis of such a request must be of a nature which prevents the resident from placing solid waste at the curbside for collection;

(3) The disabled resident shall, if requested by the city, submit documentation from an attending physician affirming to the disability; and

(4) The disabled resident shall be the sole resident at the service address at which service is requested, unless all other residents at the service address qualify for service under the provisions of this article.

(Code 1978, § 7-5(c)(9); Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-38. Special services at no cost.

The city may provide, at its sole discretion, services at no cost to a subscriber where providing the service would be of benefit to the city. Such services may include, but not necessarily be limited to:

(1) Providing roll-off service for the collection of yard waste at certain locations in lieu of providing curbside collection.

(2) Establishing collection centers for recyclable materials.

(3) Conducting periodic collections of hazardous household waste.

(4) Conducting special collections in support of neighborhood cleanup efforts.

Back to Electronic Table of Contents

(5) Conducting cleanup activities following a natural disaster or adverse weather.

Prior to providing such services, the city manager shall provide a report to the city commission documenting the service to be provided and the benefits accruing to the city.

(Code 1978, § 7-5(c)(10); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-5(c)(9)), 11-7-2006)

Secs. 20-39--20-66. Reserved.

ARTICLE III. PLACEMENT OF WASTE

Sec. 20-67. Permitted containers.

(a) *Containers provided by the city.* The city shall be responsible for providing and maintaining containers for the following classifications of service:

(1) Automated container service, in locations where service is provided by automated equipment.

(2) Residential container service recyclable materials.

(3) Bulk container.

(4) Roll-out container.

(5) Roll-off container (except for compactors).

Unless otherwise provided by this article, containers other than those provided by the city may not be used for the storage and collection of waste for the above described classifications of service.

(b) *Subscriber supplied roll-off container for compactor systems.* Roll-off containers may be provided and maintained by the subscriber only when they are part of a compactor system. Where provided by the subscriber, roll-off containers shall have a capacity of ten cubic yards or greater. Such containers shall be of a type approved by the city and maintained in such a manner as to ensure they are compatible with the collection and transport equipment used by the city.

(c) *Horticultural and yard waste.* Horticultural and yard waste shall be placed inside a container approved by the city, such as garbage cans, cardboard boxes, plastic containers other than city recycling containers, or paper or plastic bags. Such a container shall not be filled above the rim of the container or exceed 50 pounds in weight.

(Code 1978, § 7-6(a); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-6(a)), 11-7-2006)

Sec. 20-68. Damages to containers.

(a) *Responsibility for damages to containers supplied by the city.* Damage to containers resulting from loss, abuse or negligence shall be the responsibility of the subscriber to whom the container was supplied. The city shall determine the extent of the damage and assess cost for repair or replacement as provided in section 20-36.

(b) *Marking or painting of containers.*

(1) Automated containers provided for residential service or commercial service may be marked by the subscriber only on the inside of the container lid.

Back to Electronic Table of Contents

(2) Bulk containers may be painted by commercial and industrial subscribers to better match their surroundings after having secured permission from the city. All city serial numbers and identification shall remain and not be disturbed in any manner.

(Code 1978, § 7-6(b); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-6(b)), 11-7-2006)

Sec. 20-69. Use of containers.

(a) It shall be unlawful for any person to deposit solid waste in any container or offer solid waste for collection except where such person is acting in accordance with their solid waste service subscription.

(b) It shall be unlawful for any person other than the solid waste service subscriber or duly authorized city employees to remove or disturb solid waste offered for collection.

(c) The lid of the container shall be securely fastened to the top of the container.

(d) Before any container is offered for collection, it shall be drained of all liquids. Wet matter shall be drained and wrapped in paper before being placed in any approved container.

(e) Containers shall be maintained by the subscriber in a clean and sanitary manner.

(f) The weight of waste placed in automated containers shall not exceed 100 pounds.

(Code 1978, § 7-6(c); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-6(c)), 11-7-2006)

Sec. 20-70. Placement of prohibited materials.

It shall be unlawful to offer for collection the following materials:

(a) Hazardous waste.
(b) Materials which are dangerous to handle, including glass and sharp objects which have not been wrapped or otherwise prepared for safe handling.

(c) Inflammable or explosive materials.

(d) Biohazardous materials.

(e) Certain horticultural waste described as follows: Landscaping services contractors and other commercial businesses engaged in the cutting, pruning, or trimming of trees or shrubbery shall be responsible for disposing of the debris from their operation. No materials from such operations shall be placed in any residential container, commercial container, or bulk container, or set out for collection by the city. Persons engaged in clearing land in preparation for construction or the cleaning or clearing of vacant lots shall also be responsible for disposing of the debris from their operations. No materials from such operations shall be placed in any residential container, commercial container, or bulk container or set out for collection by the city.

(Code 1978, § 7-6(d); Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-71. Placement of containers.

(a) *Accessibility to city staff and equipment.* Containers and solid waste for all classifications of service shall be placed in a manner allowing safe and ready access by city personnel and equipment. In situations where field conditions make it impractical to provide the requested service in accordance with such standards, the city shall provide collection and disposal services under another classification of service, including

Back to Electronic Table of Contents

"unclassified services," where necessary.

(b) *Automated container service.* Automated containers shall be placed near the curb of the right-of-way for collection no earlier than 7:00 p.m. of the evening preceding the collection day, and relocated therefrom to a point inside, at the side, or the rear of the structure of the residence or place of business no later than 7:00 p.m. the day of collection.

(c) *Special services for the disabled.* For disabled subscribers, automated containers shall be made accessible to the city without entering into a building or shelter of any type, or walking or carrying the container over, under, or around an obstacle on the property.

(d) *Commercial service containers.* Commercial service containers including bulk containers, roll-out bulk containers, and roll-off containers shall be placed in a location approved by the city so as to allow ready, reasonable, and safe access by city employees and equipment. The subscriber shall also provide such physical or site improvements as may be required to provide ready, reasonable and safe access by city employees including, but not limited to, bulk container pads and paved access routes. The commercial or industrial establishment shall be responsible for maintaining the container in the approved location, and the access route to such containers over private property.

(Code 1978, § 7-6(e); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-6(e)), 11-7-2006)

Sec. 20-72. Placement of waste other than in containers.

(a) *Acceptable locations.* Waste which is collected under a class of service which does not require a container shall be placed near the curb of the right-of-way and shall be made accessible to the city without entering into a building or shelter of any type, or requiring the movement of solid waste equipment over, under, or around an obstacle on the property. Items shall not be placed in alleys, streets, sidewalks, ingress/egress easements, drainage ditches or swales, or in any manner which would interfere with drainage, vehicular, or pedestrian traffic. Items shall also be placed in such a manner as to provide five feet of clearance from obstacles such as power poles, guide wires, signs, and fire hydrants.

(b) *Horticultural and yard waste.* Articles which cannot be placed in a container, such as palm fronds, tree branches, and limbs shall be placed at curbside for collection.

(c) *Bulky waste and white goods.* Heavy or over-sized waste which cannot be placed in a container may be collected under the city's bulky waste and white goods service. Such items shall not be commingled with yard or other waste and shall be placed separately so as to allow five feet of clearance from other waste and all obstacles such as power poles, guide wires, signs, and fire hydrants to permit mechanized collection. Such items shall be placed near the curb of the right-of-way for collection no earlier that 48 hours preceding the scheduled collection day.

(Code 1978, § 7-6(f); Ord. No. 97-28, § 1, 7-1-1997; Ord. No. 2007-02, § 1(7-6(f)), 11-7-2006)

Secs. 20-73--20-102. Reserved.

ARTICLE IV. UNLAWFUL STORAGE, ACCUMULATION, DUMPING AND DISPOSAL

Sec. 20-103. Storage or accumulation of waste on premises.

It shall be unlawful for any owner, manager, or occupant of any premises to permit any accumulation of solid waste upon the premises for a period of longer than four days without having arranged for the disposal of the accumulation by some person authorized under this article to perform the service. It shall also be unlawful for

Back to Electronic Table of Contents

any person, whether owner, manager, or occupant of any premises, to fail to provide a sufficient number of containers or capacity to provide for proper storage of solid waste accumulation upon the premises within any four-day period, or to permit or allow solid waste not to be deposited in required containers as provided in this article, or remain upon the premises. The city, upon finding such unlawful accumulations, may cause them to be removed, and a fee charged pursuant to this article.

(Code 1978, § 7-7(a); Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-104. Unlawful dumping or disposal.

(a) It shall be unlawful for any person or corporation to transport solid waste into the city for the purpose of having such solid waste collected and disposed of by using the services provided under this article.

(b) No incinerators shall be permitted to be erected or operated within the city, except where the applicant has submitted an application for such an incinerator to the city manager and the city manager has, after proper review of the application and conditions for compliance with all federal, state, and local regulations, approved the issuance of a permit for an incinerator to said applicant.

(c) Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any such accumulation shall be deemed a violation of this article.

(d) No person shall cast, place, sweep, or deposit anywhere within the city any solid waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, drainage swale, ditch or retention area, or other public place, or into any occupied premises within the city.

(e) No solid waste shall be buried upon premises of the person by whom such solid waste is accumulated. It shall be unlawful for any person, without written authority of the city manager, to bury any solid waste within the city. All solid waste shall be disposed of at a location designated by the city manager and under the supervision of the employees of the city.

(Code 1978, § 7-7(b); Ord. No. 97-28, § 1, 7-1-1997)

Secs. 20-105--20-121. Reserved.

ARTICLE V. RECYCLING

Sec. 20-122. Separation of materials.

(a) A list of recyclable materials that the city wishes to collect shall be prepared and promulgated as necessary by the city manager.

(b) Such materials shall be offered for collection in containers provided by the city. Recyclable materials which are offered for recycling collection shall not be mixed, combined, or included with other household, commercial, or industrial waste.

(c) Moreover, horticultural and yard waste shall not be mixed, combined, or included with other recyclable materials.

(Code 1978, § 7-8(a); Ord. No. 97-28, § 1, 7-1-1997)

Sec. 20-123. Sale or disposal of recyclable materials.

Back to Electronic Table of Contents

The city manager shall be authorized to sell or otherwise dispose of recyclable materials at the prevailing market prices. In order to select a purchaser, the city manager shall periodically obtain quotations from vendors to identify the highest prevailing price.

(Code 1978, § 7-8(b); Ord. No. 97-28, § 1, 7-1-1997)

Back to Electronic Table of Contents

Chapter 21 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article I. In General
Sec. 21-1. Spitting on sidewalks.
Secs. 21-2--21-20. Reserved.
Article II. Streets
Sec. 21-21. Naming streets.
Sec. 21-22. Numbering of buildings; procedure generally; exceptions.
Sec. 21-23. Tree removal from the public right-of-way.
Sec. 21-24. Street lighting districts.
Secs. 21-25--21-51. Reserved.
Article III. Library
Sec. 21-52. Created.
Sec. 21-53. Library director.
Secs. 21-54--21-79. Reserved.
Article IV. Right-of-Way Utilization
Division 1. Generally
Secs. 21-80--21-101. Reserved.
Division 2. Communications Facilities
Sec. 21-102. Purpose.
Sec. 21-103. Definitions.
Sec. 21-104. Registration for placing or maintaining communications facilities in public rights-of-way.
Sec. 21-105. Nature of registration.
Sec. 21-106. Registration; effectiveness of registration.
Sec. 21-107. Notice of transfer, sale or assignment of assets in public rights-of-way.
Sec. 21-108. Existing communications facilities in the public right-of-way.
Sec. 21-109. Suspension of permits.
Sec. 21-110. Involuntary termination of registration.
Sec. 21-111. Placement or maintenance of a communications facility in the public rights-of-way.
Sec. 21-112. Insurance and indemnification.
Sec. 21-113. Penalties for violation.
Sec. 21-114. Force majeure.
Sec. 21-115. Reservation of rights and remedies.

ARTICLE I. IN GENERAL

Sec. 21-1. Spitting on sidewalks.

It shall be unlawful for any person to spit upon any of the streets or sidewalks of the city.

(Code 1978, § 17-1; Ord. No. 76-819, § 2, 3-2-1976)

Secs. 21-2--21-20. Reserved.

ARTICLE II. STREETS

Back to Electronic Table of Contents

Sec. 21-21. Naming streets.

All streets and avenues in the city shall, except where otherwise provided, be designated by numbers commencing with number one northeast, northwest, southeast and southwest, respectively, from the intersection of Bay Drive and Missouri Avenue. Where a street and avenue is designated by a name instead of a number, it shall nevertheless occupy a numbered place and the street or avenue next beyond shall be designated by the next highest number the same as if the named street or avenue had been numbered in accordance with this general rule.

(Code 1978, § 17-4; Ord. No. 76-819, § 2, 3-2-1976)

Sec. 21-22. Numbering of buildings; procedure generally; exceptions.

(a) All residential and nonresidential buildings in the city shall be numbered in accordance with the address scheme described in subsection (b) of this section except those located on certain arterial roadways as specified hereinafter.

(b) Building numbering shall start at the intersection of East/West Bay Drive and Missouri Avenue/Seminole Boulevard and shall proceed in a logical and rational manner to the northeast, northwest, southeast and southwest, respectively, from that point. One hundred numbers shall be allotted to each block or to each comparable block increment for areas which have no blocks. Buildings on the north and east side of thoroughfares shall be addressed with even numbers, and those on the south and west side of thoroughfares shall be allotted the odd numbers.

(c) Exceptions. Buildings on Ulmerton Road/Walsingham Road (State Road 688) from 66th Street to the Intracoastal Waterway shall be numbered according to the following address scheme: Addresses shall be assigned in ascending order from east to west with odd numbers on the north side of the roadway and even numbers on the south.

(Code 1978, § 17-5; Ord. No. 76-819, § 2, 3-2-1976; Ord. No. 91-25, § 1, 3-5-1991)

Sec. 21-23. Tree removal from the public right-of-way.

No trees shall be removed form the public right-of-way except under the direction of the city manager or his/her designee.

(Code 1978, § 17-9; Ord. No. 83-18, § 1, 4-19-1983)

Sec. 21-24. Street lighting districts.

As an incentive for annexation, the city may assume the payment responsibilities for a street lighting district which has been established by the county for a particular residential subdivision provided such district meets the city's lighting standards.

(Code 1978, § 17-11; Ord. No. 99-37, § 6, 2-2-1999)

Secs. 21-25--21-51. Reserved.

ARTICLE III. LIBRARY

Sec. 21-52. Created.

Back to Electronic Table of Contents

There is hereby created and established in the city a public library to be known and designated as the "Largo Public Library."

(Code 1967, § 12A-1; Code 1978, § 10-1; Ord. No. 2005-45, § 1, 6-7-2005)

Sec. 21-53. Library director.

The city manager shall have the power to appoint or designate a library director who is trained and properly qualified and such other personnel as he/she deems proper.

(Code 1967, § 12A-3; Code 1978, § 10-3)

Secs. 21-54--21-79. Reserved.

ARTICLE IV. RIGHT-OF-WAY UTILIZATION

DIVISION 1. GENERALLY

Secs. 21-80--21-101. Reserved.

DIVISION 2. COMMUNICATIONS FACILITIES

Sec. 21-102. Purpose.

The purpose of this division is:

(a) To establish a competitively neutral policy for the use of the public rights-of-way for the provision of communications services.

(b) To regulate the placement and maintenance of structures and facilities in the public rights-of-way pursuant to F.S. § 166.021.

(c) To prescribe reasonable rules and regulations for such uses pursuant to F.S. § 337.401, as it may be amended, and in accordance with the provisions of the Federal Telecommunications Act of 1996 and other federal and state law, so as to minimize disruption of services in the public rights-of-way, regulate the use of the public rights-of-way by communications providers and other persons that place or maintain communications facilities in the public rights-of-way, and regulate the construction, installation, maintenance, repair, removal and replacement of facilities in the public rights-of-way.

(Code 1978, § 25-1; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 8, 11-20-2001)

Sec. 21-103. Definitions.

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

Abandonment means the permanent cessation of all uses of a communications facility; provided that this term shall not include cessation of all use of a facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be abandonment of a facility in the public rights-of-way.

Back to Electronic Table of Contents

Communications facility, telecommunications or *facility* or *system* means any temporary or permanent plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, fiber optics, antennas, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, and other equipment or pathway placed or maintained or to be placed or maintained in the public right-of-way and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer communications services.

Communications services means the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. Notwithstanding the foregoing, for purposes of this division, the term "cable service", as defined in F.S. § 202.11(2) (2000), as it may be amended, is not included in the definition of the term "communications services," and cable service providers may be subject to other ordinances of the city and/or franchise agreements.

Communications services nonprovider or *nonprovider* means any person including a municipality or county, that places or maintains a communications facility in the public right-of-way but does not provide communications services.

Communications services provider or *provider* means any person including a municipality or county providing communications services through the placement or maintenance of a communications facility in the public right-of-way.
FCC means the Federal Communications Commission.

Person means individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, organizations or legal entities of any kind, successors, assignees, transferees, personal representatives, and all other groups or combinations.

Place or maintain, placement or maintenance or *placing or maintaining* means to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A communications services provider or nonprovider that owns or exercises physical control over communications facilities in the public rights-of-way, such as the physical control to maintain and repair, is placing or maintaining the communications facilities. The transmission and receipt of radio frequency signals through the airspace of the public right-of-way does not constitute placing or maintaining communications facilities in the public right-of-way.

Public right-of-way means a public right-of-way, public utility easement, highway, street or alley owned by the city or for which the city holds a property interest and exercises rights of management, jurisdiction or control, and includes the surface, the air space over the surface and the area below the surface of all public roads, streets, highways, alleys, boulevards, bridges, tunnels, public utility easements, and all public grounds. The term "in the public right-of-way" or "in the public rights-of-way" means in, on, over, under or across the public right-of-way.

Registrant means a communications services provider or communications services nonprovider that has registered with the city in accordance with the provisions of this division.

Registration and *register* means the process described in this division whereby a communications services provider or communications services nonprovider provides certain information to the city.

(Code 1978, § 25-2; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 9, 11-20-2001)

Sec. 21-104. Registration for placing or maintaining communications facilities in public rights-of-way.

Back to Electronic Table of Contents

(a) Each communications services provider or communications services nonprovider that desires to place or maintain a communications facility in public rights-of-way in the city shall first register with the city in accordance with this division. Subject to the terms and conditions prescribed in this division, a registrant may place or maintain a communications facility in the public right-of-way.

(b) Registrants who are communications services nonproviders placing or maintaining communications facilities in the public right-of-way shall pay a fee payable annually in an amount equal to $500.00 per linear mile of any communications facility that is placed or maintained in the public right-of-way.

(Code 1978, § 25-3; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 10, 11-20-2001)

Sec. 21-105. Nature of registration.

A registration shall not convey any title, equitable or legal, in or to the public right-of-way. Registration under this division governs only the placement or maintenance of communications facilities in public rights-of-way. Other ordinances, codes or regulations may apply to the placement or maintenance in the public rights-of-way of facilities that are not communications facilities. Registration does not excuse a communications services provider or communications services nonprovider from obtaining appropriate access or pole attachment agreements before locating its communications facilities on another person's facilities. Registration does not excuse a communications services provider or communications services nonprovider from complying with all applicable city ordinances, codes or regulations, including this division.

(Code 1978, § 25-4; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 11, 11-20-2001)

Sec. 21-106. Registration; effectiveness of registration.

(a) *Filing of registration; contents thereof.* Each communications services provider and communications services nonprovider that desires to place or maintain a communications facility in public rights-of-way in the city shall file a registration with the city which shall include the following information:

(1) Identity of the applicant and name, federal employer identification number or social security number, address and telephone number of applicant's primary contact person in connection with the registration, and the person to contact in case of emergency;

(2) General description of the communications services to be provided by applicant and/or description of communications services to be provided by persons other than the applicant when those persons lease, have a license, or otherwise utilize applicant's communications facilities in the public right-of-way to provide communications services.

(3) Evidence of the insurance coverage required under this division and acknowledgment that the applicant has received and reviewed a copy of this division, which acknowledgment shall not be deemed an agreement, and agreement to indemnify the city as required under this division; and

(4) The number of the applicant's certificate of authorization or license to provide communications services issued by the state public service commission, the Federal Communications Commission, or other federal or state authority, if any.

(5) For an applicant that does not provide a state public service commission certificate of authorization number, if the applicant is a corporation or other business entity, proof of authority to do business in the state.

(b) *Review by city.* The city will review the information submitted by the applicant. Such review will be by the city manager or his/her designee. If the applicant submits information in accordance with subsection (a) of this

Back to Electronic Table of Contents

section, the registration shall be effective, and the city shall notify the applicant of the effectiveness of the registration in writing. If the city determines that the information has not been submitted in accordance with subsection (a) of this section, the city shall notify the applicant of the noneffectiveness of registration, and reasons for the noneffectiveness, in writing. The city shall so reply to an applicant within 30 days after receipt of registration information from the applicant. Noneffectiveness of registration shall not preclude an applicant from filing subsequent applications for registration under the provisions of this section. A registrant may cancel a registration upon written notice to the city stating that it will no longer place or maintain any communications facilities in public rights-of-way within the city provide local service or toll service in the corporate city limits and will no longer need to obtain permits to perform work in public rights-of-way. A registrant shall not cancel a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.

(c) *Nonexclusive registration.* Registration with the city shall be nonexclusive. Registration does not establish any priority for the use of the public right-of-way by a registrant or any other registrants. Registration does not in and of itself establish a right to place or maintain or priority for the placement or maintenance of a communications facility in public rights-of-way within the city but shall establish for the registrant a right to apply to the city for a permit.

(d) *Renewal of registration.* Registrants shall renew its registration with the city on or before October 1 every year in accordance with the registration requirements in this division. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the city restricting the issuance of additional permits until the communications services provider or communications services nonprovider has complied with the registration requirements of this article.

(e) *Registrations subject to change.* Registrations are expressly subject to any future amendment to or replacement of this division and further subject to any additional city ordinances, as well as any state or federal laws that may be enacted during the term of the registration.

(f) *Permits.* In accordance with applicable city ordinances, codes and regulations, permits shall be required of any communications services provider and communications services non-provider that desires to place or maintain a communications facility in any public right-of-way. An effective registration shall be a condition of obtaining a permit. Notwithstanding an effective registration, permitting requirements shall apply. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met.

(Code 1978, § 25-5; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 12, 11-20-2001)

Sec. 21-107. Notice of transfer, sale or assignment of assets in public rights-of-way.

If the registrant transfers, sells or assigns its assets located in public rights-of-way incident to a sale, transfer or assignment of ownership of the registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of this division. Written notice of any such transfer, sale or assignment shall be provided by such registrant to the city within 20 days after the effective date of such transfer, sale or assignment. If the transferee, buyer or assignee is a current registrant, then the transferee, buyer or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant, then the transferee, buyer or assignee shall register as provided in section 21-106 within 60 days of the transfer, sale or assignment.

(Code 1978, § 25-6; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 13, 11-20-2001)

Sec. 21-108. Existing communications facilities in the public right-of-way.

A communications services provider and communications services non-provider with an existing

Back to Electronic Table of Contents

communications facility in the public right-of-way of the city has 60 days from the effective date of the ordinance from which this dividion is derived to comply with the terms of this division, including but not limited to, registration, or be in violation thereof.

(Code 1978, § 25-7; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 14, 11-20-2001)

Sec. 21-109. Suspension of permits.

The city may suspend a permit for work in the public rights-of-way for one or more of the following reasons:

(1) Violation of permit conditions, including conditions set forth in the permit, this division or other applicable city ordinances, codes or regulations governing placement or maintenance of communications facilities in public rights-of-way;

(2) Misrepresentation or fraud by a registrant in a registration or permit application to the city;

(3) Failure to properly renew or ineffectiveness of registration; or

(4) Failure to relocate or remove facilities as may be required by the city.

(Code 1978, § 25-8; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 15, 11-20-2001)

Sec. 21-110. Involuntary termination of registration.

(a) The city may terminate a registration if:

(1) A federal or state authority suspends, denies, or revokes a registrant's certification or license to provide communications services;

(2) The registrant's placement or maintenance of a communications facility in the public rights-of-way presents an extraordinary danger to the public or other users of the public rights-of-way and the registrant fails to remedy the danger promptly, at the sole discretion of the city, after receipt of written notice; or

(3) The registrant ceases to use all of its communications facilities in public rights-of-way and has not complied with section 21-111(p).

(b) Prior to termination, the registrant shall be notified by the city manager or his/her designee with a written notice setting forth all matters pertinent to the proposed termination action, including, subsections of this section which are applicable as the reason therefor, and describing the proposed action of the city with respect thereto. The registrant shall have 30 days after receipt of such notice within which to address or eliminate the reason or within which to present a plan, satisfactory to the city manager or his/her designee, to accomplish the same. However, if the termination action proposed by the city is due to this subsection, the registrant's placement or maintenance of a communications facility in the public rights-of-way that presents a danger to the public or other users of the public rights-of-way, the registrant shall immediately abate such danger and shall have no more than five days in which to present a plan that will accomplish permanent abatement of such danger. If a plan presented by a registrant is rejected, the city manager or his/her designee shall provide written notice of such rejection to the registrant and shall make a recommendation to the city commission regarding a decision as to termination of registration. A decision by the city to terminate a registration may only be accomplished by an action of the city commission. A registrant shall be notified by written notice of any decision by the city commission to terminate its registration. Such written notice shall be sent to a registrant within 15 days after the decision.

(c) In the event of termination, the former registrant shall notify the city of the assumption or anticipated

Back to Electronic Table of Contents

assumption by another registrant of ownership of the registrant's communications facilities in the public rights-of-way; or provide the city with an acceptable plan for disposition of its communications facilities in public rights-of-way. If a registrant fails to comply with subsection (a)(3) of this section, the city may exercise any remedies or rights it has at law or in equity, including but not limited to, taking possession of the facilities where another person has not assumed the ownership or physical control of the facilities or requiring the registrant within 90 days of the termination, or such longer period as the registrant and city may mutually agree upon, to remove some or all of the facilities from the public rights-of-way and restore the public rights-of-way to the original condition before removal. In any event, a terminated registrant shall take such steps as are necessary to render safe every portion of the communications facilities remaining in the public rights-of-way of the city.

(Code 1978, § 25-9; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 16, 11-20-2001)

Sec. 21-111. Placement or maintenance of a communications facility in the public rights-of-way.

(a) *Permits.* A registrant shall not commence to place or maintain a communications facility in public rights-of-way until all applicable permits have been issued by the city, except in the case of an emergency. The term "emergency" shall mean a condition that affects the public's health, safety or welfare, which includes an unplanned out-of-service condition of a preexisting service. The registrant shall provide prompt notice to the city of the placement or maintenance of a communications facility in public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in public rights-of-way in connection with the emergency. The registrant acknowledges that as a condition of granting such permits, the city may impose reasonable rules or regulations governing the placement or maintenance of a communications facility in public rights-of-way. Permits shall apply only to the areas of public rights-of-way specifically identified in the permit. A permit from the city constitutes authorization to undertake only certain activities in public rights-of-way in accordance with this division, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.

(b) *Compliance with city codes and regulations.* The registrant shall at all times comply with and abide by all applicable provisions of state and federal laws and city ordinances, codes and regulations in placing or maintaining a communications facility in the public rights-of-way including, but not limited to, engineering regulations, permit requirements, contractor licensing requirements, health and safety requirements, fire codes and development codes.

(c) *Permit application.* As part of any permit application to place a new or replace an existing communications facility in public rights-of-way, the registrant shall provide the following:

(1) The location of the proposed facilities, including a description of the facilities to be installed, where the facilities are to be located, and the approximate size of the facilities that are proposed to be located in public rights-of-way;

(2) A description of the manner in which the facility will be installed (i.e. anticipated construction methods or techniques);

(3) Maintenance of a traffic plan for any disruption of the public rights-of-way;

(4) Information on the ability of the public rights-of-way to accommodate the proposed facility, if available (such information shall be provided without certification as to correctness, to the extent obtained from other persons);

(5) If appropriate given the facility proposed, an estimate of the cost of restoration to the public rights-of-way;

Back to Electronic Table of Contents

(6) The timetable for construction of the project or each phase thereof, and the areas of the city which will be affected;

(7) Such additional information as the city finds reasonably necessary with respect to the placement or maintenance of the communications facility that is the subject of the permit application; and

(8) Plans showing the location of the proposed installation of facilities in the public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised plans to the city. The plans shall be in a hard copy format or an electronic format specified by the city; provided that such electronic format is maintained by the registrant. Such plans in a format maintained by the registrant shall be provided at no cost to the city.

(d) *Placement of communications facilities.* To the extent not otherwise prohibited by state or federal law, the city shall have the power to prohibit or limit the placement of new or additional communications facilities within a particular area of public rights-of-way.

(e) *Construction and safety standards.* The registrant shall construct, maintain, install, remove and/or repair the communications facility in the public rights-of-way in compliance with all applicable construction standards as established by all local, state and federal law and in conformance with the city ordinances, codes and regulations. The registrant shall use and exercise due caution, care, skill and expertise in performing work in the public rights-of-way and shall take all reasonable steps to safeguard work site areas. All safety practices required by applicable law or accepted industry practices, whichever are more stringent, and standards shall be used and followed before, during and after the placement or maintenance of communications facilities.

(f) *Installation and construction schedule; inspections.* In the interest of the public's health, safety and welfare, the registrant shall cooperate with the city and city management actions in coordinating use of the public rights-of-way. Upon request of the city, a registrant shall coordinate work under a permit with any other construction, installation or repairs that may be occurring or scheduled to occur in the subject public rights-of-way and alter its construction schedule as necessary so as to minimize disruptions and disturbance in the public rights-of-way.

(g) *Maintenance.* A registrant shall maintain its facilities in the public rights-of-way in a safe condition and in a manner consistent with accepted industry practice and applicable law.

(h) *Restoration.* After the completion of any placement or maintenance of a communications facility in public rights-of-way or each phase thereof, a registrant shall, at its own expense, restore the public rights-of-way to its substantially original condition before such work. If the registrant fails to make such restoration within 30 days, or such longer period of time as may be approved in writing by the city, following the completion of such placement or maintenance, the city may perform restoration and charge the costs of the restoration against the registrant in accordance with F.S. § 337.402 (2000), as amended. For 12 months following the original completion of the work, the registrant shall guarantee its restoration work and shall correct any restoration work that does not satisfy the requirements of this division and city standard specifications, at its own expense. Removal or relocation of a registrant's communications facility in public rights-of-way shall be governed by the provisions of F.S. §§ 337.403 and 337.404 (2000), as they may be amended.

(i) *Notice to city.* Prior to any excavation in the public rights-of-way for construction, installation, repair or maintenance, the registrant must call prior to construction activity to locate any underground equipment in accordance with F.S. ch. 556, as it may be amended. A registrant must be a member of Sunshine State One Call of Florida, Inc. (1-800-432-4770) or any successor alert and warning system to protect and locate its underground equipment.

(j) *Removal of registrant's cables/lines in rights-of-way.* To the extent authorized by F.S. § 337.403, the city

Back to Electronic Table of Contents

may require a registrant to remove or relocate, and the registrant shall, at the city's sole direction, remove or relocate any facility, cable, line, or installation in the public rights-of-way when the city manager or his/her designee determines that such removal or relocation is necessary to protect or preserve the public health, safety and welfare, or to protect the proper operation of city traffic signals or traffic control devices or other city facilities. The city shall provide 90 days' written notice to a registrant before the facility or lines must be relocated or removed. If the registrant fails to commence and complete this removal work by the dates requested by the city in its written notice, or within 30 days following the expiration or termination of the registration under this division, then the city shall have the right to perform this removal work and charge the registrant for the costs incurred by the city in performing this work. Upon payment by the registrant of the costs to the city, the city shall promptly return to the registrant equipment removed by the city pursuant to this subsection.

(k) *Interference with other uses in public rights-of-way.* The registrant shall use reasonable efforts not to disturb or otherwise disrupt the operation or maintenance of any other utilities or uses in the public rights-of-way, including, but not limited to, sewers, storm drains, gas or water mains, or other underground cables or conduits. All communications facilities shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the public and with the rights and convenience of property owners who adjoin any of the public rights-of-way. The use of trenchless technology (i.e., directional bore method) for the installation of facilities in the public rights-of-way as well as joint trenching or the collocation of facilities in existing conduit is strongly encouraged, and should be employed wherever feasible. The city engineer or his/her designee may promulgate reasonable rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way consistent with this division and other applicable law.

(l) *No warranties or representations by city.* The city makes no warranties or representations regarding the fitness, suitability, or availability of city's public rights-of-way for the registrant's communications facilities and any performance of work, costs incurred or services provided by the registrant shall be at the registrant's sole risk. Nothing in this division shall affect the city's authority to add, vacate or abandon public rights-of-way, and the city makes no warranties or representations regarding the availability of any added, vacated or abandoned public rights-of-way for communications facilities.

(m) *Maps.* Within 30 days of a written request by the city, the registrant shall provide to the city location information for facilities which it owns or over which it has control and which are located in a specified geographic area in any public right-of-way. This location information shall be provided with the specificity and in the format agreed to by the city and the registrant.

(n) *Relocation of facilities and reservation of city rights.*

(1) The city reserves the right to place or maintain, lay, and permit to be laid, sewer, gas, water, reclaimed water, electric, storm drainage, communications and other pipelines or cables or conduit, and to do and to permit to be done any underground and overhead installation or improvement that may be deemed necessary or proper by the city in, across, along, over or under any public rights-of-way occupied by the registrant, and to change any curb or sidewalk or the grade of any street. The city, its contractors and subcontractors shall be required to call Sunshine State One Call of Florida, Inc. (1-800-432-4770), or successor alert and warning system, prior to excavation, in accordance with F.S. ch. 556, as it may be amended, in order to avoid damages to the registrant's facilities.

(2) The city expressly reserves the right to change, or cause to be changed through exercise of its police powers, the grading, installation, relocation, or width of the city streets, sidewalks, bikeways, alleys, public thoroughfares, highways and public rights-of-way and places within the present limits of the city and within said limits as same may from time to time be altered, and the registrant shall relocate, at its own expense where allowed by F.S. § 337.403, as it may be amended, its poles, wires, cables, anchors, manholes, conduits, and other facilities and appurtenances in order to accommodate the installation, relocation, widening or changing of the grade of any public streets, sidewalks, bikeways, alleys, public thoroughfares, highways and public rights-of-

Back to Electronic Table of Contents

way and places, including if necessary relocating such poles, wires, cables, anchors, manholes, conduits or other facilities or appurtenances to a sufficient distance from the edge of the pavement to permit a reasonable work area for machinery and individuals engaged in installing, relocating, widening, or changing the grade of any such streets, sidewalks, bikeways, alleys, public thoroughfares, highways and public rights-of-way and places. Upon notice in writing from the city that changes in the public rights-of-way are required pursuant to the city's police powers in such a manner as will necessitate the relocation of the registrant's facilities in the public rights-of-way, the registrant shall relocate the same at no expense to the city, where allowed by F.S. § 337.403, as it may be amended, so as to permit the construction of such improvements. Should the registrant fail to comply with such notice, the registrant's facilities may be relocated by the city and the cost thereof recovered from the registrant, in accordance with F.S. § 337.403, as it may be amended.

(o) *Temporary removal or relocation of facilities.* A registrant shall, on the request of any person holding a permit issued by the city, temporarily raise or lower its communications facilities to permit the work authorized by a permit. The expense of such temporary raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than 30 days' advance written notice to arrange for such temporary relocation.

(p) *Abandonment of a communications facility.* Upon abandonment of a communications facility owned by a registrant in public rights-of-way, the registrant shall notify the city within 90 days. The city may direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the city determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such facility compromises safety at any time for any public rights-of-way; prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or creates a maintenance condition that is disruptive to the public rights-of-way's use. In the event of such prevention, the city may require the third person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant. In the event that the city does not direct removal of the abandoned facility, the registrant, by its written notice of abandonment to the city, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the city or another person at such third party's cost. If the registrant fails to remove all or any portion of an abandoned facility as directed by the city within a reasonable time period as may be required by the city under the circumstances, the city may perform such removal and charge the cost of the removal to the registrant.

(q) *Design criteria for wireless facilities.* A wireless facility that is a portion of a communication facility, such as an antenna ("wireless facility"), which is attached to a legally maintained vertical structure in the public rights-of-way, such as a light pole or utility pole ("vertical structure"), shall be subject to the following criteria and standards set forth in the city's development code:

(1) Such wireless facilities may not extend more than 20 feet above the highest point of the vertical structure;

(2) Such wireless facilities that are attached to a vertical structure located in public rights-of-way that is 15 feet or less in width and is located adjacent to real property used as a single-family residence shall be flush mounted to the vertical structure;

(3) Such wireless facilities shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;

(4) Such wireless facilities shall comply with any applicable Federal Communications Commission Emission Standards, as amended;

(5) The design, construction, and installation of such wireless facilities shall comply with any applicable state and local building codes;

(6) No commercial advertising whatsoever shall be allowed on such wireless facilities; and

Back to Electronic Table of Contents

(7) Any accessory equipment and related housing in the public rights-of-way that are used in conjunction with such a wireless facility shall comply with any applicable local rules, regulations, ordinances, or laws governing the placement and design of such equipment.

Vertical structures, such as towers, whose sole purpose is to serve as a mounting device for antennas, are expressly prohibited from being placed in the public rights-of-way unless applicable city ordinances or regulations allow such structures to be placed within the public rights-of-way.

(Code 1978, § 25-10; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 17, 11-20-2001)

Sec. 21-112. Insurance and indemnification.

(a) *Indemnification.* The registrant shall indemnify, hold harmless and defend the city, its agents, employees and elected officials, and officers of, from and against all liability, claims, including claims for injunctive or equitable relief, damages and expenses, including reasonable attorney's fees, in connection with any and all claims whatsoever for personal or bodily injury or death; including loss of use or property damage or destruction of tangible or personal property including loss thereof or expenses of every kind and character, in connection with and arising directly or indirectly out of a registrant's use of the public rights-of-way or any property the registrant is entitled or authorized to use as a result of registration, this division or other authorization. This indemnification provision shall survive the termination or expiration of any registration under this division and shall be in full force and effect beyond the term, termination or expiration of such registration. This indemnification provision shall not be limited by the amount of any insurance required to be maintained or obtained under this division. This indemnification provision includes claims made by employees of the registrant against the city, and the registrant waives its entitlement, if any, to immunity under F.S. § 440.11. Nothing contained herein shall be construed as a waiver of any immunity or limitation of liability the city may have under the doctrine of sovereign immunity or F.S. § 768.28.

(b) *Insurance.* The registrant shall maintain in full force and effect general liability insurance acceptable to the city's risk management department, which specifically covers all exposures incident to the intent and responsibilities under this division. The registrant shall add and maintain the city as an additional insured on its general liability insurance. The documentation shall indicate that the city, a municipal corporation of the state, is an additional insured as its interests may appear; and shall also provide that insurance shall not be canceled, limited or not renewed until after 30 days' written notice has been given to the city. The registrant may satisfy the insurance requirements and conditions of this division under a self-insurance plan satisfactory to the city. The registrant shall agree to notify the city, or indicate on the certificate of insurance, when self-insurance is relief upon or when a self-insured retention or deductible exceeds $100,000.00. The city reserves the right, but not the obligation, to request and review a copy of the registrant's most recent annual report or audited financial statements.

(Code 1978, § 25-11; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 18, 11-20-2001)

Sec. 21-113. Penalties for violation.

Any violation of any of the provisions of this division may be enforced as provided for in chapter 9, F.S. ch. 162, and any other applicable rule, policy or regulation of the city regarding ordinance violations. Each day or fraction thereof the violation continues shall be considered as a separate offense. In addition, the city can pursue all other lawful action, including filing a complaint with the state public service commission advising of violation of city ordinance, filing an injunction in circuit court to enforce the terms of this division or registration or to enjoin the use of the public rights-of-way, and/or denying permits or development orders for other projects or use of the public rights-of-way by the provider or nonprovider. These remedies shall be cumulative.

Back to Electronic Table of Contents

(Code 1978, § 25-12; Ord. No. 2001-32, § 1, 2-6-2001; Ord. No. 2002-03, § 19, 11-20-2001)

Sec. 21-114. Force majeure.

In the event a registrant's performance of or compliance with any of the provisions of this division is prevented by a cause or event not within the registrant's control, such inability to perform or comply shall be deemed excused and no penalties or sanctions shall be imposed as a result; provided, however, that such registrant uses all practicable means to expeditiously cure or correct any such inability to perform or comply. For purposes of this division, causes or events not within a registrant's control shall include, without limitation, acts of God, floods, earthquakes, landslides, hurricanes, tornadoes, fires and other natural disasters, acts of public enemies, terrorism, riots or civil disturbances, sabotage, strikes and restraints imposed by order of a governmental agency or court of competent jurisdiction. Causes or events within the registrant's control, and thus not falling within this section, shall include, without limitation, the registrant's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of the registrant's directors, officers, employees, contractors or agents.

(Code 1978, § 25-13; Ord. No. 2002-03, § 20, 11-20-2001)

Sec. 21-115. Reservation of rights and remedies.

(a) The city reserves the right to amend this division as it shall find necessary in the lawful exercise of its police powers.

(b) This division shall be applicable to all communications facilities placed or maintained in the public rights-of-way on or after the effective date of the ordinance from which this division is derived and shall apply to all existing communications facilities in the public rights-of-way prior to the effective date of the ordinance from which this division is derived, to the full extent permitted by state and federal law.

(c) The adoption of the ordinance from which this division is derived is not intended to affect any rights or defenses of the city or a communications services provider or a communications services nonprovider under any existing franchise, license or other agreements with a communications services provider or communications services nonprovider.

(d) Nothing in this division shall affect the remedies the city or the registrant has available under applicable law.

(e) Any person who uses the communications facilities of a registrant, other than the registrant that owns the facilities, shall not be entitled to any rights to place or maintain such facilities in excess of the rights of the registrant that places or maintains the facilities.

(f) This division is adopted consistent with the provisions of F.S. § 337.401 (2000), and other applicable provisions of law. This division shall not be construed as a waiver or limitation of the power of the city to prescribe and enforce reasonable rules and regulations pursuant to applicable provisions of law.

(Code 1978, § 25-14; Ord. No. 2002-03, § 21, 11-20-2001)

Back to Electronic Table of Contents

Chapter 22 TAXATION AND FINANCE*

***State law reference(s)--**Taxation and finance, F.S. § 166.201 et seq.; financial matters, F.S. ch. 218; taxation, F.S. chs. 192--205.

Article I. In General

Secs. 22-1--22-18. Reserved.

Article II. Special Assessment Procedures

Sec. 22-19. Short title.

Sec. 22-20. Definitions.

Sec. 22-21. Applicability of article provisions.

Secs. 22-22--22-45. Reserved.

Article III. Municipal Public Service Tax

Sec. 22-46. Definitions.

Sec. 22-47. Purchase of electricity, gas, fuel oil, and water tax levied; amount; payment to be collected from purchaser; when payments are to be made.

Sec. 22-48. Exemptions and exclusions.

Sec. 22-49. Duty of seller to collect tax; computation of tax; liability for failure to collect; discontinuance of service.

Sec. 22-50. Computation of tax when seller collects the price thereof in monthly periods.

Sec. 22-51. Records to be kept by seller; inspection of records; transcripts.

Sec. 22-52. Interest and penalties for late payments and late return; cost incurred in pursuit of tax or information as a result of violation.

Secs. 22-53--22-77. Reserved.

Article IV. Insurance Premium Tax

Sec. 22-78. Levy of excise or license tax on property insurers.

Sec. 22-79. Levy of excise or license tax on casualty risk insurers.

Secs. 22-80--22-102. Reserved.

Article V. Business Tax Receipts

Sec. 22-103. Applicability of article; disputes as to classification.

Sec. 22-104. Standards for requiring licenses, issuing guidelines, transferring of licenses, and issuing licenses to independent contractors.

Sec. 22-105. Registration of county occupational license; registration of persons claiming to be exempt from the provisions of section 22-104.

Sec. 22-106. Application.

Sec. 22-107. When taxes payable.

Sec. 22-108. Term of issuance; proration of taxes.

Sec. 22-109. Enforcement; inspections; revocation.

Sec. 22-110. Requirements for dealers in alcoholic beverages.

Sec. 22-111. Requirements for keepers of pool tables and billiard tables.

Sec. 22-112. Requirements for advertisers for "off-premises" billboard signs.

Sec. 22-113. Annexation.

Sec. 22-114. License schedule.

Secs. 22-115 -- 22-119. Reserved.

Article VI. City of Largo economic development ad valorem tax exemption.

Sec. 22-120. Findings of Fact.

Sec. 22-121. Definitions

Sec. 22-122. Establishment of economic development ad valorem tax exemption.

Sec. 22-123. Application for exemption

Sec. 22-124. City Commission consideration of applications.

Sec. 22-125. Application fees.

Back to Electronic Table of Contents

Sec. 22-126. Continuing performance.
Sec. 22-127. City revocation.
Sec. 22-128. Applicability.
Sec. 22-129. Notice of intent.

ARTICLE I. IN GENERAL

Secs. 22-1--22-18. Reserved.

ARTICLE II. SPECIAL ASSESSMENT PROCEDURES*

***State law reference(s)--**For provisions governing local municipal improvements, see F.S. § 170.01 et seq.

Sec. 22-19. Short title.

This article shall be known as and may be cited as the "Largo Uniform Assessment Manual."

(Code 1978, § 19-16; Res. No. 469, § 1, 7-15-1975)

Sec. 22-20. Definitions.

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

Abutting foot means any assignable footage abutting an assessable improvement.

Abutting foot assessment method means the method by which an assessment is derived by multiplying the abutting foot cost by the number of abutting feet assigned each individually defined property.

Abutting foot cost means that cost which is derived by dividing the total assessable cost of a given improvement by the sum of the abutting footage within a specifically defined project.

Assessment means that portion of the total assessable cost assigned to a specified property.

Corner lot means a lot abutting upon two or more streets at an intersection.

Lot unit or factor means a numerical value mathematically calculated which shall be assigned to specifically defined and benefited property.

Lot unit assessment method means the method by which an assessment is derived by multiplying the lot unit cost by the number of lot units or factors assigned each individually defined property.

Lot unit cost means that cost which is derived by dividing the total assessable cost by the number of lot units within a specifically defined project.

Single-family lot means a platted residential lot which cannot be further subdivided.

Street means dedicated right-of-way which has been accepted by the city and affords the principal means of access by pedestrians or vehicles to abutting property, whether designated as a street, avenue, highway or

Back to Electronic Table of Contents

however otherwise designated.

Total assessable cost means total project costs including all construction, materials, administration, engineering and incidental expenditures less any funds described by section 22-21(2).

(Code 1978, § 19-17; Res. No. 467, § 1, 7-15-1975)

Sec. 22-21. Applicability of article provisions.

The following provisions shall constitute the uniform assessment manual and shall apply as policy, rule or regulation by which costs for municipal improvements authorized properly by the city shall be assessed to and apportioned among the individual properties benefited thereby:

(1) *Exempt properties.* No special assessments will be levied against those properties described as follows:

a. Drainage ponds (defined by public easements) and major drainage canal easements;

b. All rights-of-way of U.S. interstate, U.S. highway, state roads, county roads and all other limited-access highways;

c. Cemeteries or metropolitan airports;

d. Railroad rights-of-way and other major transportation rights-of-way (i.e., rapid transit); and

e. Government.

(2) *Participating or contributing funds.* Any participating or contributing funds from the city, governmental agency or other source shall be deducted from the total improvement cost to determine the total assessable cost.

(3) *Deferred payment.* Upon sufficient evidence of existing, extraordinary or hardship circumstances, the city manager or his designee may authorize, not to exceed a period of ten years, the deferred payment by annual equal installments of any individual assessment. A lesser number of years period for deferred payment may be established by the city manager or his designee commensurate with individual circumstances, including the life expectancy of the improvement. Under no circumstance shall any deferred payment for assessment be less than $100.00.

(4) *Assessment procedure.* Assessment shall be calculated accordingly:

a. Lot units or factors shall be assigned as follows:

		No. of lots, units or factors
1.	Single-family residential -- Front abutting improvement	1.0
2.	Single-family residential -- Side abutting improvement	0.5
3.	Single-family residential -- Improvements on both sides (corner)	1.5
4.	Oversized lots -- Single-family	

Back to Electronic Table of Contents

	residential lots the front footage of which exceeds the average front footage of lots within a specifically defined project by 50 percent or more shall be assessed a number of lot units equal to the number of average-sized lots which by front footage an oversized lot would accommodate	
5.	RM -- Condominium, apartments, mobile home parks, duplex and triplex	1 per living unit
6.	Commercial (in use or vacant), per acre	11.5
7.	Commercial (owner-occupied single-family residence)	2
8.	Commercial unimproved (raw land), per acre	5.75
9.	Industrial, per acre	23
10.	Single-family residential unimproved shall be assessed the number of lot units that would abut the improvement if the property were subdivided and/or improved	
11.	Rear facing lots served by improvement	0.5

b. Front foot, side foot and abutting foot factors shall be assigned as follows:

Single- and two-family residences	front foot x 1
Single- and two-family residences	side foot x 0.5
All other land uses	abutting foot x 2

c. The lot unit method of assessment shall be used for all single-family residences and two-family residences when no other land use classification is a part of the specifically defined project. In the event that any assessable project includes single-family residences or two-family residences and any other land use classification other than single-family and two-family residences, a combination of the lot unit and abutting foot method of assessment shall be employed whereby one-half of the total assessable cost shall be determined by each method, thereby providing a total assessment for each property.

d. All properties other than single-family residential which abut both the improvement and a street not a part of the improvement may be assigned a lot unit number for assessment purposes which shall reflect the footage ratio between the improved and unimproved footage.

e. To calculate an assessment for each property, pursuant to subsection (4) c of this section, divide the total assessable cost by the sum total of all lot units or lot units and abutting foot (AF). This figure will be the cost per lot unit (CPLU) or cost per lot unit and abutting foot (CPLU & AF). Assessment then

Back to Electronic Table of Contents

shall be set as follows: Multiply the CPLU by the number of lot units assigned each property or the CPLU & AF by the lot units and abutting foot assigned each property.

f. Special assessment methods and policies summarized herein cannot be considered as all-inclusive but should be considered a principle guide when unusual circumstances justify special consideration.

(Code 1978, § 19-18; Res. No. 467, § 1, 7-15-1975; Ord. No. 83-19, § 1, 4-19-1983)

Secs. 22-22--22-45. Reserved.

ARTICLE III. MUNICIPAL PUBLIC SERVICE TAX*

***State law reference(s)--**Public service tax, F.S. §§ 166.231--166.235.

Sec. 22-46. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fuel adjustment charge means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973. (F.S. 166.231)

Fuel oil means fuel oil grades Nos. 1, 2, 3, 4, 5, 6, kerosene and coal oil.

Levy, seller means as defined by F.S. § 166.233.

Remit, remittance or *remitting* means the sending by the seller and the receipt by the city of all taxes levied and collected pursuant to this article.

Return means the supporting documentation submitted periodically in accordance with the provisions of this article, and to be accompanied by the tax remittance, if any, for that period, to the finance director of the city.

Tax or *taxes* means the municipal public service tax authorized pursuant to F.S. §§ 166.231 or 166.232, and this article.

Utility service means as defined by F.S. § 203.012.

(Code 1978, § 19-30; Ord. No. 98-86, § 2, 8-4-1998; Ord. No. 2002-03, § 1, 11-20-2001)

Sec. 22-47. Purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, fuel oil, and water service tax levied; amount; payment to be collected from purchaser; when payments are to be made.

(a) Except as provided in this subsection or as otherwise exempted by section 22-48, there is hereby imposed and levied by the city on each and every purchase of electricity, metered natural gas, liquefied petroleum gas, either metered or bottled, manufactured gas, either metered or bottled, and water service, within the jurisdictional limits of the city, a tax in the amount of ten percent of the total amount charged for such utility service or commodity. For purposes of calculating the tax, the amount charged for the taxable service shall be deemed to include any gross receipts taxes and franchise fees separately stated on the customers' bill. The tax imposed by this section shall not be applied against any fuel adjustment charge, and such charge shall be

Back to Electronic Table of Contents

separately stated on each bill.

(b) Except as provided in this subsection or as otherwise by section 22-48, there is hereby imposed and levied by the city on each and every purchase of fuel oil, in the city a tax at the rate of $0.04 per gallon, which tax shall in every case be paid by the purchaser of fuel oil to the seller of fuel oil. For purposes of calculating the tax, the amount charged for the taxable service shall be deemed to include any gross receipts taxes and franchise fees separately stated on the customer's bill.

(c) Subject to the provisions of section 22-50, such tax shall in every case be paid by the purchaser at the time of paying the charge for the use of such electricity, metered or bottled gas, fuel oil, or water.

(Code 1978, § 19-31; Ord. No. 95-35, § 1, 6-6-1995; Ord. No. 98-86, § 3, 8-4-1998; Ord. No. 2002-03, § 2, 11-20-2001)

Sec. 22-48. Exemptions and exclusions.

The following activities are exempt from the payment of tax:

(1) Purchases by the United States government, this state, and all counties, school districts, and municipalities of the state, and by public bodies exempted by law or court order, except for purchases by governmental bodies which sell or resell taxable service to nonexempt end users. F.S. § 166.231(5)

(2) Purchases of fuel oil as follows:

a. Purchases of fuels as defined in F.S. § 166.231(4a), to be used in an internal combustion engine or motor to propel any form of vehicle;

b. Purchases of fuel oil for use as an aircraft engine fuel or propellant; and

c. Purchases of fuel oil to be used as a raw material in a manufacturing process or to be used as a cleaning agent or solvent when certified by the purchaser that such fuel oil shall be used only as a raw material or cleaning agent or solvent.

Such purposes and certification shall be reflected monthly on forms prescribed by the city.

(3) Purchases by any recognized church in the city for use exclusively for church purposes.

(Code 1978, § 19-32; Ord. No. 95-35, § 1, 6-6-1995; Ord. No. 98-86, § 4, 8-4-1998; Ord. No. 2002-03, § 3, 11-20-2001; Ord. No. 2002-65, § 1, 8-6-2002)

State law reference(s)--Mandatory exemptions, F.S. § 166.231(4), (5).

Sec. 22-49. Duty of seller to collect tax; computation of tax; liability for failure to collect; discontinuance of service.

(a) It shall be the duty of every seller of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured), water service and fuel oil to collect from purchaser for the use of the city the tax imposed and levied by this article at the time of collecting the selling price charged for each transaction and to file a return and remit all such taxes imposed, levied and collected to the city finance director on or before the 20th day of the calendar month, or if the 20th day is either a legal holiday or is not a city business day, then on or before the first city business day, that is not also a legal holiday, following the 20th day of the month, following the month in which the monies were collected.

Back to Electronic Table of Contents

(b) It shall be unlawful for any seller of such service to collect the price of any sale of electricity, metered or bottled gas, water service and fuel oil without at the same time collecting the tax hereby imposed and levied in respect to each purchase thereof, unless such seller shall elect to assume and pay the tax without collecting the same from purchaser. Any seller of a service upon which a tax is imposed by this article failing to collect the tax at the same time of collecting the price of the service, where the seller has not elected to assume and pay the tax, shall be liable to the city for the amount of the tax in the same manner as if the tax had been actually paid by the purchaser thereof to the seller, and the city manager shall cause to be brought all suits and actions and shall take such proceedings in the name of the city as shall be necessary for the collection or recovery of the tax; however, the seller of the service shall not be liable for the payment of the tax upon uncollected charges.

(c) If any purchaser shall fail, neglect or refuse to pay the tax hereby imposed and levied and as hereby required on account of the purchase for which the charge is made, the seller shall have and is hereby vested with the right, power and such authority to immediately discontinue further service to such purchaser until the tax and the seller's bill shall have been paid in full.

(d) Notwithstanding any other provision of this section, in the event the total amount of the tax anticipated to be collected within a calendar quarter does not exceed $120.00, the seller of such service may, with notification to the city, remit the taxes collected during such calendar quarter to the city quarterly. In such case, the tax shall be due on or before the 20th day of the month following the end of the calendar quarter in which the taxes were collected, and under the same conditions found in subsection (a) of this section.

(Code 1978, § 19-33; Ord. No. 95-35, § 1, 6-6-1995; Ord. No. 98-86, § 5, 8-4-1998; Ord. No. 2002-03, § 4, 11-20-2001)

Sec. 22-50. Computation of tax when seller collects the price thereof in monthly periods.

In all cases where the seller of electricity, metered natural gas, liquefied petroleum gas, either metered or bottled, manufactured gas, either metered or bottled, fuel oil or water service collects the price thereof in monthly periods, the tax hereby levied may be computed on the aggregate amount of sales during such period; provided that the amount of the tax to be collected shall be to the nearest whole cent to the amount computed, and shall not exceed the rates set forth in section 22-47 for any monthly period on each separate service. Such service shall be classified as a separate service in case of metered electricity, gas or water, whenever an individual meter is used for the measuring thereof.

(Code 1978, § 19-34; Ord. No. 95-35, § 1, 6-6-1995; Ord. No. 98-86, § 6, 8-4-1998; Ord. No. 2002-03, § 5, 11-20-2001)

Sec. 22-51. Records to be kept by seller; inspection of records; transcripts.

(a) Each and every seller of electricity, metered natural gas, liquefied petroleum gas, either metered or bottled, manufactured gas, either metered or bottled, water service and fuel oil shall keep at its principal place of business complete records showing all sales in the city of such commodities or services, which records shall show revenue by account category, the price charged upon each sale, the amount of taxes charged upon each sale, the date of the sale, the date of payment thereof, the date such tax was remitted to the city, the period of time covered by such remittance and any related information or records shall be maintained as necessary to substantiate sales and tax collected.

(b) To ensure proper administration of the provisions of this article, the city may, where possible and practical, conduct a periodic audit of such sales records of all businesses in connection with which the tax is imposed under this article. Failure to conduct such an audit will not eliminate the liability of the seller for collection and remittance of such tax.

(c) Pursuant to F.S. § 166.234, the city may, during the seller's normal business hours at the official location of

Back to Electronic Table of Contents

the seller's books and records, audit the records of any seller of a service that is taxable by the city under F.S. §§ 166.231 or 166.232, for the purpose of ascertaining whether taxable services have been provided or the correctness of any return that has been filed or payment that has been made, if the city's power to assess tax or grant a refund is not barred by the applicable limitations period. Each such seller must provide to the city upon 60 days' written notice of intent to audit from the city, access to applicable records for such service, except an extension of this 60-day period must be granted if reasonably requested by the seller. The seller may at its option waive the 60-day notice requirement. If either the city or the seller requires an additional extension, it must give notice to the other no less than 30 days before the existing extension expires, except in cases of bona fide emergency or waiver of the notice requirement by the other party. In an audit, the seller is liable only for its taxable accounts collected which correspond to the information provided to it by the city under F.S. § 166.233(3). As used in this section, the term "applicable records" means records kept in the ordinary course of business which establish the collection and remittance of taxes due. Such applicable records may be provided to the city on an electronic medium if agreed to by the seller and the city.

(Code 1978, § 19-35; Ord. No. 95-35, § 1, 6-6-1995; Ord. No. 98-86, § 6, 8-4-1998; Ord. No. 2002-03, § 6, 11-20-2001)

Sec. 22-52. Interest and penalties for late payments and late return; cost incurred in pursuit of tax or information as a result of violation.

Any seller of electricity, metered natural gas, liquefied petroleum gas, either metered or bottled, manufactured gas, either metered or bottled, fuel oil, and water service failing to remit to the city on or before the 20th day of each calendar month or quarter, as applicable, or if the 20th day is either a legal holiday or is not a city business day, then on or before the first city business day, that is not also a legal holiday, following the 20th day of the month or quarter, as applicable, all such taxes levied and collected during the preceding tax period shall be liable for interest on the unpaid amount of the tax at the rate of one percent per month from the date the tax was due until paid. In addition, penalties will be assessed at a rate of five percent per month of the delinquent tax, not to exceed a total penalty of 25 percent, except that in no event will the penalty for failure to file a return be less than $15.00. In the case of a fraudulent return or a willful intent to evade payment of a tax, the seller making such fraudulent return or willful attempt to evade payment of the tax, shall be liable for a specific penalty of 100 percent of the tax. Interest and penalties shall be computed on the net tax due after application of any overpayment. The interest and penalties shall accrue from the due date until the date such taxes are paid, provided however, the comptroller may settle or compromise any interest due pursuant to this section as is reasonable under the circumstances. The city is entitled to and may assess against sellers not complying with any provision of this article, a fee being based upon the actual costs incurred by the city in collecting the tax or information due.

(Code 1978, § 19-36; Ord. No. 98-86, § 6, 8-4-1998; Ord. No. 2002-03, § 7, 11-20-2001)

Secs. 22-53--22-77. Reserved.

ARTICLE IV. INSURANCE PREMIUM TAX*

***State law reference(s)--**Authority to levy, F.S. §§ 175.101, 185.08.

Sec. 22-78. Levy of excise or license tax on property insurers.

(a) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer engaged in or carrying on the business of property insurance, as shown by the records of the state treasurer in his capacity as state insurance commissioner, an excise or license tax, in addition to any other lawful license or

Back to Electronic Table of Contents

excise tax levied by the city, which tax shall be in the amount of 1.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the city.

(b) The license or excise tax levied in this section shall be due and payable annually on March 1 of each year.

(Code 1967, § 10-9; Code 1978, § 2-79.1; Ord. No. 89-01, § 1, 10-18-1988)

State law reference(s)--City authorized to levy an excise tax on insurance companies, F.S. § 175.101.

Sec. 22-79. Levy of excise or license tax on casualty risk insurers.

(a) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer engaging in or carrying on the business of insuring with respect to casualty risks, as shown by the records of the state insurance commissioner, an excise or license tax, in addition to any other lawful license or excise tax now levied by the city, which tax shall be in the amount of 0.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on casualty insurance policies, covering property within the city.

(b) The license or excise tax levied in this section shall be due and payable annually on March 1 of each year.

(Code 1978, § 2-79.2; Ord. No. 89-01, § 3, 10-18-1988)

State law reference(s)--Authority to levy tax, F.S. § 185.08.

Secs. 22-80--22-102. Reserved.

ARTICLE V. BUSINESS TAX RECEIPTS

Sec. 22-103. Applicability of article; disputes as to classification.

(a) For the purpose of this article, any business, corporation, concern, or person represented to the public at a specific location by sign, printed matter, classified section, telephone directory or city directory, or otherwise as being engaged in business or as offering services or property to the public, regardless of whether such business, corporation, concern, or person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt therefor. For the purposes of this section, on-site vending machines of convenience installed to facilitate a primary use of business shall not be considered as providing services to the public and therefore shall be considered exempt from paying an individual business tax.

(b) In the event of a disagreement between an applicant and the city on the question of proper classification for any business, occupation or profession for license purposes, the city manager shall decide the proper classification, with the right in the applicant to appeal from such decision to the commission, whose decision upon the point shall be final.

(Code 1978, 11-1; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 95-27, § 1, 4-4-1995; Ord. No. 99-91, § 1, 10-5-1999; Ord. No. 2008-45, § 2(11-1), 6-3-2008)

Sec. 22-104. Standards for requiring business tax receipts, issuing guidelines, transferring

Back to Electronic Table of Contents

of business tax receipts, and issuing business tax receipts to independent contractors.

(a) It shall be unlawful for any person to engage in or manage any profession, business, corporation, or occupation within the city unless a city business tax receipt shall first be applied for and issued to each such person on receipt of the business tax receipt fee stated in this article and such business tax receipt shall be signed by the city manager or his/her designee and shall have the city seal affixed.

(1) Any person engaged in or managing any profession, business, corporation, or occupation within the city shall provide satisfactory proof to the city business tax section that all applicable certificates of competency, registrations, or licenses as may be required by any profession have been received prior to issuance of a business tax receipt.

(2) The receiptholder shall be responsible for the full business tax receipt payment as classified under the provisions of this article, in accordance with the receiptholder's Standard Industrial Classification (SIC) code determined using the 1987 Standard Industrial Classification Manual prepared by the United States Office of Management and Budget.

(b) Business tax receipts shall be issued in accordance with the following guidelines:

(1) The receiptholder shall be responsible to obtain a primary business tax receipt for engaging in activities as defined under the provisions of this article in accordance with the SIC code.

(2) Any separate business location or separate corporation shall be responsible to obtain a separate primary business tax receipt.

(3) The receiptholder shall not be responsible to obtain separate business tax receipts for additional secondary activities which bear a reasonable relationship to the receiptholder's primary licensed activity provided such secondary activities are occurring at the same location as the primary licensed activity and are under the same ownership or corporation as the primary business tax receipt. This guideline shall apply in all cases except those in which such secondary activities require business tax receipts per Florida Statutes, in which case the receiptholder is responsible to obtain separate business tax receipts. In such cases, the secondary, separate business tax receipts may be exempt from fee charges if such secondary activities are occurring within the primary licensed business location which is being charged for the total amount of square feet it occupies.

(4) The receiptholder shall be responsible to obtain separate business tax receipts for any additional secondary activities which bear no reasonable relationship to the receiptholder's primary business activity as classified under provisions of this article in accordance with the SIC code.

(5) The receiptholder shall be responsible to obtain separate business tax receipts for coin-operated vending, music, amusement and laundry machines, and gasoline pumping stations.

(6) Each individual receiptholder engaging in a profession regulated by the department of business and professional regulations (DBPR), or the Pinellas County construction licensing board (PCCLB) shall be responsible to obtain a separate business tax receipt. Such professions which are considered under the provisions of this article shall include, but may not be limited to, construction trade contractors, veterinarians, private investigators, massage therapists, doctors, dentists, physicians, counselors, social workers, mental health practitioners, other health care practitioners, certified public accountants, architects, and engineers.

(7) If the same individual receiptholder is engaging in additional professions regulated by the DBPR or PCCLB, the individual is responsible to obtain separate business tax receipts for each additional profession. Under the provisions of this article, most of such cases occur in the construction trades.

(8) Individual receiptholders regulated by the DBPR or PCCLB shall not be responsible to obtain separate

Back to Electronic Table of Contents

business tax receipts for engaging in business activities bearing a reasonable relationship to said profession. Such a business shall be responsible to obtain a separate business tax receipt only in those cases in which the individual receiptholders regulated by the DBPR or PCCLB are independent contractors and not employees or owners of said business.

(9) Business tax receipts shall be issued to any person engaging in independent contracting work as regulated by the DBPR or PCCLB and considered under the provisions of this article.

(10) Each person, firm, corporation, or organization doing any kind of insurance business in the city, including, but not limited to:

a. Writing of personal insurance policies for health, accident, automobile collision and damage, property damage, home, mortgage, funeral benefits, life, and other forms of personal liability protection;

b. Writing of business insurance on issues such as rent, use and occupancy, profit, receipt of shipments, and mail, workers' compensation, employer liability, professional liability, and other forms of business protection;

c. Writing of insurance from natural disasters, such as fire, hurricane, tornado, flood, windstorm, rain, and other forms of natural disasters;

d. Writing of insurance against criminal activity, such as theft, burglary, fraud, and other criminal acts; and

e. Any and all other kinds, classes, and forms of insurance including, but not limited to, bonds of any and every kind to the public; shall obtain a business tax receipt.

(11) All home offices of convenience (HOC) must comply with all applicable regulations of the Largo Comprehensive Development Code.

(c) Any business tax receipt may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of up to ten percent of the annual business tax, but not less than $3.00 nor more than $25.00, and presentation of the original business tax receipt and evidence of sale.

(d) Any person or business claiming to be an independent contractor may receive a business tax receipt at 50 percent off the lowest rate established for that specific business activity, in accordance with the receiptholder's SIC code, provided:

(1) The claimant can provide documentation that the location where the independent contractor will be conducting business already has a business tax receipt for the majority activity being performed by the independent contractor, or the activity being performed by the independent contractor is complementary but subordinate to the major activity already licensed by the contracting business.

(2) The business tax receipt fee for the contracting business is based upon a square footage of the establishment or the contracting business will provide an affidavit the independent contractor is working only on a temporary/parttime basis and, if the independent contractor becomes a permanent employee, the balance of the business tax receipt fee will be remitted.

(Code 1978, § 11-2; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 95-27, § 1, 4-4-1995; Ord. No. 97-39, § 1, 9-2-1997; Ord. No. 2008-45, § 2(11-2), 6-3-2008)

Sec. 22-105. Registration of county business tax receipt; registration of persons claiming to be exempt from the provisions of section 22-104.

Back to Electronic Table of Contents

(a) Any person who does not maintain a permanent business location or branch office within the city shall register his/her local business tax receipt with the appropriate city authority for the privilege of engaging in or managing any business, occupation, or profession within the city's jurisdiction. A department of business and professional regulations (DBPR) certified or registered contractor, claiming exception from these regulations as provided in F.S. ch. 205, that has documented payment of a business tax receipt from another county or municipality will be registered at no cost. However, any DBPR certified or registered contractor that cannot show proof of a county or municipal business tax receipt will be required to register and pay the registration fee. The cost of said registration shall be $10.00. All registrations shall expire on September 30 of each year. Registrations are not subject to proration of tax. The purpose of the registration fee is to verify certifications of competence and maintaining the required insurance. Such certifications and insurance must be maintained in good standing at all times. If these requirements are not met, the registration of the contractor may be suspended until proper notification from the Pinellas County construction licensing board is obtained reinstating said certifications.

(b) All persons, as defined in section 22-104, but excluding those DBPR certified or registered contractors provided for in subsection (a) of this section, claiming exemption from the requirements of section 22-104 must, before commencing any such activities in the city, register with and obtain a certification of registration and exempt status from the city business tax section. Applicants shall exhibit proof satisfactory to the city business tax section that they are entitled to such exemption, and that they hold certificates of competency or licenses as may be required by any and all governmental agencies to permit engaging in the occupation, business or profession for which application of the exemption is made, together with the name and permanent address of applicant and the person directly responsible for applicant's activities within the city, and such other data deemed necessary by the city business tax section to protect the city and its citizens against unlawful, fraudulent, or deceptive business practices or incompetent performance of services. A fee of $10.00 to cover the costs of investigation of the applicant and processing of the application shall be paid to the city when the application is filed, and shall not be returnable under any circumstances.

(Code 1978, § 11-3; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 95-27, § 1, 4-4-1995; Ord. No. 97-39, § 1, 9-2-1997; Ord. No. 2008-45, § 2(11-3), 6-3-2008)

Sec. 22-106. Application.

(a) Applications for business tax receipts under this article shall be in such form as may be required by the city manager or his/her duly authorized representative from time to time, and the city manager shall have the authority to require such application to be sworn to or verified under oath. Any information necessary to determine the type of business tax receipt or the amount of business tax required to be paid shall be furnished by the applicant under oath or by verification or by affidavit when so requested by the city manager or his/her duly authorized representative.

(b) A fee of $10.00 shall be charged for and accompany all applications for home office of convenience in addition to the required business tax receipt fee and shall not be refundable in the event the business tax receipt is not issued.

(Code 1978, § 11-4; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 2008-45, § 2(11-4), 6-3-2008)

Sec. 22-107. When taxes payable.

(a) Business tax receipts required under this article shall be obtained prior to the commencement of such business or occupation or the practice of such profession and if not, there shall be a ten percent minimum penalty in addition to the other penalties provided by this Code.

(b) All business taxes imposed by this article shall be due and payable on or before September 30 of each year,

Back to Electronic Table of Contents

the same shall be considered in default and shall be subject to penalty pursuant to F.S. § 205.053, and it shall be the duty of the city manager or his/her duly authorized representative to make an affidavit for the arrest of any person failing or refusing to pay the same, and to cause such person to be brought to trial.

(Code 1978, 11-5; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 2008-45, § 2(11-5), 6-3-2008)

Sec. 22-108. Term of issuance; proration of taxes.

No business tax receipt required by this article shall be issued for a period of less than three months, except as otherwise specifically stated in this article and except that the commission may at its discretion issue a temporary, conditional or provisional business tax receipt for such period less than three months, as it deems appropriate to the circumstances. For each newly established business issued a business tax receipt during the year, which is not a renewal business tax receipt of an existing business as provided in section 22-107, the prorated percentage of the full amount of the business tax imposed under this article shall be paid, in accordance with the following schedule; except, this provision shall not apply to business tax receipts authorized to be issued for a period of one week or less:

Time Period	Percentage of Full Amount
Between October 1 and December 30	100%
Between January 1 and March 31	75%
Between April 1 and June 30	50%
Between July 1 and September 30	Full amount for the upcoming year, pursuant to F.S. § 205.053

(Code 1978, § 11-6; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 95-27, § 2, 4-4-1995; Ord. No. 2008-45, § 2(11-6), 6-3-2008)

Sec. 22-109. Enforcement, inspections, revocation, etc.

(a) *Persons authorized to conduct inspections.* The following persons are authorized to conduct inspections in the manner prescribed herein:

(1) *Building official or his/her designee.* These individuals shall make all investigations reasonably necessary to the enforcement of this article.

(2) *Officials having duties.* The building official shall have the authority to order the inspection of receiptholders, their business premises, by all city officials having duties to perform with reference to such receiptholders or businesses.

(3) *Police officers.* All police officers shall inspect and examine businesses located within their respective jurisdictions to enforce compliance with this article.

(b) *Authority of the building official or his/her designee.* All persons authorized to inspect business tax receipts and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:

(1) Those for which a business tax receipt is required.

Back to Electronic Table of Contents

(2) Those for which a business tax receipt was issued and which, at the time of inspection, are operating under such business tax receipt.

(3) Those for which the business tax receipt has been revoked or suspended.

(4) Exception: Private, residential dwellings cannot be entered without a search warrant.

(c) *Authority to examine records.* It shall be the right and duty of the city manager and any persons designated by the city manager to inspect from time to time the records of any business in the city where the business tax of said business is based upon the floor area, number of vehicles, coin-operated machines, or rental units, said information obtained from such inspection and investigation to be used as an aid in determining the proper classification and business tax for said business or establishment, and the hindering, impeding or obstructing of such inspection shall constitute a misdemeanor.

(Code 1978, § 11-7; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 95-27, § 2, 4-4-1995; Ord. No. 2008-45, § 2(11-7), 6-3-2008)

Sec. 22-110. Requirements for dealers in alcoholic beverages.

Dealers in beer, wines and other alcoholic beverages shall be required to procure a separate business tax receipt therefor, as required by law for dealers in alcoholic beverages.

(Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 95-27, § 2, 4-4-1995; Ord. No. 2008-45, § 2(11-8), 6-3-2008)

Sec. 22-111. Requirements for keepers of pool tables, billiard tables, etc.

Keepers of billiard tables, ball pool tables and other tables where billiards or pool of any kind is played, when such tables are kept for other than private use, shall be required to procure a separate business tax receipt therefor and shall pay therefor the tax provided in section 22-114 for keeping the same.

(Code 1978, § 11-9; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 2008-45, § 2(11-9), 6-3-2008)

Sec. 22-112. Requirements for advertisers for off-premises billboard signs.

Advertisers/owners of off-premises billboard signs shall be required to procure a separate business tax receipt therefor and shall pay therefor the tax provided in section 22-114 for keeping the same.

(Code 1978, § 11-10; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 2008-45, § 2(11-10), 6-3-2008)

Sec. 22-113. Annexation.

Business tax receipt fees will be waived for a newly annexed business for any portion of the current business tax receipt year plus a full business tax receipt year, nor shall administrative fees be assessed to register the annexed business into the city.

(Code 1978, § 11-11; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 99-37, § 3, 2-2-1999; Ord. No. 2008-45, § 2(11-11), 6-3-2008)

Sec. 22-114. Business tax receipt schedule.

The occupations or professions which shall be receipted and the business tax receipt fees charged therefor are as follows. However, no business tax receipt shall be required if satisfactory proof is furnished that such activity is exempt from the provisions hereof by applicable law; and provided further that a tax-exempt organization or

Back to Electronic Table of Contents

activity may be issued a business tax receipt hereunder without payment of the fee herein described, except an administrative fee of $10.00, if satisfactory proof is furnished to the city manager or his/her designee that the proceeds of such activity are and will be devoted to charitable or civic purposes within the city which benefit the citizens of the city. Such business tax receipt shall be terminated by such director upon termination of such activity or upon proof that the proceeds are not being used for such charitable or civic activities. The decision of the director as to issuance, denial or termination of such exemption shall be subject to appeal to the board of city commissioners, whose decision in the matter shall be final.

0111-0971	AGRICULTURAL SERVICES, FORESTRY, AND FISHING	
01xx-02xx	Agricultural Production	$ 52.00
071x-072x	Soil and Crop Preparation Services	82.00
74x	Veterinary Services (per veterinarian)	155.00
075x	Animal Services, except veterinary	52.00
076x	Farm Labor and Management Services	52.00
	(reserved for future businesses)	
078x	Landscape and Horticultural Services	52.00
08xx-09xx	Forestry, Fishing, Hunting, and Trapping	52.00
	(reserved for future businesses)	
1011-1499	MINING	
	(reserved for future businesses)	
1521-1799	CONSTRUCTION	
15xx		
16xx	Heavy Construction other than Building Construction Contractors	155.00
1711	Plumbing, Heating and Air Conditioning Contractors	103.00
1721	Painting and Paper Hanging Contractors	52.00
1731	Electrical Work Contractors	103.00
174x	Masonry, Stonework, Tile Settings and Plastering Contractors	72.00
175x	Carpentry and Floor Work Contractors	62.00
1761	Roofing, Siding, and Sheet Metal Work Contractors	72.00
1771	Concrete Work Contractors	72.00
1781	Water Well Drilling	72.00
179x	Miscellaneous Special Trade Contractors	72.00
2011-3999	MANUFACTURING	
2011-2999		
	Home office	22.00
	1--1,000 square feet	77.00
	1,001--2,000 square feet	103.00
	2,001--3,000 square feet	129.00
	3,001--4,000 square feet	155.00
	4,001--5,000 square feet	180.00
	5,001--6,000 square feet	206.00
	6,001--7,000 square feet	232.00
	7,001--8,000 square feet	258.00
	8,001--9,000 square feet	283.00
	9,001--10,000 square feet	309.00
	10,001--11,000 square feet	335.00

Back to Electronic Table of Contents

	11,001--12,000 square feet	361.00
	12,001--13,000 square feet	386.00
	13,001--14,000 square feet	412.00
	14,001--15,000 square feet	438.00
	15,001 or more square feet	464.00
3011-3999	Manufacturing of Durable Goods	
	Home office	52.00
	1--1,000 square feet	126.00
	1,001--2,000 square feet	148.00
	2,001--3,000 square feet	171.00
	3,001--4,000 square feet	194.00
	4,001--5,000 square feet	216.00
	5,001--6,000 square feet	239.00
	6,001--7,000 square feet	262.00
	7,001--8,000 square feet	284.00
	8,001--9,000 square feet	307.00
	9,001--10,000 square feet	330.00
	10,001--11,000 square feet	352.00
	11,001--12,000 square feet	375.00
	12,001--13,000 square feet	398.00
	13,001--14,000 square feet	420.00
	14,001--15,000 square feet	443.00
	15,000 or more square feet	464.00
4011-4971	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES	
40xx	(reserved for future businesses)	
411x	Local and Suburban Passenger Transportation	(see below)
	Flat fee	103.00
	Plus per vehicle charge	21.00
4121	Taxicabs	(see below)
	Regulatory charge per vehicle	41.00
	Plus first vehicle	52.00
	Plus each additional vehicle	10.00
4131-4173	Intercity bus transportation, charter service, and terminals	309.00
	(reserved for future businesses)	
421x	Trucking and courier services, except air	(see below)
	Home office	52.00
	Others	206.00
4221-4225	General Warehousing and Storage	
	Home office	52.00
	0--1,000 square feet	62.00
	1,001--2,000 square feet	67.00
	2,001--3,000 square feet	72.00
	3,001--4,000 square feet	77.00
	4,001--5,000 square feet	82.00
	5,001--6,000 square feet	88.00
	6,001--7,000 square feet	93.00

Back to Electronic Table of Contents

	7,001--8,000 square feet	98.00
	8,001--9,000 square feet	103.00
	9,001--10,000 square feet	108.00
	10,001--11,000 square feet	113.00
	11,001--12,000 square feet	118.00
	12,001--13,000 square feet	124.00
	13,001--14,000 square feet	129.00
	14,001--15,000 square feet	134.00
	15,001--16,000 square feet	139.00
	16,001--17,000 square feet	144.00
	17,001--18,000 square feet	149.00
	18,001--19,000 square feet	155.00
	19,001--20,000 square feet	160.00
	20,001--21,000 square feet	165.00
	21,001--22,000 square feet	170.00
	22,001--23,000 square feet	175.00
	23,001--24,000 square feet	180.00
	24,001--25,000 square feet	185.00
	25,001--26,000 square feet	191.00
	26,001--27,000 square feet	196.00
	27,001--28,000 square feet	201.00
	28,001--29,000 square feet	206.00
	29,001--30,000 square feet	211.00
	30,001--31,000 square feet	216.00
	31,001--32,000 square feet	221.00
	32,001--33,000 square feet	227.00
	33,001--34,000 square feet	232.00
	34,001--35,000 square feet	237.00
	35,001--36,000 square feet	242.00
	36,001--37,000 square feet	247.00
	37,001--38,000 square feet	252.00
	38,001--39,000 square feet	258.00
	39,001--40,000 square feet	263.00
	40,001--41,000 square feet	268.00
	41,001--42,000 square feet	273.00
	42,001--43,000 square feet	278.00
	43,001--44,000 square feet	283.00
	44,001--45,000 square feet	288.00
	45,001--46,000 square feet	294.00
	46,001--47,000 square feet	299.00
	47,001--48,000 square feet	304.00
	48,001--49,000 square feet	309.00
	49,001--50,000 square feet	314.00
	50,001--51,000 square feet	319.00
	51,001--52,000 square feet	324.00
	52,001--53,000 square feet	330.00
	53,001--54,000 square feet	335.00
	54,001--55,000 square feet	340.00
	55,001--56,000 square feet	345.00
	56,001--57,000 square feet	350.00

Back to Electronic Table of Contents

	57,001--58,000 square feet	355.00
	58,001--59,000 square feet	361.00
	59,001--60,000 square feet	366.00
	60,001--61,000 square feet	371.00
	61,001--62,000 square feet	376.00
	62,001--63,000 square feet	381.00
	63,001--64,000 square feet	386.00
	64,001--65,000 square feet	391.00
	65,001--66,000 square feet	397.00
	66,001--67,000 square feet	402.00
	67,001--68,000 square feet	407.00
	68,001--69,000 square feet	412.00
	69,001--70,000 square feet	417.00
	70,001--71,000 square feet	422.00
	71,001--72,000 square feet	427.00
	72,001--73,000 square feet	433.00
	73,001--74,000 square feet	438.00
	74,001--75,000 square feet	443.00
	75,001--76,000 square feet	448.00
	76,001--77,000 square feet	453.00
	77,001--78,000 square feet	458.00
	78,001--79,000 square feet	464.00
	79,001--80,000 square feet	469.00
	80,001--81,000 square feet	474.00
	81,001--82,000 square feet	479.00
	82,001--83,000 square feet	484.00
	83,001--84,000 square feet	489.00
	84,001--85,000 square feet	494.00
	85,001--86,000 square feet	500.00
	86,001--87,000 square feet	505.00
	87,001--88,000 square feet	510.00
	88,001--89,000 square feet	515.00
	89,001--90,000 square feet	520.00
	90,001--91,000 square feet	525.00
	91,001--92,000 square feet	530.00
	92,001--93,000 square feet	536.00
	93,001--94,000 square feet	541.00
	94,001--95,000 square feet	546.00
	95,001--96,000 square feet	551.00
	96,001--97,000 square feet	556.00
	97,001--98,000 square feet	561.00
	98,001--99,000 square feet	567.00
	99,001--100,000 square feet	572.00
	100,001--101,000 square feet	577.00
	101,001--102,000 square feet	582.00
	102,001--103,000 square feet	587.00
	103,001--104,000 square feet	592.00
	104,001--105,000 square feet	597.00
	105,001--106,000 square feet	603.00
	106,001--107,000 square feet	608.00

Back to Electronic Table of Contents

	107,001--108,000 square feet	613.00
	108,001--109,000 square feet	618.00
	109,001--110,000 square feet	623.00
	110,001--111,000 square feet	628.00
	111,001--112,000 square feet	633.00
	112,001--113,000 square feet	639.00
	113,001--114,000 square feet	644.00
	114,001--115,000 square feet	649.00
	115,001--116,000 square feet	654.00
	116,001--117,000 square feet	659.00
	117,001--118,000 square feet	664.00
	118,001--119,000 square feet	670.00
	119,001--120,000 square feet	675.00
	120,001--121,000 square feet	680.00
	121,001--122,000 square feet	675.00
	122,001--123,000 square feet	690.00
	123,001--124,000 square feet	695.00
	124,001--125,000 square feet	700.00
	125,001--126,000 square feet	706.00
	126,001--127,000 square feet	711.00
	127,001--128,000 square feet	716.00
	128,001--129,000 square feet	721.00
	129,001--130,000 square feet	726.00
	130,001--131,000 square feet	731.00
	131,001--132,000 square feet	736.00
	132,001--133,000 square feet	742.00
	133,001--134,000 square feet	747.00
	134,001--135,000 square feet	752.00
	135,001--136,000 square feet	757.00
	136,001--137,000 square feet	762.00
	137,001--138,000 square feet	767.00
	138,001--139,000 square feet	773.00
	139,001--140,000 square feet	778.00
	140,001--141,000 square feet	783.00
	141,001--142,000 square feet	788.00
	142,001--143,000 square feet	793.00
	143,001--144,000 square feet	798.00
	144,001--145,000 square feet	803.00
	145,001--146,000 square feet	809.00
	146,001--147,000 square feet	814.00
	147,001--148,000 square feet	819.00
	148,001--149,000 square feet	824.00
	149,001--150,000 square feet	829.00
4226	Special Warehousing and Storage, not elsewhere classified	82.00
44xx	Water Transportation	(see below)
	Home office	52.00
	Others	258.00
45xx	Air Transportation, nonscheduled	124.00
46xx	Pipelines, except natural gas	309.00

Back to Electronic Table of Contents

	(reserved for future businesses)	
47xx	Transportation Services	(see below)
	Home office	52.00
	Others	93.00
48xx-49xx	Communications, Electric, Gas, and Sanitary Service	412.00
5012-5199	WHOLESALE TRADE	
	1--1,000 square feet	93.00
	1,001--2,000 square feet	103.00
	2,001--3,000 square feet	113.00
	3,001--4,000 square feet	124.00
	4,001--5,000 square feet	134.00
	5,001--6,000 square feet	144.00
	6,001--7,000 square feet	155.00
	7,001--8,000 square feet	165.00
	8,001--9,000 square feet	175.00
	9,001--10,000 square feet	185.00
	10,001--11,000 square feet	196.00
	11,001--12,000 square feet	206.00
	12,001--13,000 square feet	216.00
	13,001--14,000 square feet	227.00
	14,001--15,000 square feet	237.00
	15,001--or more square feet	247.00
5093	SCRAP AND WASTE MATERIALS contained herein includes junkyards, which shall be assessed by outdoor square feet according to the same schedule.	
5211-5999	RETAIL TRADE	
	0--1,000 sq. ft.	52.00
	1,001--2,000 sq. ft.	103.00
	2,001--3,000 sq. ft.	155.00
	3,001--4,000 sq. ft.	206.00
	4,001--5,000 sq. ft.	258.00
	5,001--6,000 sq. ft.	309.00
	6,001--7,000 sq. ft.	361.00
	7,001--8,000 sq. ft.	412.00
	8,001--9,000 sq. ft.	464.00
	9,001--10,000 sq. ft.	515.00
	10,001--11,000 sq. ft.	577.00
	11,001--12,000 sq. ft.	639.00
	12,001--13,000 sq. ft.	700.00
	13,001--14,000 sq. ft.	762.00
	14,001--15,000 sq. ft.	824.00
	15,001--16,000 sq. ft.	886.00
	16,001--17,000 sq. ft.	948.00
	17,001--18,000 sq. ft.	1,009.00
	18,001--19,000 sq. ft.	1,071.00
	19,001--20,000 sq. ft.	1,133.00

Back to Electronic Table of Contents

	20,001--21,000 sq. ft.	1,205.00
	21,001--22,000 sq. ft.	1,277.00
	22,001--23,000 sq. ft.	1,349.00
	23,001--24,000 sq. ft.	1,421.00
	24,001--25,000 sq. ft.	1,494.00
	25,001--26,000 sq. ft.	1,566.00
	26,001--27,000 sq. ft.	1,638.00
	27,001--28,000 sq. ft.	1,710.00
	28,001--29,000 sq. ft.	1,782.00
	29,001--30,000 sq. ft.	1,854.00
	30,001--31,000 sq. ft.	1,936.00
	31,001--32,000 sq. ft.	2,019.00
	32,001--33,000 sq. ft.	2,101.00
	33,001--34,000 sq. ft.	2,184.00
	34,001--35,000 sq. ft.	2,266.00
	35,001--36,000 sq. ft.	2,348.00
	36,001--37,000 sq. ft.	2,431.00
	37,001--38,000 sq. ft.	2,513.00
	38,001--39,000 sq. ft.	2,596.00
	39,001--40,000 sq. ft.	2,678.00
	40,001--41,000 sq. ft.	2,771.00
	41,001--42,000 sq. ft.	2,863.00
	42,001--43,000 sq. ft.	2,956.00
	43,001--44,000 sq. ft.	3,049.00
	44,001--45,000 sq. ft.	3,142.00
	45,001--46,000 sq. ft.	3,234.00
	46,001--47,000 sq. ft.	3,327.00
	47,001--48,000 sq. ft.	3,420.00
	48,001--49,000 sq. ft.	3,512.00
	49,001--50,000 sq. ft.	3,605.00
	50,001--51,000 sq. ft.	3,708.00
	51,001--52,000 sq. ft.	3,811.00
	52,001--53,000 sq. ft.	3,914.00
	53,001--54,000 sq. ft.	4,223.00
	54,001--55,000 sq. ft.	4,326.00
	55,001--56,000 sq. ft.	4,429.00
	56,001--57,000 sq. ft.	4,532.00
	57,001--58,000 sq. ft.	4,635.00
	58,001--59,000 sq. ft.	4,748.00
	59,001--60,000 sq. ft.	4,862.00
	60,001--61,000 sq. ft.	4,975.00
	61,001--62,000 sq. ft.	5,088.00
	62,001--63,000 sq. ft.	5,202.00
	63,001--64,000 sq. ft.	5,315.00
	64,001--65,000 sq. ft.	5,428.00
	65,001--66,000 sq. ft.	5,541.00
	66,001--67,000 sq. ft.	5,655.00
	67,001--68,000 sq. ft.	5,768.00
	68,001--69,000 sq. ft.	5,892.00
	69,001--70,000 sq. ft.	6,015.00

Back to Electronic Table of Contents

	70,001--71,000 sq. ft.	6,139.00
	71,001--72,000 sq. ft.	6,262.00
	72,001--73,000 sq. ft.	6,386.00
	73,001--74,000 sq. ft.	6,510.00
	74,001--75,000 sq. ft.	6,633.00
	75,001--76,000 sq. ft.	6,757.00
	76,001--77,000 sq. ft.	6,880.00
	77,001--78,000 sq. ft.	6,757.00
	78,001--79,000 sq. ft.	6,880.00
	79,001--80,000 sq. ft.	7,004.00
	80,001--81,000 sq. ft.	7,138.00
	81,001--82,000 sq. ft.	7,272.00
	82,001--83,000 sq. ft.	7,406.00
	83,001--84,000 sq. ft.	7,540.00
	84,001--85,000 sq. ft.	7,674.00
	85,001--86,000 sq. ft.	7,807.00
	86,001--87,000 sq. ft.	7,941.00
	87,001--88,000 sq. ft.	8,075.00
	88,001--89,000 sq. ft.	8,209.00
	89,001--90,000 sq. ft.	8,343.00
	90,001--91,000 sq. ft.	8,487.00
	91,001--92,000 sq. ft.	8,631.00
	92,001--93,000 sq. ft.	8,776.00
	93,001--94,000 sq. ft.	8,920.00
	94,001--95,000 sq. ft.	9,064.00
	95,001--96,000 sq. ft.	9,208.00
	96,001--97,000 sq. ft.	9,352.00
	97,001--98,000 sq. ft.	9,497.00
	98,001--99,000 sq. ft.	9,641.00
	99,001--100,000 sq. ft.	9,785.00
	100,001--101,000 sq. ft.	9,940.00
	101,001--102,000 sq. ft.	10,094.00
	102,001--103,000 sq. ft.	10,249.00
	103,001--104,000 sq. ft.	10,403.00
	104,001--105,000 sq. ft.	10,558.00
	105,001--106,000 sq. ft.	10,712.00
	106,001--107,000 sq. ft.	10,867.00
	107,001--108,000 sq. ft.	11,021.00
	108,001--109,000 sq. ft.	11,176.00
	109,001--110,000 sq. ft.	11,330.00
	110,001--111,000 sq. ft.	11,495.00
	111,001--112,000 sq. ft.	11,660.00
	112,001--113,000 sq. ft.	11,824.00
	113,001--114,000 sq. ft.	11,989.00
	114,001--115,000 sq. ft.	12,154.00
	115,001--116,000 sq. ft.	12,319.00
	116,001--117,000 sq. ft.	12,484.00
	117,001--118,000 sq. ft.	12,648.00
	118,001--119,000 sq. ft.	12,813.00
	119,001--120,000 sq. ft.	12,978.00

Back to Electronic Table of Contents

	120,001--121,000 sq. ft.	13,153.00
	121,001--122,000 sq. ft.	13,328.00
	122,001--123,000 sq. ft.	13,503.00
	123,001--124,000 sq. ft.	13,678.00
	124,001--125,000 sq. ft.	13,854.00
	125,001--126,000 sq. ft.	14,029.00
	126,001--127,000 sq. ft.	14,204.00
	127,001--128,000 sq. ft.	14,379.00
	128,001--129,000 sq. ft.	14,554.00
	129,001--130,000 sq. ft.	14,729.00
	130,001--131,000 sq. ft.	14,914.00
	131,001--132,000 sq. ft.	15,100.00
	132,001--133,000 sq. ft.	15,285.00
	133,001--134,000 sq. ft.	15,471.00
	134,001--135,000 sq. ft.	15,656.00
	135,001--136,000 sq. ft.	15,841.00
	136,001--137,000 sq. ft.	16,027.00
	137,001--138,000 sq. ft.	16,212.00
	138,001--139,000 sq. ft.	16,398.00
	139,001--140,000 sq. ft.	16,583.00
	140,001--141,000 sq. ft.	16,779.00
	141,001--142,000 sq. ft.	16,974.00
	142,001--143,000 sq. ft.	17,170.00
	143,001--144,000 sq. ft.	17,366.00
	144,001--145,000 sq. ft.	17,562.00
	145,001--146,000 sq. ft.	17,757.00
	146,001--147,000 sq. ft.	17,953.00
	147,001--148,000 sq. ft.	18,149.00
	148,001--149,000 sq. ft.	18,344.00
	149,001--150,000 sq. ft.	18,540.00
EXCEPTIONS - Retail Fee Schedule does not apply to the following:		
5271	Mobile Home Dealers	(see below)
5511-5521	Motor Vehicle Dealers (new and used and used only)	(see below)
5561	Recreational Vehicle Dealers	(see below)
	LOT SIZE	
	Less than 10,000 square feet	103.00
	10,000 to 20,000 square feet	155.00
	50,001 or more square feet	258.00
	5541GS Gasoline Service Stations (per pumping station)	26.00
	5551BD Boat Dealers	206.00
	5932PS Pawnshops	258.00
	5941GD Gun Dealers	103.00
	5961V Vending Machines (per machine)	10.00
6011-6799	FINANCE, INSURANCE, AND REAL ESTATE	
60xx-63xx		

Back to Electronic Table of Contents

	Home office	52.00
	1--1,000 square feet	155.00
	1,001--2,000 square feet	180.00
	2,001--3,000 square feet	206.00
	3,001--4,000 square feet	232.00
	4,001--5,000 square feet	258.00
	5,001--6,000 square feet	283.00
	6,001--7,000 square feet	309.00
	7,001--8,000 square feet	335.00
	8,001--9,000 square feet	361.00
	9,001--10,000 square feet	386.00
	10,001--11,000 square feet	412.00
	11,001--12,000 square feet	438.00
	12,001--13,000 square feet	464.00
	13,001--14,000 square feet	489.00
	14,001--15,000 square feet	515.00
	15,001 or more square feet	540.00
EXCEPTION - 6021MM	Remote (off-site) automatic teller machines (per machine)	155.00
64xx-67xx	Insurance Agents, Brokers, and Service, Operators of Nonresidential Buildings, Lessors of Real Property, not elsewhere classified, Real Estate Agents and Managers, Title Abstract Offices, Land Subdividers and Developers, Holding and other Investment Office	
	Home office	
	1--1,000 square feet	62.00
	1,001--2,000 square feet	82.00
	2,001--3,000 square feet	103.00
	3,001--4,000 square feet	124.00
	4,001--5,000 square feet	144.00
	5,001--6,000 square feet	165.00
	6,001--7,000 square feet	185.00
	7,001--8,000 square feet	206.00
	8,001--9,000 square feet	227.00
	9,001--10,000 square feet	247.00
	10,001--11,000 square feet	268.00
	11,001--12,000 square feet	288.00
	12,001--13,000 square feet	309.00
	13,001--14,000 square feet	330.00
	14,001--15,000 square feet	350.00
	15,001 or more square feet	371.00
EXCEPTIONS - The Finance, Insurance, and Real Estate Fee Schedules do not apply to the following:		
63xxPL	INSURANCE CARRIERS whose policies are sold	72.00

Back to Electronic Table of Contents

	within the city shall be assessed at a fee of	
6513-6514	Operators of Apartment and Residential Buildings (per unit)	6.00
6515	Operators of Residential Mobile Home Sites (per space)	3.00
6531IC	Real Estate Sales Agents (independent contractors)	26.00
7011-8999	SERVICES	
7011-7021		
703x	Camps and Recreational Vehicle Parks (per space)	3.00
704x	Organization Hotels and Lodginghouses, on Membership Basis (per unit)	6.00
	(reserved for future businesses)	
72xx	Personal Services	(see below)
	Home office	52.00
	1--1,000 square feet	72.00
	1,001--2,000 square feet	103.00
	2,001--3,000 square feet	134.00
	3,001--4,000 square feet	165.00
	4,001--5,000 square feet	196.00
	5,001 or more square feet	227.00
EXCEPTIONS - The 72xx Personal Services Fee Schedules do not apply to the following:		
7215LM	Coin-Operated Laundries and Cleaning (per machine)	4.00
7231IC	Beauty Shop (Independent Contractors)	26.00
7241IC	Barber Shop (Independent Contractors)	26.00
7299MT	Massage Therapists	52.00
73xx - 75xx	Business Services, Automotive Repair, Services and Parking	(see below)
	Home office	52.00
	1--1,000 square feet	2.00
	1,001--2,000 square feet	113.00
	2,001--3,000 square feet	144.00
	3,001--4,000 square feet	175.00
	4,001--5,000 square feet	206.00
	5,001 or more square feet	237.00
EXCEPTIONS - The 73xx-75xx Business Services, Automotive Repair, Services, and Parking Fee Schedule does not apply to the following:		
7312BB	Outdoor Billboard Advertising (per billboard)	103.00
7312BS	Bus Shelter Advertising (per bus shelter)	26.00
7381PI	Private Investigator (per investigator)	52.00
	Miscellaneous Repair Services	
	Home office	

Back to Electronic Table of Contents

	1--1,000 square feet	72.00
	1,001--2,000 square feet	103.00
	2,001--3,000 square feet	134.00
	3,001--4,000 square feet	165.00
	4,001--5,000 square feet	196.00
	5,001 or more square feet	227.00
78xx-79xx	Motion Pictures and Amusement and Recreation Services	
	Home office	
	1--1,000 square feet	82.00
	1,001--2,000 square feet	113.00
	2,001--3,000 square feet	144.00
	3,001--4,000 square feet	175.00
	4,001--5,000 square feet	206.00
	5,001 or more square feet	237.00
The 78xx-79xx Motion Pictures and Amusement and Recreation Services Fee Schedule does not apply to the following:		
7929ET	Entertainment	52.00
992GC	Golf Course	206.00
7993AM	Coin-Operated Amusement Devices (per machine)	21.00
7999IC	Amusement and Recreation Services not elsewhere classified (Independent Contractors)	26.00
7999PR	Fortunetellers, Psychic Readings, Astrologers, etc. (per practitioner)	489.00
8011	Offices and Clinics of Doctors of Medicine (per doctor)	175.00
8021	Offices and Clinics of Dentists (per dentist)	155.00
031	Offices and Clinics of Doctors of Osteopathy (per physician)	175.00
804x	Offices of other Health Practitioners (per practitioner)	144.00
805x	Nursing and Personal Care Facilities	309.00
806x	Hospitals	(see below)
	50 or less beds	412.00
	More than 50 beds	515.00
807x-809x	Medical and Dental Laboratories, Home Health Care Services, Health and Allied Services, not elsewhere classified	(see below)
	Home office	52.00
	Others	103.00
81xx-82xx	Legal and Educational Services	(see below)
	Home office	52.00
	1--1,000 square feet	82.00
	1,001--2,000 square feet	113.00
	2,001--3,000 square feet	144.00
	3,001--4,000 square feet	175.00
	4,001--5,000 square feet	206.00

Back to Electronic Table of Contents

	5,001 or more square feet	237.00
EXCEPTION - The 81xx-82xx Legal and Educational Services Fee Schedule does not apply to the following:		
8111AT	Attorneys (per attorney)	113.00
83xx-84xx	Social Services, Museums, Art Galleries, and Botanical and Zoological Gardens	
	Home office	
	1--1,000 square feet	72.00
	1,001--2,000 square feet	103.00
	2,001--3,000 square feet	134.00
	3,001--4,000 square feet	165.00
	4,001--5,000 square feet	196.00
	5,001 or more square feet	227.00
EXCEPTIONS - The 83xx-84xx Social Services, Museums, Art Galleries, and Botanical and Zoological Gardens Fee Schedule does not apply to the following:		
8322CN	Counselors and Social Workers (per practitioner)	113.00
8361	Residential Care (per licensed bed) (includes Adult Community Living Facilities)	5.00
86xx-89xx	Membership Organizations, Engineering, Accounting, Research, Management, and Related Services, Private Households, and Services Not Elsewhere Classified	
	Home office	
	1--1,000 square feet	82.00
	1,001--2,000 square feet	113.00
	2,001--3,000 square feet	144.00
	3,001--4,000 square feet	175.00
	4,001--5,000 square feet	206.00
	5,001 or more square feet	237.00
EXCEPTIONS - The 86xx-89xx Membership Organizations, Engineering, Accounting, Research, Management, and Related Services, Private Households, and Services Not Elsewhere Classified Fee Schedule does not apply to the following:		
8711EN	Engineers (per engineer)	113.00
8712AR	Architects (per architect)	113.00
8721AC	Certified Public Accountants (per accountant)	113.00
	ADULT USES	
7363AU	Adult Modeling Facility or Strip Club	
	Per facility	489.00
	Per model or dancer	103.00

Back to Electronic Table of Contents

7841AU	Adult Book Store/Video Rental (Also Requires Separate Occupation License for Retail Trade.)	
	Adult materials sale or rental	155.00
	Plus on-site video booths or theater	155.00

(Code 1978, § 11-12; Ord. No. 88-49, § 1, 9-20-1988; Ord. No. 2008-45, § 2(11-12), 6-3-2008; Ord. No. 2012-47, § 1, 6-19-2012)

ARTICLE VI. CITY OF LARGO ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION

Sec. 22-120. Findings of fact.

(a) It is a recognized function of local government to promote economic development within its jurisdiction by providing financial incentives that will encourage existing businesses to expand and new businesses to relocate within its jurisdiction, thereby creating employment opportunities that will benefit the entire community.

(b) The 2013 economic climate has resulted in a high unemployment rate in the City, impacting the quality of life for the citizens of Largo and the sustainability of local businesses.

(c) The City determines that the granting of Economic Development Ad Valorem Tax Exemptions to new businesses locating in the City and to existing businesses expanding in the City as provided in this Article will promote and strengthen the local economy which will enhance the health, safety, and welfare of the citizens of Largo, which actions are in the best interest of the City and serves a public purpose.

Sec. 22-121. Definitions. The following words, phrases and terms shall have the meanings set forth below. Except where indicated otherwise such words, phrases and terms shall have the same meanings attributed to them in the Florida Statutes and the Florida Administrative Code as amended from time to time:

(a) *Applicant* means any person, firm, partnership or corporation who files an Application with the City seeking an Exemption.

(b) *Application* means a written application for an Exemption on the form prescribed by the Department, together with any supplemental form prescribed by the City Manager and any additional information requested by the Development Controls Officer (DCO).

(c) *Average Annual Employment* means the sum of the number of Full-Time Equivalent Employees as of the last day of each month of the preceding calendar year divided by twelve (12).

(d) *Average Annual Private Sector Wage* means the lesser of the average annual private sector wage throughout the State of Florida, the Metropolitan Statistical Area or Pinellas County.

(e) *Average Annual Wage* means the sum of the Wages paid to Full-Time Equivalent Employees included in the Average Annual Employment, divided by the Average Annual Employment.

(f) *Brownfield Area* means an area designated as a brownfield area pursuant to Section 376.80, Florida Statutes.

(g) Business means any activity engaged in by any person, firm, partnership, corporation, or other business organization or entity, with the object of private or public gain, benefit, or advantage, either direct or indirect.

Back to Electronic Table of Contents

(h) *Capital Investment* means any expenditure for an Expansion of an Existing Business or a New Business to be located in the City which can be capitalized under generally accepted accounting principals.

(I) *City* means the City of Largo, Florida.

(j) *City Commission* means the City Commission of the City of Largo, Florida.

(k) *City Manager* means the chief administrative officer of the City, or their designee.

(l) *Community Redevelopment Agency* means the Community Redevelopment Agency of the City of Largo; public agency created pursuant to Section 163.357, Florida Statutes.

(m)*Community Redevelopment District* means the West Bay Drive Community Redevelopment District and the Clearwater Largo Road Community Redevelopment District which are areas designated as a community redevelopment area pursuant to Part III, Chapter 163, Florida Statutes.

(n) *Department* means the Florida Department of Revenue.

(o) *Economic Development Ad Valorem Tax Exemption* or *Exemption* means an ad valorem tax exemption granted by the City in its sole and absolute discretion to a qualified Business pursuant to this Article as authorized by Article VII, Section 3 of the Constitution of the State of Florida and Section 196.1995, Florida Statutes.

(p) *Exemption Criteria* means the criteria to be applied by the City in making its determination as to whether to grant an Exemption, as provided for in Sections 22-124(d) and (e) of this Article.

(q) *Expansion of an Existing Business* is defined in Section 196.012(15), Florida Statutes (2013) and is:

(1) A business or organization establishing ten (10) or more new jobs to employ ten (10) or more full- time employees in this City which manufactures, processes, compounds, fabricates, or produces for sale items of tangible or personal property at a fixed location and which comprises and industrial or manufacturing plant; or

(2) A business or organization establishing twenty five (25) or more new jobs to employ twenty five (25) or more full-time employees in this City, the sales factor of which, as defined by F.S. 220.15(5), for the facility with respect to which it requests and Economic Development Ad Valorem Tax Exemption is less than fifty percent (50%) for each year the exemption is claimed; provided that such business increases operations on a site located within the City co-located with a commercial or industrial operation owned by the same business or organization under common control with the same business or organization, resulting in a net increase of employment of not less than ten percent (10%) or an increase in productive output or sale of not less than ten (10%).

(r) *Full-Time Equivalent Employee* means a person who is employed by a Business that works at least 35 hours per week and is eligible to receive benefits, including health benefits, through their employer, subject to any eligible vesting periods.

(s) *Goods* means all personal property when purchased primarily for personal, family, or household use, but not including personal property sold for commercial or industrial use.

(t) *Improvements* means physical changes made to raw land, and structure placed on or under the land surface, including all Tangible Personal Property acquired to facilitate an Expansion of an Existing Business provide that the Tangible Personal Property or raw land and structures placed on or under the land surface are added or increased on or after the day an Ordinance specifically granting a Business and Exemption is adopted.

Back to Electronic Table of Contents

However, Tangible Personal Property acquired to replace existing property shall not be considered to facilitate a business expansion.

(u) *High Value Business* means an Expansion of an Existing Business or a New Business that is expected to have a significant economic impact as a result of the number of Full-Time Equivalent Employees, its Average Annual Wage, the Capital Investment in the Business, or additional jobs subsequently created as a result of such Business.

(v) *Metropolitan Statistical Area or MSA* means a geographical region with a relatively high population density at its core and close economic ties throughout the area. For purposes of this Article, the MSA includes Hernando, Hillsborough, Pasco and Pinellas Counties.

(w) *New Business* is defined in Section 196.012(14), Florida Statutes (2013) and is:

(1) A business or organization establishing ten (10) or more new jobs to employ ten (10) or more full-time employees in this City which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises and industrial or manufacturing plant; or

(2) A business or organization establishing twenty five (25) or more new jobs to employ twenty five (25) or more full-time employees in this City, the sales factor of which, defined by F.S. 220.15(5), of the facility with respect to which it requests and Economic Development Ad Valorem Tax Exemption is less than fifty percent (50%) for each year the exemption is claimed; or

(3) An office space in this City owned and used by a business or organization newly domiciled in this City; provided such office space houses fifty (50) or more full-time employees of such business or organization; provided that such business or organization first begins operations on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

(x) *New Job* means a Full-Time Equivalent Employee which is new to the State of Florida.

(y) *Property Appraiser* means the Pinellas County Property Appraiser.

(z) *Qualifying Average Annual Wage* means the wage grater than the average annual wage of Pinellas County as provided annually by the State.

(aa) *Sales Factor* means a fraction, the numerator of which is the total sales of the taxpayer in the City of Largo during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(ab) *Tangible Personal Property* shall have the meaning set forth in Section 192.001(11)(d), Florida Statutes.

(ac) *Target Industry Business* means an Expansion of an Existing Business or a New Business that is engaged in a Business designated as a target industry business pursuant to Section 288.106, Florida Statutes.

(ad) *Wages* means all compensation including salaries, bonuses, commissions and the value of exercised stock options subject to federal income tax, but excluding fringe benefits; provided, stock options shall be included in the calculation of wages in a manner consistent with the program established pursuant to Section 288.106, Florida Statutes.

(ae) *Written Tax Exemption Agreement* means the agreement between the Applicant and the City upon approval of the City Commission's granting of an Exemption and shall include but no be limited to performance criteria and must be consistent with this Ordinance and other applicable laws.

Back to Electronic Table of Contents

(Ord. No. 2016-48, § 2, 4-5-2016)

Sec. 22-122. Establishment of economic development ad valorem tax exemption.

(a) Incentive. There is herein established an Economic Development Ad Valorem Tax Exemption for ad valorem taxes levied by the City. The Exemption is a local option tax incentive for a qualified New Business or Expansion of an Existing Business which may be granted or refused at the sole and absolute discretion of the City.

(b) Ineligible Improvements. The Exemption shall not apply to Improvements made by or for the use of a qualified New Business or Expansion of an Existing Business when such Improvements have been included on the tax rolls prior to the effective date of the ordinance adopting this article.

(Ord. No. 2016-48, § 3, 4-5-2016)

(c) Eligible Improvements. At the sole and absolute discretion of the City, and except as otherwise provided for in this Article, the Exemption may be granted for one hundred (100%) percent of the assessed value of all Improvements made by or for the use of a qualifying New Business and of all Tangible Personal Property of such New Business, or one hundred (100%) percent of the assessed value of all added Improvements made to facilitate the qualifying Expansion of an Existing Business and of the net increase in all Tangible Personal Property acquired to facilitate such Expansion of an Existing Business, provided that the Improvements are made or the Tangible Personal Property is added or increased on or after the effective date of the ordinance adopting this article. Property acquired to replace existing property shall not be construed to facilitate a business expansion.

(Ord. No. 2016-48, § 4, 4-5-2016)

(d) Land. No exemption shall be granted for the land upon which a New Business and/or Expansion of an Existing Business is to be located.

(e) Exemption. Except as otherwise provided for in this Article, the Exemption may be granted for up to one hundred (100%) percent of the assessed value of all Improvements to real property made by or for the use of the qualifying New Business and of all tangible personal property of such New Business, or up to one hundred (100%) percent of the assessed value of all added Improvements to real property made to facilitate the qualifying Expansion of an Existing Business and of the net increase in all tangible personal property acquired to facilitate such Expansion of an Existing Business, provided that the Improvements to real property are made or the tangible personal property is added or increased on or after the date the effective date of the ordinance adopting this article.

(Ord. No. 2016-48, § 5, 4-5-2016)

(f) Exemption Period. Except as otherwise provided for in this Article, the Exemption may be for a period of up to ten (10) years from the effective date of the ordinance specifically granting an Exemption.

(g) Taxes Applicable. The Exemption shall apply only to ad valorem taxes levied by the City. The Exemption shall not apply to taxes levied by other taxing authorities, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9(b) or 12, Article VII of the Florida Constitution.

(h) Exemption Non-Transferable. Any Exemption granted for a New Business or Expansion of an Existing Business is non-transferable between businesses; provided, however, if the only change to the business is ownership and all other provisions of the original application remain in effect, the Exemption may be transferred subject to compliance with this Article. The City shall make the determination of whether an

Back to Electronic Table of Contents

exemption qualifies as transferable and shall notify the Property Appraiser of any changes in exempt status for a property.

Sec. 22-123. Application for exemption.

(a) Application. Any eligible person, firm, partnership or corporation which desires an Exemption shall file with the City an Application by February 1st of the year the Exemption is desired to take effect. All Applicants shall first file a notice of intent prior to submitting an Application and prior to the business locating or expanding in the City.

(b) Application Requirements. The Application shall include the following information:

i. The name and location of the New Business or the Expansion of an Existing Business;

ii. A description of the improvements to real property for which an Exemption is requested and the date of commencement of construction of such improvements;

iii. A description of the tangible personal property for which an Exemption is requested and the dates when such property was or is to be purchased;

iv. Proof, to the satisfaction of the City Commission, that the applicant is a New Business or an Expansion of an Existing Business, as defined in Section 196.012(14) or (15), Florida Statutes (2013);

v. The number of jobs the Applicant expects to create along with the average wage of the jobs and whether the jobs are full-time or part-time;

vi. The expected schedule of when the jobs will be created;

vii. Proof of ownership of the real property, or if the Applicant does not own the real property to be exempted, a minimum leasehold interest of fifteen (15) years must be demonstrated;

(1) For purposes of this section, an Applicant shall qualify as having "ownership" of the real property to be exempted, if the Applicant has (i) fee ownership of the property pursuant to a deed of conveyance; or (ii) the exclusive right to possess and occupy the property through a written lease or other written agreement that creates in favor of the Applicant the right to enjoy the economic benefits of ownership of the property, and also imposes the obligation to bear the economic burdens of ownership of the property. For such purposes, certain leases or other legal arrangements (such as so-called "capital leases" and "synthetic leases"), which are referred to as leases in form but which are structured in such a manner as to satisfy the requirements of clause (ii) of the preceding sentence (as determined in the sole discretion of the City Commission), will qualify as ownership even if the stated term of such lease or other arrangement is for a stated term of less than fifteen (15) years.

(Ord. No. 2016-26, § 2, 11-17-2015

viii. Other information deemed necessary or appropriate by the City.

(c) Review. Upon submittal of the Application to the Economic Development Division within the City of Largo's Community Development Department, the City shall within ten (10) business days of submission, notify the Applicant of any insufficient information or deficiencies in the Application. Once completed, the City Manager shall make an initial determination of whether to recommend to the City Commission that the Applicant qualifies as a New Business or Expansion of an Existing Business and provide the Application to the

Back to Electronic Table of Contents

Property Appraiser. The City Manager shall take into account the impact on existing businesses within close proximity to the New Business or Expansion of Existing Business when making the initial determination and recommendation to the City Commission. Applications shall be scheduled for a public hearing before the City Commission no later that forty-five (45) days following receipt by the City of the Property Appraisers report provided for in this Article. The Applicant shall be notified of the date and time of the first and second reading dates for the ordinance.

(d) Agreement. As a condition to receiving an Exemption, a Business will be required to enter into a Written Tax Exemption Agreement with the City to ensure that the Business satisfies all requirements associated with the granting and continuation of the Exemption.

(e) Additional Submission Requirements. A Notice of Intent for an Exemption shall be submitted in advance of any necessary permit application changing the future land use designation on the City's Future Land Use Map. In the case of existing sites or facilities not requiring a future land use change, a Notice of Intent for an Exemption shall be submitted prior to permits regarding building occupancy submittals.

Sec. 22-124. City Commission consideration of applications.

(a) Property Appraiser Review and Report. Before the City Commission takes action on an Application, a copy of the Application, once deemed complete, shall be delivered to the Property Appraiser, no later than March 1st for review. After careful consideration of the Application and substantial completion of the Improvements, as determined by the Property Appraiser of the property for which the Exemption is requested, the Property Appraiser shall provide a report to the City which shall include the following:

1. The total revenue available to the City for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total revenue available cannot be determined;

2. The amount of any revenue lost to the City for the current fiscal year by virtue of Exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;

3. An estimate of the amount of revenue which would be lost to the City during the current fiscal year if the exemption applied for were granted had the property for which the Exemption is requested otherwise been subject to taxation; and

4. A determination as to whether the property for which an Exemption is requested is to be incorporated into a New Business or the Expansion of an Existing Business, or into neither, which determination the Property Appraiser shall also affix to the face of the Application.

(b) Eligibility Threshold. The threshold for eligibility is whether the Business meets the definition of a New Business or of an Expansion of an Existing Business as provided in this Article.

(c) Ineligibility Criteria.

1. Any Business, owner, officer, partner or principal actor acting on behalf of the Business or Applicant, that has been convicted of a felony or released from custody (within the last ten years) or a misdemeanor involving crimes of violence, dishonesty or false statement (within the last five years) of any federal or state law or regulation is not eligible for an Exemption.

2. Any Business located in a Community Redevelopment Area with a tax increment finance district shall not be eligible for an Exemption.

3. Any Business which has applied for a building permit for Improvements made by or for the use a qualifying New Business or the Expansion of an Existing Business prior to filing a Notice of Intent will not be

Back to Electronic Table of Contents

eligible for an Exemption.

4. Any Business in violation of any federal, state, or local law or regulation, including, but not limited to, environmental laws or regulations, will not be eligible for an exemption.

(d) Exemption Criteria. In making its determination as to whether to grant an Exemption, the City shall consider the following factors:

1. The total number of net new jobs to be created by the applicant;

2. The average wage of the new jobs;

3. The capital investment to be made by the applicant;

4. They type of business or operation and whether it qualifies as a targeted industry as may be identified from time to time by the City;

5. The environmental impact of the proposed business or operation; and

6. The extent to which the applicant intends to source its supplies and materials within the City.

(Ord. No. 2016-48, § 6, 4-5-2016)

(e) Additional Exemption Criteria. The City may also use the following criteria in making its determination, provided that the City, in its sole and absolute discretion, may deviate from these factors when considering Applications from a High Value Business if the City determines that such deviation is in the best interest of the City:

1. Number of current and projected employees of the Business located in the City;

2. Average Wage of Employees of the Business located in the City;

3. Commitment to Local Procurement;

4. Net positive contribution to the local economy; and

5. Brownfield Area location.

(Ord. No. 2016-48, § 7, 4-5-2016)

(f) Precedent; Standard for Consideration of Applications. No precedent shall be implied or inferred by the granting of an Exemption. Each Application shall be considered by the City Commission in its legislative capacity, on a case-by-case basis, after considering the Property Appraisers report on the Application and the Exemption Criteria.

Sec. 22-125. Application fees. No fees shall be charged for processing Applications or any Exemption ordinance adopted by the City.

Sec. 22-126. Continuing performance.

(a) Annual Filings. The ability to receive an Exemption for the period granted shall be conditioned upon the Applicant's ability to maintain the qualified business throughout the entire period. The Applicant shall be required to submit an annual renewal statement and an annual report to the City on or before February 1st of each year during the period for which the Exemption was granted. The Applicant shall also timely comply

Back to Electronic Table of Contents

with all filings required pursuant to Section 196.11, Florida Statutes.

1. The annual renewal statement shall certify that the information provided in the original Application has not changed.

2. The annual report shall provide a report on the status of the business, evidencing satisfaction of the business maintenance and continued performance conditions set forth in this Ordinance and Written Tax Exemption Agreement. The report shall be prepared in a form approved by the City and shall contain information the City may reasonably deem necessary for the purpose of determining continuing performance by the Business of the conditions provided for in this Ordinance and the ordinance specifically granting the Business an Exemption.

3. The annual report, when applicable, shall also provide information to the City as to any changes in ownership of the Business granted an Exemption. The transferee Business shall comply with all Exemption requirements and shall assume in writing all of the obligations the originating Business provided in the Written Tax Exemption Agreement.

Sec. 22-127. City revocation. Should any Business granted an Exemption pursuant to this Article fail to comply with one or more items below, the City, may, upon thirty (30) days written notice to the respective Business, adopt an ordinance revoking the Exemption or take such other action with respect to the Exemption as it deems appropriate.

1. Fail to file the annual renewal statement and/or annual report on or before February 1st of each year during the period for which the Exemption has been granted as required by this Article;
2. Fail to continue to meet the definition of a New Business or an Expansion of an Existing Business;
3. Fail to timely inform the City of a change of ownership;
4. Fail to file a new Application upon any change in the information provided in the original Application;
5. Fail to fulfill any other representation made to the City during the Application process; and/or
6. Fail to comply with any other requirement provided for in this Article.

(a) Notification. Upon revocation of the Exemption, the City shall immediately notify the Property Appraiser.

(b) Recovery of Taxes. If it is determined that a Business was not in fact entitled to an Exemption in any year for which the Business received an exemption, the City, Property Appraiser or Tax Collector shall be entitled to recover all taxes not paid on tangible personal property as a result of the Exemption, plus interest at the maximum rate allowed by law, plus all costs of collection, including, without limitation, reasonable attorney's fees.

(c) Reapplication. Nothing herein shall prohibit a Business from reapplying for an Economic Development Ad Valorem Tax Exemption pursuant to state law and this Article.

Sec. 22-128. Applicability. This Article shall be applicable in all areas within the City excluding a Community Redevelopment District with a tax increment finance district in place.

Sec. 22-129. Notice of intent. Applicants are required to notify the City of their intent to apply for an Exemption before a business locates or expands in the City. Any Applicant who files a notice of intent prior to the adoption of this Article who obtained a building permit for Improvements made by or for the use of a qualifying New Business or Expansion of an Existing Business is eligible for an Exemption.

(Ord. No. 2013-60; § 3; 9-3-2013)

Back to Electronic Table of Contents

Chapter 23 UTILITIES

Article I. In General
Sec. 23-1. Water system and sewer system combined.
Sec. 23-2. Declared a public utility.
Secs. 23-3--23-22. Reserved.
Article II. Sewers
Division 1. Generally
Sec. 23-23. Rules and regulations of city manager.
Sec. 23-24. Discharge of certain substances prohibited or restricted.
Secs. 23-25--23-51. Reserved.
Division 2. Connections
Sec. 23-52. Required.
Sec. 23-53. Requirements for performance of work.
Sec. 23-54. Failure to make required connection; performance of work by city.
Sec. 23-55. Reimbursement of city for connection to sewer for which city bore cost of construction.
Secs. 23-56--23-83. Reserved.
Division 3. Rates and Charges
Sec. 23-84. Billing cycle for users inside and outside city limits.
Sec. 23-85. Connection charges.
Sec. 23-86. Purpose; use of funds.
Sec. 23-87. Billing procedures.
Sec. 23-88. Delinquency.
Sec. 23-89. General service provision and capital facility expansion policies.
Sec. 23-90. Repealed.
Sec. 23-91. Reclaimed water charges.
Sec. 23-92. Provisions of reclaimed water service.
Sec. 23-93. Restrictions on the use of reclaimed water.
Sec. 23-94. Requiring connections to the reclaimed water system when available.
Secs. 23-95--23-116. Reserved.
Division 4. Industrial Pretreatment Program
Sec. 23-117. General provisions.
Sec. 23-118. Regulations.
Sec. 23-119. Fees.
Sec. 23-120. Wastewater discharge permits.
Sec. 23-121. Reporting requirement for significant industrial users.
Sec. 23-122. Compliance monitoring.
Sec. 23-123. Enforcement.
Sec. 23-124. Confidential information.
Sec. 23-125. Affirmative defenses to discharge violations.
Sec. 23-126. Judicial enforcement remedies.
Secs. 23-127--23-150. Reserved.
Article III. Stormwater Utility
Sec. 23-151. Short title.
Sec. 23-152. Purpose and intent.
Sec. 23-153. Definitions and rules of construction.
Sec. 23-154. Fee established.
Sec. 23-155. Rates and charges.
Sec. 23-156. Fee--Residential property.
Sec. 23-157. Same--Nonresidential property and mixed-use property.
Sec. 23-158. Same--High-density residential property.
Sec. 23-159. Same--Minimum.
Sec. 23-160. Billing and payment; penalties for nonpayment.

Back to Electronic Table of Contents

Sec. 23-161. Inclusion in utility bill.
Sec. 23-162. Bill for properties not served with utilities.
Sec. 23-163. Owner responsible for stormwater fee.
Sec. 23-164. Requests for adjustment; procedure.
Sec. 23-165. Appeals.
Sec. 23-166. Findings as to fees; use of funds; revenue fund.
Sec. 23-167. Credits for privately constructed and maintained stormwater facilities.
Secs. 23-168--23-185. Reserved.
Article IV. Privately Owned Collection and Transmission Systems
Sec. 23-186. General provisions.
Sec. 23-187. Prohibitions and performance criteria.
Sec. 23-188. Requirements--Permit application fees.
Sec. 23-189. Same--Documentation and reporting.
Sec. 23-190. Same--Monitoring.
Sec. 23-191. Pump station operation and repair.
Sec. 23-192. Maintenance requirements.
Sec. 23-193. Certification of sanitary sewer system capacity.
Sec. 23-194. Enforcement.
Secs. 23-195--23-211. Reserved.
Article V. Municipal Separate Storm Sewer System (MS4) Regulations
Sec. 23-212. Short title.
Sec. 23-213. Intent.
Sec. 23-214. Definitions.
Sec. 23-215. Illicit discharges.
Sec. 23-216. Spills and dumping.
Sec. 23-217. Construction activity.
Sec. 23-218. Industrial activity.
Sec. 23-219. Inspection and monitoring.
Sec. 23-220. Administrative order.
Sec. 23-221. Penalties.
Secs. 23-222--23-250. Reserved.
Article VI. Water Conservation
Sec. 23-251. Local enforcement of water shortage orders by Southwest Florida Water Management District.

ARTICLE I. IN GENERAL

Sec. 23-1. Water system and sewer system combined.

The municipally owned reclaimed water system of the city and the municipally owned sewer system of the city are hereby combined into a single utility system of the city, to be known as the "reclaimed water and sewer system" of the city, and such reclaimed water system and sewer system shall be operated, maintained, added to, extended and improved as a single combined reclaimed water and sewer system.

(Code 1967, § 24-1; Code 1978, § 22-1; Ord. No. 2005-01, § 1, 10-19-2004)

Sec. 23-2. Declared a public utility.

The present sanitary sewage system now in existence in the city, together with all extensions thereof, and replacements thereto, and the sanitary sewerage disposal system, are hereby established and declared to be a public utility for the use and benefit of the city in the maintenance of public health throughout the city and its surrounding territory.

Back to Electronic Table of Contents

(Code 1967, § 24-2; Code 1978, § 22-2)

Secs. 23-3--23-22. Reserved.

ARTICLE II. SEWERS

DIVISION 1. GENERALLY

Sec. 23-23. Rules and regulations of city manager.

The city manager shall, from time to time, prescribe all rules and regulations necessary to implement the provisions and the intent of this article.

(Code 1978, § 22-16; Ord. No. 76-930, § 2, 1-4-1977)

Sec. 23-24. Discharge of certain substances prohibited or restricted.

(a) No person shall make or maintain any connection with any public or private sewer or appurtenance thereof whereby there may be conveyed into the same any suffocating, corrosive, inflammable or explosive liquid gas, vapor, substance or material. All industrial waste, which, in the opinion of the city manager will be detrimental to the sewer or sewage treatment plant, shall be suitably treated before being discharged into a public sewer. Septic tank cleanings shall not be introduced directly into the sewer system.

(b) Pipes from a water supply tank or exhausts from a water lift shall not be directly connected with any soil or waste pipe. No stormwater, roof drainage or swimming pool water shall be discharged into a sanitary sewer. No cooling water from air conditioning equipment, with the exception of refuse of treated sewage effluent, shall be discharged into a sanitary sewer.

(c) All garages or other places where repair or similar work for automobiles is done, or where machines are washed for the public, shall be provided with an approved catchbasin. Such catchbasins shall have accumulated oils or other inflammable fluids pumped or otherwise removed at regular intervals not to exceed 90 days. All catchbasins and drains for garages and filling stations shall be arranged in such manner as to intercept oil, gasoline or other inflammable fluids, as well as sand, silt and other solids for the purpose of excluding the same from the sewer system. Water from wash racks and grease racks shall not be discharged directly into a sanitary sewer without having first passed through such a catchbasin.

(d) No person shall do any act or thing which may impair or obstruct the flow of any public sewer or clog up any appurtenance thereof, or place therein any substance, solid or liquid, other than the waste products for which sewers are designed.

(e) It shall be unlawful for any person, at any place, or at any time, to cross connect, join or attach any part of the reclaimed water or sewer system of the city to any other water or sewer system or facilities, unless such cross connection, attachment or joining shall first be approved by the city in writing and upon payment of an inspection fee therefor in an amount to be determined by the city manager. In the event of such approval, such fee shall be paid annually for so long as such permit shall be in effect, and such permit may be cancelled by the city at any time upon the giving of 30 days' notice. The city manager may as a condition precedent to any such permit require the furnishing of complete engineering plans and the installation of any and all equipment which may be necessary to preserve the health, safety or convenience of the city reclaimed water and sewer system or the users thereof.

(Code 1967, § 24-26; Code 1978, § 22-17; Ord. No. 88-18, § 1, 3-15-1988; Ord. No. 2005-01, § 2, 10-19-2004)

Back to Electronic Table of Contents

Secs. 23-25--23-51. Reserved.

DIVISION 2. CONNECTIONS

Sec. 23-52. Required.

(a) The owner of every residential subdivision lot, single-family residence, or an establishment, having an estimated sewage flow of 1,000 gallons per day or less and where a city gravity sewer line or low pressure or vacuum sewage collection line exists in a public easement or right-of-way that abuts the property line of the lot, residence or establishment shall, within 365 days of receiving written notification that city sewer service is available, connect such lot, residence or establishment to the city sewer line existing in a public easement or right-of-way that abuts the property line.

(b) The owner of an establishment having an estimated sewage flow exceeding 1,000 gallons per day and where a city sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property line of the establishment or is within 50 feet of the property line shall, within 365 days of receiving written notification that city sewer services are available, connect such establishment to the city sewer system.

(c) For proposed residential subdivisions with more than 50 lots, commercial subdivisions with more than five lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, the owner of such residential subdivisions, commercial subdivisions and areas zoned or used for industrial or manufacturing purposes and where the city sewer system exists within one-fourth mile of the development as measured and accessed via existing easements and rights-of-way, shall, within 30 days of receiving written notification that city sewer services are available, install such facilities as are necessary to dispose of industrial waste and connect to the city sewer system pursuant to the rules and regulations of the city and state. If a residential subdivision, commercial subdivision or area zoned industrial or used for manufacturing purposes has an existing on-site sewer system, as defined by F.S. § 381.0065, and is notified by the city of available sewer services, such development shall connect to the city sewer system within 365 days of receiving notification that city sewer services are available.

(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, any owner of an on-site sewage treatment and disposal system, as defined by F.S. § 381.0065, that needs repair or modification to function in a sanitary manner or to comply with the requirements of city ordinances or state law shall connect to the city's available sewer system within 90 days of receiving notification from the county health department or state department of health.

(e) Owners who are required to connect to the city's sewer system under subsection (a), (b) or (c) of this section shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed two years from the date of initial written notification by the city to the owner of anticipated availability; however, nothing in this subsection limits the power of the city to enforce other laws for the protection of the public health and safety.

(f) Notwithstanding the provisions of subsections (a) through (e) of this section, the city may, in its sole discretion, extend the period of time in which an owner has to pay required connection charges to the city hereunder.

(g) Notwithstanding the provisions of subsections (a) through (f) of this section, the city may, with the approval of the department of health, waive the requirement of mandatory connection hereunder if it determines that such connection is not required in the public interest due to public health considerations.

(h) Violations of this article shall constitute an offense punishable by fines as provided in F.S. ch. 162 and this Code. In addition to the penalties provided in F.S. ch. 162, and this Code, the provisions of this article may be enforced by appropriate action or proceeding in a court of competent jurisdiction in order to compel connection

Back to Electronic Table of Contents

to the city's available sewer system as required by F.S. § 381.00655, as it may be amended from time to time. An order of the city code enforcement board imposing fines, or fines plus repair costs, shall be recorded in the public records and thereafter shall constitute a lien against any land on which the violation exists and upon any other real or personal property owned by the violator. A fine imposed by the city code enforcement board shall continue to accrue until an affidavit of compliance filed by authorized city personnel is accepted by the city code enforcement board.

(i) All law enforcement officers, code enforcement officers, department of environmental services staff and/or the city manager's designees shall, in connection with all other duties imposed by law, diligently enforce the provisions of this article. In addition, the city manager may also delegate enforcement responsibility for this section to agencies and any departments of the city, in accordance with state and local law.

(Code 1967, § 24-17; Code 1978, § 22-26; Ord. No. 99-37, § 7, 2-2-1999; Ord. No. 2000-77, § 6, 8-1-2000; Ord. No. 2001-37, § 1, 3-13-2001; Ord. No. 2005-01, § 3, 10-19-2004)

Sec. 23-53. Requirements for performance of work.

The installation and connection required to be made pursuant to provisions of section 23-52 shall be made in accordance with this Code and any other rules, regulations and ordinances of the city in connection therewith.

(Code 1967, § 24-19; Code 1978, § 22-28)

Sec. 23-54. Failure to make required connection; performance of work by city.

If the owner of any house, building or structure referred to in section 23-52 shall fail to make any installation or connection required by such section within the time required, the city may proceed to make such installation or connection or cause the same to be made and assess the cost thereof as a lien against such property; and failure of the owner of any such house, building or structure to make any such installation or connection within the time required shall constitute and be a violation of this Code.
(Code 1967, § 24-20; Code 1978, § 22-29)

Sec. 23-55. Reimbursement of city for connection to sewer for which city bore cost of construction.

(a) Where public sewers have been constructed and the cost thereof has been wholly or partly paid out of the funds of the city, or financed through the issuance of bonds, or otherwise financed, and the owner of any property abutting upon such sewers makes application to tap into or connect to such sewers, no permit shall be issued to such abutting property owner to make such connection or connections, nor shall such abutting property owner make such connection or connections unless and until he/she shall have first paid into the city treasury or given some security for such payment satisfactory to the fiscal officer of the city, in addition to the requirements of all Code provisions and other regulations including, but not limited to, permit fees and connection charges, an amount sufficient to reimburse the city for the actual and entire cost of extending sewer service to the property for which application is made.

(b) Such costs shall include any costs of right-of-way acquisition, construction costs, costs and all related expenses incurred by the city in attempting a special assessment for said extension, or attempting collection of such assessments including, but not limited to, any interests paid by the city for such costs and any attorney's fees paid in connection therewith and any interest on financing paid by the city either upon funds borrowed for such purposes or in other manners incidental or related thereto. Such costs shall further include, but not be limited to, that portion of the cost of such sewer extension as was formerly charged in the form of an assessment, but which assessment the city has been unable to collect due to defects in the procedure or the failure to obtain an assessment lien for such costs.

Back to Electronic Table of Contents

(Code 1978, § 22-30; Ord. No. 79-08, § 1, 2-6-1979)

Secs. 23-56--23-83. Reserved.

DIVISION 3. RATES AND CHARGES

Sec. 23-84. Billing cycle for users inside and outside city limits.

(a) *Users within the city limits.*

(1) Residential users shall be charged $2.12 per each 1,000 gallons of water consumed in excess of 3,000 gallons per unit per month (6,000 gallons per bimonthly billing cycle), up to a maximum of 8,000 gallons per unit per month (16,000 gallons per bimonthly billing cycle) and fixed monthly charges, as follows:

Single-family	$24.80
Multifamily (duplex, triplex)	$23.85
High density (apartments, mobile homes and condominiums)	$19.35
Customers utilizing other water sources including, but not limited to, wells, cisterns, bottled water or non-county potable water, unless another water source provider agrees to bill, collect and remit the applicable city variable rates on behalf of the city, at costs that are equal to or below costs incurred on similar accounts, fixed monthly charge for 5,000 gallons	$29.04 (fixed monthly charge for 5,000 gallons)

(2) Commercial users which will include, but not be limited to, all separately metered business establishments, restaurants (not operated in conjunction with a hotel or motel and separately metered), clubs (service, fraternal, or athletic), churches, public buildings, offices, clinics, libraries, markets, shops, campsites, travel trailer parks, industrial plants, schools, hospitals, and warehouses shall be charged $3.71 per 1,000 gallons of water consumed and fixed monthly charges based on meter sizes, as follows:

Meter Size	Monthly Charge
5/8- or 3/4-inch	$ 24.80
1-inch	62.00
1 1/2-inch meter	123.95
2-inch	198.00
3-inch	372.00
4-inch	620.00
6-inch	1,240.00
8-inch	1,983.00

(b) *Users outside the city limits.*

Back to Electronic Table of Contents

(1) Residential users shall be charged $2.65 per each 1,000 gallons of water consumed in excess of 3,000 gallons per unit per month (6,000 gallons per bimonthly billing cycle), up to a maximum of 8,000 gallons per unit per month (16,000 gallons per bimonthly billing cycle) and fixed monthly charges, as follows:

Single-family	$31.00
Multifamily (duplex, triplex)	$29.80
High density (apartments, mobile homes and condominiums)	$24.20
Customers utilizing other water sources including, but not limited to, wells, cisterns, bottled water or non-county potable water, unless another water source provider agrees to bill, collect and remit the applicable city variable rates on behalf of the city, at costs that are equal to or below costs incurred on similar accounts, fixed monthly charge	$36.30 (fixed monthly charge)

(2) Commercial users which will include, but not be limited to, all separately metered business establishments, restaurants (not operated in conjunction with a hotel or motel and separately metered), clubs (service, fraternal, or athletic), churches, public buildings, offices, clinics, libraries, markets, shops, campsites, travel trailer parks, industrial plants, schools, hospitals, and warehouses shall be charged $4.64 per each 1,000 gallons of water consumed and fixed monthly charges based on meter sizes, as follows:

Meter Size	Monthly Charge
5/8- or 3/4-inch	$ 31.00
1-inch	77.45
1 1/2-inch	154.95
2-inch	248.00
3-inch	465.00
4-inch	775.00
6-inch	1,549.00
8-inch	2,479.00

(c) *Users outside the city, within city's annexation area.* Users outside of the city boundary, but within the city's annexation area, who execute an annexation agreement, may be permitted to pay in-city monthly rates as provided in subsection (a) of this section.

(Code 1967, § 24-21; Code 1978, § 22-35; Ord. No. 75-791, § 1, 10-7-1975; Ord. No. 76-902, § 1, 11-2-1976; Ord. No. 76-930, § 1, 1-4-1977; Ord. No. 78-984, § 2, 3-21-1978; Ord. No. 78-45, § 1, 11-21-1978; Ord. No. 87-41, § 1, 11-17-1987; Ord. No. 90-49, § 1, 9-18-1990; Ord. No. 93-58, § 1, 8-17-1993; Ord. No. 95-48, § 1, 9-19-1995; Ord. No. 98-82, 7-21-1998; Ord. No. 99-37, § 8, 2-2-1999; Ord. No. 2000-77, § 2, 8-1-2000; Ord. No. 2001-56, § 1, 7-17-2001; Ord. No. 2004-57, §§ 1, 2, 6-15-2004; Ord. No. 2005-01, § 4, 10-19-2004; Ord. No. 2007-03, § 1(22-35), 4-17-2007)

Back to Electronic Table of Contents

Sec. 23-85. Connection charges.

(a) Connection charges for users within the city limits:

(1) A single-family dwelling unit, including mobile homes (residential user requiring a single sewer connection), shall be $1,835.00.

(2) A single connection serving multifamily dwelling units, shall be $1,835.00 for each unit serviced by such connection.

(3) A commercial or industrial user or place of business shall be charged according to the size of the water meter serving such commercial, industrial or business user as follows:

Meter Size	Connection Charge
5/8- or 3/4-inch	$1,835.00
1-inch	4,590.00
1 1/2-inch	9,180.00
2-inch	14.680.00
3-inch	27,530.00
4-inch	45,880.00

(b) Connection charges for users outside the city limits:

(1) A single-family dwelling unit, including mobile homes (residential user requiring a single sewer connection), shall be $2,295.00.

(2) A single connection serving multifamily dwelling units, shall be $2,295.00 for each unit serviced by such connection.

(3) A commercial or industrial user or place of business shall be charged according to the size of the water meter serving such commercial, industrial or business user as follows:

Meter Size	Connection Charge
5/8- or 3/4-inch	$ 2,295.00
1-inch	5,740.00
1 1/2-inch	11,475.00
2-inch	18,350.00
3-inch	34,410.00
4-inch	57,350.00

(Code 1967, § 24-21.1; Code 1978, § 22-36; Ord. No. 75-791, § 2, 10-7-1975; Ord. No. 76-930, § 1, 1-4-1977; Ord. No. 79-51, § 1, 9-18-1979; Ord. No. 82-32, § 1, 8-3-1982; Ord. No. 90-49, § 1, 9-18-1990; Ord. No. 99-37, § 9, 2-2-1999; Ord. No. 2000-77, § 3, 8-1-2000; Ord. No. 2001-56, § 2, 7-17-2001)

Sec. 23-86. Purpose; use of funds.

The rates and charges as set forth in this division, except as otherwise provided, are hereby imposed to provide revenue to be applied for the cost of the construction, operation and maintenance of the sanitary sewer system and for the payment of the principal and interest of all outstanding water and sewer revenue certificates issued by the city.

Back to Electronic Table of Contents

(Code 1967, § 24-22; Code 1978, § 22-37)

Sec. 23-87. Billing procedures.

(a) Bills for any sewer charges shall be rendered monthly or bimonthly. It shall be the duty of the city manager to keep a record of all persons who are connected with the sanitary sewer system and to make charge therefor in conformity with the rates established in this division.

(b) Certification of ineligible and untenable units (ineligible for issuance of certificate of occupancy) for sewer service billing purposes shall be made on such forms and at such times as are specified by the city manager; unless so certified within a defined complex or development, charges shall be based on all actual units constructed, connected to the city sewer system, master plan approved or licensed with the city, county, the state board of health or the state hotel and restaurant commission, whichever is greater.

(c) Billing for sewer service shall be commenced and continued without regard to actual occupancy of any unit or structure and where a residential unit, as long as the same may be regarded as constituting a residence in any manner and without regard to frequency or actual use of the sewer system.

(d) Private wells or other unmetered water sources. Whenever in the foregoing schedule of rates, sewer rate is computed on the basis of consumption of water, if such sewer user has an unmetered water supply, any portion of which is put directly or indirectly into the city sewer system, such user will be required by the city to meter such water supply at the user's expense to determine the rate for such usage; unless such user shall accept the city's estimate of such usage for the purpose of billing for sewer service.

(Code 1967, § 24-23; Code 1978, § 22-38; Ord. No. 75-791, § 3, 10-7-1975; Ord. No. 76-930, § 1, 1-4-1977; Ord. No. 78-984, § 3, 3-21-1978)

Sec. 23-88. Delinquency.

(a) If any bill for monthly sewer service or reclaimed water service shall remain due and unpaid on and after 30 days from the date of submission of such bill, the water service to such customer so in arrears as to sewer charges or water service may be disconnected and service discontinued, and shall not be reconnected or reinstated until all past-due bills for water and sewer services are paid or otherwise satisfied, together with a reasonable reconnection charge, unless an extension of time for payment has been granted by the city commission. A reasonable reconnection charge shall include, but not be limited to, returned check charges, administrative expenses of collection and legal expenses of collection.

(b) Pursuant to authority vested in the city by F.S. § 159.18, there is hereby imposed upon all past-due and delinquent water and sewer accounts receivable in the amount of $3.00 or more, whether arising out of customer usage or contractual obligation, a penalty interest of one percent per month.

(Code 1967, § 24-24; Code 1978, § 22-39; Ord. No. 76-905, § 1, 12-7-1976; Ord. No. 76-930, § 1, 1-4-1977; Ord. No. 2005-01, § 5, 10-19-2004)

Sec. 23-89. General service provision and capital facility expansion policies.

(a) *Fees and charges.* Sewer and reclaimed water service shall not be provided to any property or individual without the payment of a connection charge. However, where it has been determined that such payment inhibits annexation, the charge may remain uncollected, partially reduced, used to offset an approved private capital improvement, or paid through an alternative payment source.

(b) *Capital facility expansions.* All existing and new development not in the city requiring extension of sewer

Back to Electronic Table of Contents

lines shall be required to pay the full documented cost required of the capital facility.

(c) *Illegal connections.* The city may, at the sole discretion of the city, require either an owner of property found illegally connected to the city's sanitary system to be physically disconnected from the sanitary sewer system or back charge the benefiting property owners for all unpaid sewer charges, as well as the connection fee to the time a certificate of occupancy (CO) was issued or within the statutory limit, whichever is less. If a change in ownership has occurred since the time a CO is issued, or within the statutory period of time provided, charges will be assessed back to the time of change in ownership. For purposes of this subsection, the term "sole discretion" is defined as, making an informed decision based upon the legal facts of the situation.

(d) *Septic tank use.* It shall be the express policy of the city to eliminate the use of septic tanks and package treatment plants within the city sanitary sewer district in order to prevent surface water and groundwater contamination.

(Code 1967, § 24-25; Code 1978, § 22-40; Ord. No. 99-37, § 10, 2-2-1999)

Editors note: Ordinance No. 2014-68, § 1, repealed Sec. 23-90 in its entirety.

Sec. 23-91. Reclaimed water charges.

(a) *Residential rates.* Residential reclaimed water charges shall be as follows:

	Inside City/Inside Sewer District	*Inside City/Outside Sewer District and Outside City*
Monthly usage fee	Flat rate: $10.00 per month, one acre or less	Flat rate: $12.50 per per month, one acre or less
	$10.00 per month, each additional acre or portion of an acre	$12.50 per month, each additional acre or portion of an acre

Residential connections of greater than one-inch will charged at commercial rates established herein.

(b) *Commercial/industrial/golf course rates.* Commercial/industrial/golf course reclaimed water charges shall be as follows:

Monthly minimum fee (25,000 gallon minimum usage)	$28.00	$35.00
Commercial/industrial usage fee	Metered: $1.10/1,000 gallons (above minimum usage)	Metered: $1.35/1,000 gallons (above minimum usage)
Golf course usage fee	Metered: $0.85/1,000 gallons (above minimum usage)	Metered: $1.05/1,000 gallons (above minimum usage)
Application/inspection fee	$60.00	$75.00
Service connection (S.C.) fee	1 inch S.C. - $250.00 2-inch S.C. - $400.00 4-inch S.C. - $650.00 6-inch S.C. - $1,000.00 8-inch S.C. - $1,200.00	1 inch S.C. - $312.50 2-inch S.C. - $500.00 4-inch S.C. - $812.50 6-inch S.C. - $1,250.00 8-inch S.C. - $1,500.00

Back to Electronic Table of Contents

(c) *General conditions.* Residential connections will consist of a corporation stop, polyethylene service line, locking ball value curb stop, and meter box installed at the property line. The customer will be responsible for making the connection to their irrigation system. A residential irrigation system may consist of an inground sprinkler system, a below-ground locking hose bibb assembly, or both. A customer who receives installation of either a hose bibb or inground components from the city to connect to the reclaimed water system shall have 30 days to make a final connection to the city's reclaimed water system and to receive a final inspection from Pinellas County. If the customer fails to have the final inspection performed within the 30 day period, the city will have the right to remove previously installed components and/or impose on the customer an availability fee. Residential properties that use a hose bibb connection are required to disconnect and store the reclaimed water hose component in a location that will prevent unauthorized or unsafe use of the hose bibb and to lock the reclaimed water service box at all times when not in use. Single owner properties with no more than four dwelling units may be considered one residential connection. Any property with five or more dwelling units shall be considered a commercial property and must follow the procedures established herein for commercial/industrial customers.

(1) Commercial customers will be required to install, maintain, and certify calibration of their reclaimed water meter. The calibration certification shall be performed every 2 years with the initial calibration certification provided to the city no later than July 1, 2011. Acceptable reclaimed water meter calibration results shall be within the calibration limits specified by the manufacturer of the meter. In the event the reclaimed water meter calibration results are not within the manufacturer's specified limits, the customer shall repair or replace the meter in keeping with subsection 23-91(c)(3).

(2) Commercial customers will be required to provide the city with certified meter calibration results within 45 days after receiving written notice from the city. Failure to provide the calibration results within the 45 day period may result in discontinuation of reclaimed water service in the city's sole discretion.

(3) In the event a commercial water meter requires repair or replacement, the customer shall contact the city environmental services department for an inspection of the new or repaired meter within 30 days of said repair or replacement. In the event a meter is replaced, the commercial customer must provide the city copies of the final consumption read values from the old meter.

(4) Commercial customers will be required to provide the city an updated commercial customer information form on an annual basis. Failure to do so may result in discontinuation of reclaimed water service in the city's sole discretion.

(Ord. No. 2011-05, § 1, 1-4-11)

(d) *Service prerequisite.*

Residential	*Commercial/Industrial*
No cross connection with any other source of water. Irrigation system consisting of an in-ground sprinkler system, a below ground locking hose bibb assembly, or both.	No cross connections with any other source of water. Irrigation system consisting of an in-ground sprinkler system.

(e) *Backflow prevention.* For residential properties, the city shall pay a fee to the county as established by the board of county commissioners for installation of a backflow prevention device. This device will be installed by the county on the potable water service line to service the subject property. In the event the county water system determines the backflow prevention device requires replacement, it will be replaced at the customer's expense in accordance with fees established by the board of county commissioners. Commercial/industrial customers will be required to pay a fee to the county as established by the board of county commissioners for installation and/or replacement of the backflow prevention device installed by the county on the potable water

Back to Electronic Table of Contents

service line to service the subject property.

(f) *Discontinuing service; by customer.* There will not be a disconnection fee for discontinuing reclaimed water service. A request to discontinue service must be received by the environmental services reclaimed water division at least seven days prior to discontinuation. All current reclaimed water bills shall be paid by the customer prior to the service being disconnected. Disconnection from the reclaimed water system shall not release the property owner from his/her/its obligation to pay the availability fee.

(Ord. No. 2011-05, § 2, 1-4-11)

(g) *Existing service reinstated.* Existing service may be reinstated by the customer's application for such service and the payment of any appropriate fees or other charges as contained within this article. There will be a minimum $60.00 fee for service reinstatement.

(h) *Billing format.*

Residential	*Commercial/Industrial*
Reclaimed water flat rate charge added to sewer billing statement.	A separate bimonthly statement is mailed to the customer.

(i) *Availability fee.* Single-family and multifamily (duplex, triplex) customers where reclaimed water service has become available after September 30, 2003 (reclaimed water system construction completed after September 30, 2003), which have not connected to the system within the prescribed connection period and are not being charged a regular monthly reclaimed water usage fee, will be charged an availability fee equal to 50 percent of the regular monthly reclaimed water usage fee. The purpose of this availability fee is to recover all related capital costs of construction, including debt service costs that have been or will be incurred to make the system available to customers, regardless of system usage.

(j) *Users outside the city, within the city's annexation area, executing annexation agreements.* Users outside of the city boundary, but within the city's annexation area and executing an annexation agreement may be permitted to pay in-city connection charges and in-city monthly usage fees as provided for in this section herein.

(k) *Commercial connections and interruptible service.* Commercial facilities near reclaimed water transmission lines may apply for connection to the reclaimed water system. If the city manager or designee determines that the connection will not affect the city's ability to serve residential customers, approval may be granted. If approval is granted, the commercial facility shall be responsible for obtaining a permit from the city for connecting to the city's reclaimed water system. At all times, the city retains the right to discontinue reclaimed water service either temporarily or permanently to the commercial facility.

(Code 1978, § 22-42; Ord. No. 2003-75, § 1, 7-15-2003; Ord. No. 2004-57, §§ 3, 4, 6-15-2004; Ord. No. 2005-01, § 6, 10-19-2004; Ord. No. 2007-03, § 1(22-42), 4-17-2007)

Sec. 23-92. Provisions of reclaimed water service.

(a) Future service areas for expansion will be identified each year based upon the city's reclaimed water service area ranking system. The number of service areas selected depends upon funding and available reclaimed water. Property owners within selected service areas will be sent a letter that will request commitment to connect to the reclaimed water system upon service becoming available. A service area will be eligible for service expansion if more than 65 percent of the property owners sign and return the commitment letter to the city. Final determination of service expansion will be made by the city commission upon request for approval of eligible service areas by the director of environmental services.

Back to Electronic Table of Contents

(b) The city may provide reclaimed water to property located outside the city's limits upon approval by the City Commission. Furthermore, if property is located within the city's annexation area but is not contiguous to a city boundary, if an annexation agreement is executed by the property owner requiring annexation upon extension of a city boundary to the property, the city may provide reclaimed water to the property.

(c) The requirement in subsections (b) of this section for an annexation agreement prior to the provision of reclaimed water service may only be waived upon approval by the City Commission.

(d) Any property owner who signs a contract for service stating they will connect to the reclaimed water system if and when the reclaimed water system is constructed in their service area, will have 180 days to make the connection to city reclaimed water service. If any property owner fails to make the connection in accordance with this subsection, he/she will be responsible for the applicable monthly charges for reclaimed water. As the city identifies properties that are paying the full fee without being connected to the reclaimed water system, the city will provide those properties with hose bibb components in order to connect them to the reclaimed water system. The customer shall be responsible for obtaining an inspection from Pinellas County as stated in Section 23-91(c) and the property owner will be notified of the connection and the reclaimed water schedule.

(Code 1978, § 22-43; Ord. No. 2003-74, § 1(22-43), 7-15-2003; Ord. No. 2005-01, § 7, 10-19-2004; Ord. No. 2011-05, § 3, 1-4-11)

Sec. 23-93. Restrictions on the use of reclaimed water.

(a) The use of reclaimed water by all residential reclaimed water customers for irrigation purposes shall be permitted as follows:

(1) At addresses ending in an even number or the letters A through M on Monday, Thursday, and Saturday.

(2) At addresses ending in an odd number or the letters N through Z, or at locations with no address or mixed addresses, on Sunday, Tuesday and Friday.

(3) Irrigation is prohibited between the hours of 9:00 a.m. to 5:00 p.m. every day.

(Ord. No. 2016-29, § 1, 12-1-2015)

(b) The use of reclaimed water by all commercial reclaimed water customers for irrigation purposes shall be permitted as follows, effective October 1, 2003:

(1) At addresses ending in an even number or the letters A through M on Monday, Wednesday and Saturday.

(2) At addresses ending in an odd number or the letters N through Z, or at locations with no address or mixed addresses, on Tuesday, Thursday and Saturday.

(3) Irrigation is prohibited between the hours of 9:00 a.m. to 5:00 p.m. every day. However, this restriction shall not prohibit commercial customers from utilizing reclaimed water to irrigate golf courses during these hours.

(c) If the environmental services director determines that application of this restriction poses an unreasonable restriction on any commercial customer, that commercial customer shall be exempt from this restriction for such a length of time as determined by the environmental services director; provided that the environmental services director determines that permitting such an exemption will not significantly affect the city's supply of reclaimed water. In the event that the environmental services director grants an exemption to subsection (a) of

Back to Electronic Table of Contents

this section to a commercial customer, that commercial customer is still subject to subsections (d) and (e) of this section at all times.

(d) The city commission may, by resolution, adopt restrictions on the use of reclaimed water by any and all reclaimed water customers, including those located outside the city's boundaries when the commission determines because of naturally occurring or other conditions that it is necessary to conserve reclaimed water.

(e) Violations of this section or any restrictions adopted by the city commission pursuant to subsection (d) of this section shall result in the following penalties:

(1) A one time written warning shall be given for the first violation;

(2) Fine of $32.00 for the second violation;

(3) Fine of $100.00 for a third violation within one year of the first violation; and

(4) Fine of $500.00 for a forth violation within two years of any previous violation.

(Ord. No. 2011-05, § 4, 1-4-11)

(f) The city reserves the right to permanently terminate reclaimed water service to violators with multiple violations with 30 days' written notice. In addition to the penalties provided in this subsection, the provisions of this section may be enforced by appropriate action or proceeding in a court of competent jurisdiction or the city code enforcement board in order to abate any such violation. In addition, the provisions of this section may be enforced by and through any means available for the enforcement of city codes. Each and every violation of this section shall constitute a separate offense.

(g) All law enforcement officers, code enforcement officers and/or the city manager's designees shall, in connection with all other duties imposed by law, diligently enforce the provisions of this section. In addition, the city manager may also delegate enforcement responsibility for this section to agencies and any departments of the city, in accordance with state and local law.

(h) Residential and commercial properties with new sod or planting materials may water seven days per week for a period of 30 days. Watering is limited to the areas containing the new plant material or sod only. The daytime watering restrictions described above still apply. Property owners requesting this exception shall provide proof of purchase of new sod or planting material upon request by city staff to avoid a notice of violation.

(i) The city reserves the right to temporarily discontinue reclaimed water service to any portion of, or the entire reclaimed water system, as deemed necessary by the city manager, or designee.

(Code 1978, § 22-44; Ord. No. 2003-74, § 1(22-44), 7-15-2003; Ord. No. 2004-64, § 1, 8-17-2004; Ord. No. 2005-01, § 8, 10-19-2004; Ord. No. 2005-46, § 1, 7-5-2005)

Sec. 23-94. Requiring connections to the reclaimed water system when available.

(a) The owner of every lot or parcel of land that is within the city limits, that is developed for commercial, office, industrial, warehousing, multifamily and/or single-family uses, and that uses potable water as an irrigation water source shall use an existing well or connect to the city's reclaimed water distribution system, when connection to the city's reclaimed water distribution system is available to that owner.

(b) All connections shall be made in accordance with all applicable city ordinances, policies and regulations. This provision shall not be construed to entitle any person to cross the property of another to make such

Back to Electronic Table of Contents

connections.

(c) For the purpose of this section, the term "available" or "availability" means that a city reclaimed water distribution line exists in a public easement or right-of-way that abuts the property line of an owner.

(d) At such time as reclaimed water service becomes available, an owner using potable water as an irrigation water source shall connect to the city's reclaimed water distribution system or a previously existing well within 180 days after the service is available to that owner.

(e) If reclaimed water is available on or prior to October 1, 2001, the owner shall connect to the city's reclaimed water distribution system no later than January 1, 2002.

(Code 1978, § 22-45; Ord. No. 2001-57, § 1, 5-15-2001)

Secs. 23-95 -- 23-116. Reserved.

DIVISION 4. INDUSTRIAL PRETREATMENT PROGRAM

Sec. 23-117. General provisions.

(a) *Purpose and policy.* This Division sets forth uniform requirements for direct and indirect contributors 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, (33 USC Section 1251 et seq.), hereinafter referred to as "CWA," federal General Pretreatment Regulations (Title 40 of the C.F.R. Part 403), and Chapter 62-625, F.A.C.

(b) *Objectives.* The objectives of this Division are:

(1) To prevent the introduction of pollutants into the municipality's wastewater system which will interfere with the operation of the system or contaminate the resulting biosolids;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system;

(4) To provide for equitable distribution of the cost of the municipal wastewater system;

(5) To protect both publicly owned treatment works personnel and the general public who may be affected by wastewater and biosolids in the course of their employment and/or daily activities; and

(6) To enable the city to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

(c) *Provisions for direct and indirect contributors; authorization for monitoring and enforcement activities; setting of fees.* This Division provides 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 of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that the existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Back to Electronic Table of Contents

(d) *Applications.* This Division shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's wastewater facility, hereinafter referred to as "WWRF." This Division is a supplement to Ordinance No. 78-900, as amended. Except as otherwise provided herein, the designee of the city commission shall administer, implement and enforce the provisions of this Division.

(e) *Signatory Authorization.* The City Manager or his/her designee shall have the authority to sign the Annual Industrial Pretreatment report or any other document pertaining to the city's Industrial Pretreatment Program reporting requirements mandated upon the City of Largo by either DEP and/or EPA.

(f) *Definitions.* The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means the State Department of Environmental Protection, hereinafter referred to as DEP or its successor agencies.

Authorized or duly authorized representative of industrial user means:

(1) If the user is a corporation: a principal as designated in the annual report submitted to the Secretary of State, Division of Corporations and/or an individual who is authorized pursuant to formal action taken by the Board/registered principals, or is a responsible corporate officer as defined in paragraph 62-625.200(23), F.A.C.;

(2) If the user is a general partnership or sole proprietorship: a general partner or proprietor, respectively as designated in the annual report submitted to the Secretary of State, Division of Corporations;

(3) If the user is a Federal, State, or local governmental entity: a director or highest official appointed or designated to oversee the operation and performance of the activities of the subject government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies that individual or position is responsible for the overall operation of the facility from which the discharge originates or has overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b) and are considered pretreatment standards for the purposes of this Division. BMPs include treatment requirements, operation 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) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at 20 degrees Celsius expressed in terms of weight and volume (milligrams per liter -- mg/L). Carbonaceous biochemical oxygen demand (CBOD) uses the same methodology as BOD except that nitrogen demand is suppressed.

Building sewer means a sewer conveying wastewater from the premises of a user to the WWRF.

Bypass means the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

Back to Electronic Table of Contents

Categorical standards means pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which are discharged to a WWRF by existing or new industrial users, in specific industrial subcategories, established as separate federal regulations under Rule 62-625.410, F.A.C., which includes 40 CFR Chapter I, Subchapter N, Parts 405 through 471, hereby adopted and incorporated by reference.

Categorical industrial user means an industrial user subject to categorical pretreatment standards or categorical standards.

City means the City of Largo.

Chemical Oxygen Demand or COD means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Consistent removal means the average of the lowest 50 percent of the removal measured in accordance with subsection 62-625.420(2), F.A.C.

Control authority means the city's Environmental Services Department Director or his/her designee who administers the pretreatment program sanctioned by the approval authority in accordance with the requirements of Rule 62-625.510, F.A.C.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Daily discharge or daily maximum means the average of all effluent samples for a pollutant collected during a calendar day. Where limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the single calendar day. Where 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 during that single calendar day.

Daily maximum limit means the maximum allowable daily discharge of a pollutant during a calendar day.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director means the City of Largo Environmental Services Department Director.

Discharge or Indirect Discharge means the introduction of pollutants into a WWRF from any nondomestic source regulated under Chapter 403, F.A.C., or Sections 307(b), (c), or (d) of the Act, (33 USC 1317), including holding tank waste discharged into the system.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Existing source means any source of discharge that is not a "New Source".

Food service facility means any business or food service establishment, which prepares, processes, and/or packages food for sale or consumption, on or off site, with the exception of domestic users at private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, cafés, coffee house, grocery stores, delicatessens, bakeries, retail and wholesale meat markets, retail and wholesale seafood markets, lounges, hospitals, nursing homes, or assisted congregate living facilities. The city reserves the right to regulate by permit, or other means, any other food service facilities not specifically listed above. For the purpose of this Division, food service facilities shall not include an

Back to Electronic Table of Contents

establishment that only prepares beverages; an establishment that only sells prepackaged foods, or an establishment that is currently classified as a Significant Industrial User under this Division.

Food service facility owner/user means, in the case of individual food service facilities, the owner, or proprietor of the food service operations. Where the food service facility is a franchise operation, the owner of the franchise is the responsible person or entity. Where the food service facility is owned by a corporation, the corporate representative is the responsible entity. Where two or more food service facilities share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.

Grab sample means a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a period not to exceed fifteen (15) minutes.

Grease interceptor means an interceptor whose rated flow exceeds 50 gallons per minute or has a minimum storage capacity of 750 gallons or more and is located outside the building as defined in the 2010 State of Florida Plumbing Code. Grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal.

Grease trap means an interceptor whose rated flow is 50 gallons per minute or less and is located inside the building as defined in the 2010 State of Florida Plumbing Code. Grease traps are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Industrial user means a source of discharge or indirect discharge, as defined in subsection 62-625.200(8), F.A.C.

Instantaneous limit means the maximum concentration of a pollutant allowed to be discharged at any time as determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the WWRF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and

(2) Is a cause of a violation of any requirement of the WWRF's permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the DEP and Chapter 403, F.S.

Laundry waste interceptor means an interceptor designed to prevent the discharge of lint, fabric or other settleable debris to the WWRF. Laundry waste interceptors are required at all laundry facilities where laundry wastes are discharged in quantities that could hinder the WWRF as determined by the control authority.

Local limit means specific discharge limits developed and enforced by the control authority upon industrial or commercial facilities, as required by paragraph 62-625.400(3)(a), F.A.C., to implement the general and specific discharge prohibitions listed in subsections 23-118(a) and (b) of this Division.

Medical waste includes, but is not limited to, 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.

Back to Electronic Table of Contents

Minor industrial user means any commercial, industrial, or other nonresidential user of the city's wastewater disposal system who is not designated as a significant industrial user as such term is defined in this Section. Minor industrial users may be required by the control authority to be permitted pursuant to Section 23-120.

Monthly average means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that calendar month.

Monthly average limit means 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 calendar month.

National categorical pretreatment standard or *pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users.

National Pollution Discharge Elimination System permit or *NPDES permit* means a permit issued pursuant to section 402 of the Act (33 USC 1342).

New source.

(1) The term "new source" means any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the CWA which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

(2) 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 subsection (1)b or (1)c of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source, as defined in this Division, has commenced if the owner or operator has:

a. Begun, or caused to begin as a part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. 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

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are

Back to Electronic Table of Contents

intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this rule.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

North American Industrial Classification System (NAICS) is an industry coding system designed to facilitate the collection, analysis, and presentation of economic data in the United States (U.S.), Canada, and Mexico, which are all member nations of the North America Free Trade Agreement (NAFTA). First implemented in 1997, as amended or supplemented, by the U.S. Office of Management and Budget (OMB), it is the successor to the Standard Industrial Classification (SIC) system.

Oil/water interceptor means an interceptor designed to segregate oil and water to prevent the discharge of oils to the WWRF. Oil/water interceptors are required where oils are discharged in quantities that could hinder the WWRF as determined by the control authority.

Pass through means a discharge which exits the WWRF into waters of the state of the United States in 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 the WWRF's permit (including an increase in the magnitude or duration of a violation).

Permit means a permit for the discharge of wastes to the WWRF, including a no discharge (ND) permit, issued to a WWRF, significant industrial user, minor industrial user, or commercial user.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Plant manager means the person designated by the city to supervise the operation of the WWRF and who is charged with certain duties and responsibilities by this Division, or the duly authorized representative.

Pollutant means any direct or indirect cause of pollution, including, but not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, hazardous waste, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, total suspended solids, turbidity, color, biochemical oxygen demand, carbonaceous biochemical oxygen demand, toxicity, and/or odor).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or *treatment* means 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 discharging or otherwise introducing such pollutants into a WWRF. The reduction or alteration can be obtained by physical, chemical or biological process, process changes or other means, except as prohibited by subsection 62-625.410(5), F.A.C. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the WWRF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the

Back to Electronic Table of Contents

effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with subsection 62-625.410(6), F.A.C.

Pretreatment program means a program administered by a public utility that meets the criteria established in Rule 62-625.500, F.A.C.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Pretreatment Standards means prohibited discharge standards, categorical pretreatment standards, best management practices, and local limits.

Prohibitive discharge standard means any regulation developed under the authority of Rule 62-625.400, F.A.C.

Removal means a reduction in the amount of a pollutant in the WWRF's effluent or alteration of the nature of a pollutant during treatment at the WWRF. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed WWRF capabilities or may be incidental to the operation of the treatment system. The term removal" as used in this Division shall not mean dilution of a pollutant in the WWRF.

Septic tank waste means any sewage from any form of holding tank including, but not limited to, vessels, chemical toilets, campers, trailers, or septic tanks.

Severe property damage means substantial physical damage to property, damage to an industrial user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.

Sewage means human excrement and gray water (e.g. water from household showers, dishwashing operations, toilets, etc.)

Shall means mandatory; *may* means permissive.

Significant industrial user means any industrial or commercial user of the city's wastewater disposal system, except as provided in paragraphs (3) and (4) of this definition, who:

(1) Is an industrial user subject to categorical pretreatment standards; or

(2) Is an industrial user that:

a. Has an average discharge flow of twenty-five thousand (25,000) gallons or more per workday of process wastewater to the WWRF (excluding domestic wastewater, noncontact cooling and boiler blow down wastewater);

b. Contributes a processed wastestream of water into the WWRF which comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWRF; or

c. Is designated as such by the control authority on the basis that it has a reasonable potential to adversely affect the WWRF's operation or for violating any federal, state, or local pretreatment standard or requirement.

(3) Provided however, the control authority may determine that an industrial user subject to the criteria of subsections (1) of this definition and categorical pretreatment standards under Rule 62-625.410, F.A.C.,

Back to Electronic Table of Contents

including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user (NSCIU) rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

a. The industrial user, prior to control authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. The industrial user annually submits the certification statement required in subsection 23-121(n) of this Division, together with any additional information necessary to support the certification statement; and

c. The industrial user never discharges any untreated concentrated wastewater.

(4) Upon finding that an industrial user meeting the criteria of subsection (2) of this definition has no reasonable potential for adversely affecting the WWRF's operation or for violating any federal, state, or local pretreatment standard or requirement, the control authority may at any time, on his/her own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6) and paragraph 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user. The control authority, at anytime and in its sole discretion, may review the status of a non-significant industrial user and reclassify said user as a significant industrial user.

Slug discharge or slug load means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards. A slug discharge is any discharge of a nonroutine, 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 WWRF's regulations, local limits or permit conditions.

State means the State of Florida.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Surcharge Fee means the fee for discharges in excess of the surcharge limit and shall be calculated monthly as follows:

Surcharge Fee = (CA - CS) x Flow (MG) x 8.34 lbs/gal x $0.25/lb.

Where

CA= Arithmetic average concentration of all samples taken during a calendar month.

CS= The surcharge limit concentration for a specific pollutant.

Surcharge limit means the concentration of compatible pollutants above which a surcharge fee may be assessed. The surcharge limit shall be stated in the permit and set, based on conditions at the WWRF, at no more than 10% of the local limit concentration for the compatible pollutants total suspended solids, total nitrogen, total phosphorus, and oil and grease; and no more than 50% of the local limit concentration for the compatible pollutant CBOD.

Suspended solids or total suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which are removable by laboratory filtering.

Back to Electronic Table of Contents

Toxic pollutants means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts. The specific compounds are listed in 40 CFR 122, appendix D.

Treatment plant means that portion of a WWRF which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.

User or Industrial User means any person or entity who contributes, causes or permits the contribution of wastewater into the city's WWRF, including any person or entity that contributes a source of indirect discharge.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any solids and other pollutants which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWRF.

Wastewater discharge permit means a permit issued by the control authority stipulating the conditions under which a user may discharge to the city sewer system. Unless specifically otherwise identified, this definition includes an individual wastewater discharge permit and a general wastewater discharge permit.

Wastewater reclamation facility (WWRF) means a treatment works, as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the WWRF treatment plant, but does not include pipes, sewers or other conveyances not connected to the city treatment plant. For the purposes of this Division, the term "WWRF" shall also include any sewers that convey wastewater to the WWRF from persons outside the city who are, by contract or agreement with the city, users of the city's WWRF.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(g) *Abbreviations.* The following shall have the designated meanings:

BOD	Biochemical oxygen demand
CBOD	Carbonaceous biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Florida Department of Environmental Protection
EPA	Environmental Protection Agency
F.A.C.	Florida Administrative Code
gal.	gallons
GPM or gpm	Gallons per minute
L	Liter

Back to Electronic Table of Contents

lb.	United States customary pound
MG	Million gallons
mg	Milligrams
mg/L	Milligrams per liter
NAICS	North American Industrial Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-significant Categorical Industrial User
RCRA	Resource Conservation and Recovery Act
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
TSS	Total suspended solids
USC	United States Code
WWRF	Wastewater reclamation facility

(Code 1978, § 22-52; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2005-01, § 11, 10-19-2004; Ord. No. 2005-66, § 1, 10-4-2005; Ord. No. 2012-29, § 1, 8-21-12; Ord. No. 2014-68, §2, 9-5-14)

Sec. 23-118. Regulations.

(a) *General discharge prohibitions.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interfere with the operation or performance of the WWRF. These general prohibitions apply to all such users of a WWRF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) *Specific discharge prohibitions.* A user shall not contribute the following substances to the WWRF:

(1) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWRF or to the operation of the WWRF. No component or wastestream shall cause the successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) are prohibited. In conjunction with the closed-cup flashpoint limit, in no case shall a user discharge wastewater with a temperature at the point of introduction into the city sanitary sewer which exceeds 150 degrees Fahrenheit (65.6 degrees Celsius). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substance that is a fire hazard, a hazard to the system, or that may cause acute worker health and safety problems.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, foaming and/or wetting agents, waste paper, wood, plastics, gas, tar, powdered lubricants, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes. To insure compliance with this subsection, all restaurants and food processing and/or serving facilities, commercial vehicle wash facilities, and commercial

Back to Electronic Table of Contents

or industrial laundries, will be required to be permitted in accordance with Section 23-120(c). At a minimum, such facilities will be required to pump out and remove the entire contents of their grease traps, interceptors, and/or filter systems at a frequency determined necessary by the control authority to maintain proper operation. The general requirement to remove the contents of grease interceptors for all food service facilities shall be at a frequency of one time per 30 operational days. Prior approval for an alternate frequency of pumping may be obtained from the control authority in accordance with Section 23-120(c)(8)c.

(3) Any wastewater having a pH in violation of the local limit or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWRF.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, create a toxic effect in receiving waters of the WWRF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(5) Any noxious or malodorous, liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substances that may cause the WWRF's effluent or any other product of the WWRF such as residues, residuals, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the WWRF cause the WWRF to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, and criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the WWRF to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the WWRF treatment plant resulting in interference or pass through. In no case shall a user discharge wastewater which causes the temperature at the point of introduction to the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius). To protect worker safety and in keeping with the provisions of subsection (b)(1) of this Section, in no case shall wastewater with a temperature which exceeds 150 degrees Fahrenheit (65.6 degrees Celsius) be introduced into the WWRF collection system.

(10) Any pollutants, including oxygen-demanding pollutants (CBOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the WWRF. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five (5) times the average 24-hour concentration, quantities or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

(12) Petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or edible oils and greases in amounts that will cause obstruction of the sanitary sewer, interference, or pass through.

(13) Trucked, tanked, or hauled pollutants, except at discharge points expressly designated per event by the

Back to Electronic Table of Contents

control authority in accordance with this Division. This includes any waste placed into a tank vehicle with the intent to discharge, even indirectly, into the WWRF.

(14) Any wastewater which causes a hazard to human life or creates a public nuisance.

(15) Any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or unpolluted wastewater, unless specifically authorized by the control authority.

(16) Any detergents, surface-active agents, or other substances which might cause excessive foaming in the WWRF, as determined by the control authority.

(17) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWRF in a quantity that may cause immediate health and safety effects and/or long term health and safety effects to the health or safety of any person.

(18) Any water or waste containing fats, wax, grease, oils, or related substances, whether or not emulsified, in excess of numeric local limit (as measured using EPA method 1664) which may solidify or become viscous at temperatures between 4.5 degrees Celsius (40 degrees Fahrenheit) and 65.5 degrees Celsius (150 degrees Fahrenheit). Specifically prohibited is the heating of the contents of grease traps and subsequent discharge to the sewer system. The control authority may, allow discharges in excess of the numeric standard as a permit condition upon the submission by the user of a technical evaluation prepared by a qualified professional, as determined by the control authority, demonstrating that the subject wastewater will have no adverse affects to the wastewater collection and treatment facilities or to the biosolids and reclaimed water generated from those facilities. Wastewater exceeding the limitations provided herein shall contain no visible sheen, shall not discharge any solid grease particles, shall not cause an accumulation of grease or create other unacceptable impact to the collection system downstream of the permitted facility, and shall not cause or contribute to any unacceptable impacts to the water reclamation facility or the biosolids and reclaimed water generated by that facility.

(19) When the control authority determines that a user is contributing to the WWRF any of the above-enumerated substances in such amounts as to interfere with the operation of the WWRF, the control authority shall advise the user of the impact of the contribution on the WWRF, and develop effluent limitations for such user to correct the interference with the WWRF.

(c) *Federal categorical pretreatment standards.* All users shall comply with the categorical pretreatment standards and requirements found in 40 CFR, Chapter I, Subchapter N, and Rule 62-625.410, F.A.C. as may be amended from time to time. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standards adopted by reference in Rule 62-625.410, F.A.C., if more stringent than limitations imposed under this Division for sources in the subcategory, shall immediately supersede the limitations imposed under this Division. The control authority shall notify all affected users of the applicable reporting requirements under Rule62-625.410, F.A.C.

(d) *Modification of federal categorical pretreatment standards.*

(1) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the control authority may apply to the approval authority for modification of specific limits in the federal pretreatment standards. Consistent removal shall be determined by procedures outlined in Rule 62-625.420, F.A.C. The control authority may then modify the pollutant discharge limits in the federal pretreatment standards if the requirements contained in Rule-62-625.420, F.A.C., are fulfilled and prior approval from the approval authority is obtained.

(2) Where a categorical pretreatment standard is expressed only in terms of either the mass or the

Back to Electronic Table of Contents

concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with Rule 62-625.410(4), F.A.C.

(3) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharges per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users, in accordance with Rule 62-625.410(4), F.A.C.

(4) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit using the combined wastestream formula in Rule 62-625.410(6), F.A.C., and in accordance with subsection 23-118(m) of this Division.

(5) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C., that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(6) A user may obtain a net gross adjustment to a categorical pretreatment standard in accordance with Rule 62-625.820, F.A.C.

(e) *Specific pollutant limitations.*

(1) Pursuant to 40 CFR 403.5(c) and paragraph 62-625.400(3)(a), F.A.C., the control authority, is required to develop local limits. Local limits shall be developed in accordance with paragraph 62-625.500(2)(c), F.A.C. No person shall discharge wastewater containing pollutants in excess of the local limits established for the city's WWRF for those pollutants, except as otherwise provided for herein. Limits shall be established using standard procedures, calculations and methods acceptable to DEP that are designed to protect against pass through of pollutants, the interference in the operation of the WWRF, and adverse effects on wastewater residuals disposal. Limits shall also be designed to protect the health and safety of WWRF personnel. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations established by the control authority. Local limits shall be included as a permit condition and attached to each industrial user wastewater permit.

(2) The control authority has the right to assess surcharges for discharge concentrations above the surcharge limit. Surcharge limits shall be set at no more than 10% of the local limit concentration for the compatible pollutants total suspended solids, total nitrogen, total phosphorus, and oil and grease; and no more than 50% of the local limit concentration for the compatible pollutant CBOD.

(3) Local limits are established at the end of pipe for discharges or established at the point where the flow enters the city's collection system. The control authority's local limits may be adjusted to allow sample points prior to point of discharge with use of the flow weighted average formula, per subsection 23-118(n) of this Division. All concentrations for metallic substances are for total metal unless indicated otherwise. The city manager at his/her discretion, or his/her designee, may impose mass limitations in addition to, or in lieu of, the concentration-based limitations. Mass limits may be allocated by need, but total allocation shall not exceed the maximum allowable industrial load approved by the DEP.

(4) Local pollutant limits are subject to change by resolution adopted by the city commission, and may be modified as needed based on regulatory requirements and standards, wastewater treatment facilities operation, performance and processes, industrial user base, potable water quality, and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by DEP prior to adoption of a resolution by the city commission. Any new or modified local limits shall become effective as provided in said resolution. New or modified local limits shall be included as permit conditions and attached as an addendum to each wastewater discharge permit. A copy of the approved local limits is available upon

Back to Electronic Table of Contents

request from the Environmental Services Department and a copy of the resolution adopting or modifying the local limits is available from the city clerk's office.

(5) The city reserves the right to establish, by resolution or as a condition of any or all wastewater discharge permits; best management practices (BMPs) to implement the local limits and the prohibitions in subsections (a) and (b) of this Section.

(6) All of the following shall be excluded from the treatment works unless certain conditions and volumes of pretreatment have been specifically described and approved by the control authority: Antimony, beryllium, bismuth, cobalt, rhenium, strontium, tellurium, tin, and uranium. Chloride shall be measured and reported if required by permit.

(f) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Division.

(g) *City's right of revisions.* The city reserves the right to establish by ordinance or in wastewater discharge permit more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 23-117(b).

(h) *Dilution.* No user shall ever increase the use of process water or, in any way, attempt to dilute its discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the control authority or state.

(i) *Accidental discharges.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans entitled Spill and Slug Control Plans, showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. All existing users shall complete such a plan within 180 calendar days after the effective date of the ordinance from which this Division is derived. No user who commences contribution to the WWRF after the effective date of this Division shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the WWRF of the incident within 30 minutes of the discovery of the incident according to directions provided the user. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(1) *Written notice.* Within five (5) calendar days following an accidental discharge, the user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWRF, fish kills or any other damage to person or property, nor shall such notifications relieve the user of any fines, civil penalties, or other liability which may be imposed by this Division or other applicable law.

(2) *Notice to employees.* A notice shall be permanently posted on the users bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(j) *Pretreatment Facilities.* Users, including significant industrial users, shall conduct wastewater (pre)treatment as necessary to comply with this Division and shall achieve compliance with all categorical

Back to Electronic Table of Contents

pretreatment standards, local limits, and prohibitions set out in this Division within the time limitations specified by EPA, DEP or the control authority, whichever is more stringent. In the event the installation and/or operation of any new or additional pretreatment facilities is necessary to achieve compliance said new and/or additional facilities shall be purchased, installed, operated, and maintained at the User's sole cost and expense. Detailed plans describing the new and/or additional facilities and operating procedures shall be submitted to the control authority for review, and shall be approved by the control authority before the facilities are constructed or installed. In the event discharge levels continue to exceed acceptable levels subsequent to the control authority's approval of any plan(s) and/or operating procedure(s), said approval shall not relieve the User from completing additional modifications or additions to any facility that are necessary to produce a discharge acceptable to the control authority under the provisions of this Division.

(k) *Additional Pretreatment Measures.* The control authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, require the relocation and/or consolidation of points of discharge, require the separation of sewage wastestreams from industrial wastestreams, or impose such other conditions as may be necessary to protect the WWRF. The control authority may require any User discharging into the WWRF to install and maintain, on User's property and at User's sole cost and expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization at the control authority's discretion. At the control authority's discretion, Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(l) *Hauled Wastewater.* Septic tank waste may be introduced into the WWRF only at approved, designated locations and only at such times and frequencies as established by the control authority. The introduction of such waste shall, at all times, be conducted in compliance with the provisions of this Division. The control authority, in his/her sole discretion, may require septic tank waste haulers to obtain wastewater discharge permits or he/she may completely prohibit the disposal of hauled industrial waste in his/her sole discretion. Upon prior, written approval by the control authority, industrial waste haulers may discharge loads only at locations designated by the control authority. The control authority may collect samples of each hauled load to ensure compliance with applicable standards. The control authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge. 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, the permit number issued by the appropriate authorities (local, state, or federal) that permit haulers of industrial waste, 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 indicate whether any wastes are Resource Conservation and Recovery Act (RCRA) hazardous wastes.

(m) *Combined waste stream formula.* Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority or by the industrial user with the written concurrence of the control authority. The control authority shall allow the development of fixed alternative discharge limits when direct sampling of the regulated waste stream is not technically feasible. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum values specified in applicable categorical pretreatment standards and an alternative consecutive sampling day average value using the monthly average values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority unless/until the control authority modifies the limits or approves an industrial user modification request. Modification may be authorized when there is a material or significant change in the values used to calculate alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate, new alternative categorical limits shall be calculated within thirty (30) calendar days of reported material or significant change to the control authority by the industrial user pursuant to subsection 62-625.410(6), F.A.C.

Back to Electronic Table of Contents

(n) *Flow weighted average formula.* The local limits in this Division have been developed to regulate an industrial user's combined wastewater (combination of regulated, dilute, and unregulated wastewater) at the point of connection into the city wastewater collection system. In order to provide alternate limits which would allow regulation of a facility's process (regulated wastewater) at the end of process while maintaining the integrity of the local limits at the wastewater collection system, the following flow-weighted average formula is used: (Assumption: The pollutant in question is only in the regulated wastewater.)

CA = CL x (FT/FR)

Where

CA = Calculated alternate end of process limit (mg/l)
CL = Local limit as set forth in this Division
FT = Total wastewater flow rate into wastewater collection system (gpd) (combine all wastestreams)
FR = Regulated wastewater end of process flow rate (gpd)

(o) *Spill and slug control plans* shall be evaluated by the control authority at least once every two years, regardless of whether each significant industrial user requires a plan to control slug discharges. New significant industrial users must be evaluated within one (1) year of being designated a significant industrial user. The results of such evaluation shall be made available to the DEP upon request. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge. If the control authority determines a slug control plan is necessary, the plan shall contain, at a minimum, the following elements pursuant to subparagraph 62-625.500(2)(b)6, F.A.C.:

(1) Description of discharge practices, including non-routine batch discharges; and

(2) Description of stored chemicals and containment areas; and

(3) Procedures for immediately notifying the control authority and the WWRF of slug discharges, including any discharge that would violate a prohibition of subsection 62-625.400(2), F.A.C., with procedures for subsequent, written notification within five (5) calendar days; and

(4) If deemed necessary by the control authority, 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/or measures and equipment for emergency response.

(Code 1978, § 22-53; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001, Ord. No. 2012-29, § 2, 8-21-2012, Ord. No. 2014-68, §2, 8-5-2014)

Sec. 23-119. Fees.

(a) *Purpose.* It is the purpose of this Division to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation and continued operation of the program established herein.

(b) *Charges and fees.* The city may adopt a schedule of charges and fees relating to the matters covered by this Division and are separate from all other fees chargeable by the city. Charges and fees shall be for the recovery of actual costs of city labor, materials and equipment, plus 25 percent overhead expenses, and the invoiced charges by other persons. These include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program to include a $750.00 permit application fee and $750.00 permit renewal fee for significant industrial users and a $375.00

Back to Electronic Table of Contents

permit application fee and $375.00 permit renewal fee for minor industrial users.

(2) Fees for monitoring, inspections and surveillance procedures to include charges of $25.00 per hour or the current hourly rate (includes salary and benefits) for city staff members to obtain samples from the industry (one hour minimum, billed by the hour). Significant industrial users and minor industrial users shall be sampled by the control authority at least once a year. All analytical fees incurred by the city at any time for analysis of samples on behalf of the permittee will be charged to the permittee. Inspections and surveillance leading to enforcement or corrective actions will also be charged the $25.00 per hour fee or the current hourly rate for city staff members. Return site visits to review corrections noted during inspections will also be billed at a $25.00 per hour fee or the current hourly rate for city staff members.

(3) Reviewing accidental discharge procedures and construction will be assessed a $25.00 per hour fee or the current hourly rate for city staff members for their presence on site (one hour minimum, billed by the hour).

(4) Unsuccessful appeals will be assessed an hourly charge of $25.00 or the current hourly rate for actions and response required from city staff members.

(5) Surcharges, as allowed by permit, will be assessed for removal by the WWRF of pollutants found at higher concentrations than the limits of this Division. Fees will be set by the control authority and stated in the permit for the site. At no time may categorical standards be exceeded.

(6) Commercial wastewater discharge (grease trap/grease interceptor) permit and enforcement fees:

a. Annual permit fee – $100.00

b. Failure to maintain documentation of grease trap/grease interceptor maintenance or service – $50.00 per violation (each instance in which the operator fails to produce documentation upon request, or fails to document the pump out/cleaning of a device shall constitute a separate violation)

c. Failure to have grease trap/grease interceptor pumped as required pursuant to Section 23-120(c)(8) – $250.00 per violation

d. Failure to repair grease trap/interceptor within five (5) business days after discovery or after notification by the control authority – $250.00 per violation

f. Failure to provide access to grease trap/grease interceptor, lint trap, oil/grease separator during city inspection (scheduled or unscheduled) – $100.00 per violation/per inspection.

(7) All analytical fees incurred by the city for analysis of samples on behalf of the permittee will be charged to the permittee.

(8) Site visits to review corrections of deficiencies or to investigate violations of local, state, or federal rules of regulations will be charged at a rate of $25.00 per hour or the current hourly rate for city staff members (one hour minimum, billed by the hour).

(9) Other fees as the city may deem necessary to carry out the requirements of the industrial pretreatment program.

(Code 1978, § 22-54; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2012-29, § 3, 8-21-2012, Ord. No. 2014-68, §2, 8-5-2014)

Sec. 23-120. Wastewater discharge permits.

Back to Electronic Table of Contents

(a) *Wastewater analysis.* When requested by the control authority or as required by state or federal regulation, a user must submit information on the nature and characteristics of its wastewater within 60 calendar days of the request. The control authority is authorized to prepare a form for this purpose and may periodically require users to update this information. New users subject to categorical standards must submit a baseline monitoring report in accordance with Rule 62-625.600, F.A.C., within 90 calendar days prior to commencement of discharge. Existing users must comply with the baseline report requirements of Rule 62-625.600, F.A.C.

(b) *Wastewater discharge permit requirements for significant and minor industrial users.*

(1) *Permit required.* No significant industrial user shall discharge industrial wastewater into the WWRF without first obtaining a wastewater discharge permit from the control authority. An existing significant industrial user that has filed a timely application pursuant to subsection (b)(4) or (b)(5) of this Section may continue to discharge and the existing permit shall remain in effect until the renewal application has been processed by the control authority and a renewal permit is issued.

(2) *Minor industrial users.* The control authority may require other users to obtain wastewater discharge permits as necessary to carry out the purpose of this Division. Minor industrial users designated by the control authority to require a wastewater discharge permit shall not discharge wastewater into the WWRF without first obtaining a permit from the control authority. An existing minor industrial user that has filed a timely application pursuant to subsection (b)(4) or (b)(5) of this Section may continue to discharge and the existing permit shall remain in effect until the permit application has been processed by the control authority and a renewal permit is issued.

(3) *Violations.* Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in this Division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(4) *Existing connections.* Any user required to obtain a wastewater discharge permit who is discharging wastewater into the WWRF and who wishes to continue such discharges, shall pay all applicable fines and penalties and apply to the control authority for a wastewater discharge permit within 60 calendar days of the discovery of the discharge. Permit application will be in accordance with subsection (b)(7) of this Section. Payment of fines and discharge of penalties shall be completed before approval of the permit.

(5) *New connections.* Any user required to obtain a wastewater discharge permit must obtain the permit prior to the beginning of such discharge. An application for this wastewater discharge permit, in accordance with subsection (b)(7) of this Section, must be filed at least 90 calendar days prior to the date upon which any discharge will begin or recommence.

(6) *Permits.*

a. All significant users, or minor users designated by the control authority as requiring a permit, proposing to connect to or to contribute to the WWRF shall obtain a wastewater discharge permit before connecting to or contributing to the WWRF.

b. A user newly subject to an amended national categorical pretreatment standard that has not previously submitted an application for a wastewater discharge permit as required by subsection (b) (1) of this Section, shall apply for a wastewater discharge permit within 60 calendar days after the promulgation of the applicable national categorical pretreatment standard.

(7) *Permit application.* Users required to obtain a wastewater discharge permit shall complete and file with the control authority, an application in the form prescribed by the city, and accompanied by a fee, as required in

Back to Electronic Table of Contents

Section 23-119 of this Division. Any user notified by the control authority as having been designated a significant user, or permit required minor industrial user, pursuant to federal statute shall, within 30 calendar days of said notification, apply for a wastewater discharge permit. Proposed new users shall apply at least 90 calendar days prior to connecting to or contributing to the WWRF. An incomplete or inaccurate application will not be processed and will be returned to the user for revision. The application for a wastewater discharge permit shall be complete and must contain the following elements in the format specified:

a. *Identifying information* shall include:

1. The name and address of the facility, including the name of the operator and owner, and their appropriate contact information; and

2. A description of general business activity, plant production processes conducted on the premises and within the facilities.

b. *Description of operations* shall include:

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate(s) of production), and NAICS classifications of the operation(s) carried out by such User. This description should also include a schematic process diagram which indicates point of discharge to the WWRF from the regulated processes; and

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 WWRF; and

3. Number and type of employees, hours of operation, and proposed or actual hours of operation; and

4. Type and amount of raw materials processed (average and maximum per day); and

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, elevation, and all points of discharge.

c. *Environmental permits.* A list of any environmental control permits held by or for the facility;

d. *Flow measurement in gallons per day.* Information showing the average daily flow, maximum daily flow, average monthly flow, and 30-minute peak wastewater flow rates to the WWRF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in subsection 62-625.410(6) , F.A.C. Any seasonal variations must be noted;

e. *Time and duration of all contributions.*

f. *Measurement of pollutants* should include:

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources; and

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; and

3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported; and

Back to Electronic Table of Contents

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 23-121. Where the standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the control authority or the applicable standard to determine compliance with the standard; and

5. Sampling must be performed in accordance with procedures set forth in Section 23-121.

g. Any requests for a monitoring waiver (or a renewal of a previously approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on subsecton 23-121(o) of this Division.

h. Any request to be covered by a general permit based on subsection 23-120(b)(20) of this Division.

i. *A spill control plan.* A spill control plan to include description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, together with plans for facilities to prevent accidental discharge of prohibited materials as specified by Section 23-118(i);

j. *The nature and concentration of any pollutants.* The nature and concentration of any pollutants where known, in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

k. *Additional pretreatment and/or procedural changes.* Additional pretreatment and/or procedural changes if required for the facility to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment will be submitted for approval. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

1. The schedule shall contain increments in the form of_dates for the commencement and completion of major events leading to the construction and operation of the additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

2. No increment referred to in subsection 23-120(b)(7)k.1, shall exceed nine months; and

3. A progress report shall be submitted to the control authority not later than 14 calendar days following each scheduled completion date. If the completion date was not met, the report shall contain a proposed completion date and the progress made to date, the reason for the delay, and the steps being taken by the user to return the construction to the established schedule. In no event shall more than nine months elapse between such progress reports to the control authority.

l. *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user 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

Back to Electronic Table of Contents

fine and imprisonment for knowing violations."

A facility determined to be a NSCIU by the control authority, must also annually submit the signed certification statement provided in subsection 23-121(n).

m. *Monitoring location.* Provide the location for monitoring all wastes covered by the permit.

n. *Any other information.* Any other information as determined by the control authority to be necessary to evaluate the permit application.

o. *Authorized Representative.* If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matter for the company, a new written authorization satisfying the requirements of this Division shall be submitted to the control authority prior to or simultaneously with any report(s) to be executed by an authorized representative.

(8) *Application review.* The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein. Any incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(9) *Permit modifications.* The control authority may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

d. Within nine months of the promulgation of any amendments to the national categorical pretreatment standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.

b. The user with an existing wastewater discharge permit shall submit to the control authority within 180 calendar days after the promulgation of an applicable federal categorical pretreatment standard the information required to ensure compliance with the applicable standard.

c. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

d. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character subsequent to issuance of the individual wastewater discharge permit.

e. A change in the WWRF that requires either a temporary or permanent reduction or elimination of the authorized discharge.

f. Information indicating that the permitted discharge poses a threat to WWRF, city personnel, or the receiving water.

g. Violation of any term or condition of the wastewater discharge permit

h. A determination that User has misrepresented or failed to fully disclose all required information or any relevant fact in the wastewater discharge permit application or in any required reporting that poses a threat to adversely affect the WWRF, city personnel, or the receiving water as determined by the control authority.

4. Approval, modification or denial of a variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

Back to Electronic Table of Contents

j. To correct typographical or other errors in the wastewater discharge permit.

k. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested.

(10) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this Division and all other applicable regulations, user charges and fees established by the city and shall be paid by the user. Permits may contain the following:

a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

b. Limits on the average and maximum wastewater constituents and characteristics;

c. Limits on average and maximum rate and time of discharge or requirements for the flow regulations and equalization;

d. Requirements for installation and maintenance of inspection and sampling facilities;

e. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

f. Compliance schedules;

g. Requirements for submission of technical reports or discharge reports as required by Section 23-121;

h. Requirements for maintaining and retaining plant records relating to wastewater constituents or any substantial change in the volume (plus or minus 20 percent) or character of the wastewater treatment system.

i. Requirements for notification to the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents introduced into the wastewater treatment system;

j. Requirements for notification of accidental discharges as per subsection 23-118(i);

k. Other conditions as deemed appropriate by the control authority to ensure compliance with this Division.

(11) *Permit Contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through of pollutants or interference with the operation of the WWRF, and to protect the quality of the water body receiving the treatment plant's effluent, to protect employee health and safety, to facilitate biosolids/sludge management and disposal, and to protect against damage to the WWRF.

a. A statement that indicates the discharge permit issuance date, expiration date and effective date.

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the control authority in accordance with this Division, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

c. Effluent limits, including BMPs, based on applicable pretreatment standards.

Back to Electronic Table of Contents

d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location(s), sampling frequency, and sample type based on federal, state and local law.

e. The process for seeking a waiver, or the granting of a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with subsection 23-121(o).

f. 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, or local law.

g. Requirements to control slug discharge if determined by the control authority to be necessary.

(12) *Additional Permit Contents.* A wastewater discharge permit may also contain, but need not be limited to, the following conditions at the control authority's discretion:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

b. 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 treatment works.

c. 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.

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharge to the WWRF.

e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the WWRF.

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.

g. 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.

h. Other conditions as deemed appropriate by the control authority to ensure compliance with this ordinance, and federal and state laws, rules, and regulations.

(13) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 calendar days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in Section 23-118 are modified or other just cause exists. The user shall be informed of any proposed changes in the permit at least 30 calendar days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(14) *Penalty clause.* Permits shall include the following statements regarding civil and criminal penalties:

Back to Electronic Table of Contents

a. *Civil penalties.* Any user who is found to have violated an order of the city commission or who willfully or negligently fails to comply with any provision of this Division, and the orders, rules, regulations and permits issued hereunder, may be assessed penalties in at least the amount of $1,000.00 per day for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Division or the orders, rules, regulations, and permits issued hereunder.

b. *Criminal penalties.* A person who willfully or negligently violates any provision of this Division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor in the second degree, punishable by fine of at least $1,000.00 per violation, per day, or imprisonment for not more than 60 days per violation.

(15) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. A permittee shall give at least thirty (30) calendar days written notice to the control authority prior to the transfer of any wastewater discharge permit. The notice shall include a written certification by the new owner or operator which:

a. States the new owner and/or operator has no immediate intent to change the facility's operations and processes.

b. Identifies the specific date on which the transfer is to occur.

c. Acknowledges full responsibility for compliance with the existing wastewater discharge permit.

Failure to provide advance written notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(16) *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply with this Division and shall achieve compliance with all federal categorical pretreatment standards, local limits, and prohibitions set out in Section 23-118 within the time limitations specified by EPA, DEP or the control authority, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted for review, and shall be approved by the control authority before construction of the facility or renewal of the permit. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the control authority under the provisions of this Division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the user's initiation of the changes.

(17) *Records availability.* All records relating to compliance with pretreatment standards shall be made available to officials of the city, DEP, and EPA upon request. All records must be maintained on site for a minimum of three years. If an enforcement action is pending against the facility, records shall be maintained for a period of three years after the enforcement action is resolved or otherwise terminated.

(18) *Regulation of waste received from other jurisdictions.* Discharges received from entities outside the jurisdictional boundaries of the city are regulated to the same extent as are discharges from within its jurisdictional boundaries. Any multijurisdictional agreements amended or initiated after the final approval date

Back to Electronic Table of Contents

of the ordinance from which this Division is derived shall comply with this Section.

a. If another jurisdiction or user located within another jurisdiction, contributes wastewater to the WWRF, the control authority shall enter into a multijurisdictional agreement hereinafter referred to as MJA with the contributing jurisdiction.

b. Prior to entering into an agreement required by subsection 23-120(b)(18)a, the control authority shall request the following information from the contributing jurisdiction:

1. A description of the quality and volume of wastewater discharged to the WWRF by the contributing jurisdiction;

2. An inventory of all users located within the contributing jurisdiction that are discharging to the WWRF; and

3. Such other information as the control authority may deem necessary.

c. An MJA, as required by subsection 23-120(b)(18)a, shall contain the following conditions:

1. All contributors to the city WWRF shall comply with this Division and the specific pollutant limits;

2. A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing jurisdiction and the control authority.

4. A requirement for the contributing jurisdiction to provide the control authority with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the WWRF;

6. Requirements for monitoring the contributing jurisdiction's discharge;

7. A provision ensuring the control authority access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, enforcement, and any other duties deemed necessary by the control authority; and

8. A provision specifying remedies available for breach of the terms of the MJA.

(19) *Right to petition.* Any user may petition, in writing, the control authority to reconsider the terms of a wastewater discharge permit within 30 calendar days of notice of its issuance.

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 wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

Back to Electronic Table of Contents

c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

d. If the control authority does not act upon a petition within 30 calendar days, the request for reconsideration shall be deemed denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the county circuit court.

(20) *General wastewater discharge permits.*

a. At the discretion of the control authority, general wastewater discharge permits may be issued to control discharges to the WWRF if the conditions listed in this paragraph are met. All facilities permitted under a general wastewater discharge permit shall meet all of the following criteria:

1. Involve the same or substantially similar types of operations;

2. Discharge the same type of wastes;

3. Require the same effluent limitations;

4. Require the same or similar monitoring; and

5. In the opinion of the control authority, are more appropriately controlled under a general wastewater discharge permit than individual wastewater discharge permits.

b. To be covered by a general wastewater discharge permit, an industrial user or a significant industrial user must file a written request for coverage that identifies its contact information, production processes, types of wastes generated, location for monitoring all wastes covered by the general permit, any requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the control authority deems necessary. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in a general wastewater discharge permit until after the Director has provided written notice to the user that said waiver request has been granted.

c. The control authority will retain a copy of the general wastewater discharge permit, documentation to support the determination that a specific user meets the criteria in subsection 23-120(b)(20)a and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general wastewater discharge permit.

d. The control authority may not issue a general wastewater discharge permit to an industrial user or a significant industrial user where a facility is subject to production-based categorical pretreatment standards or categorical standards expressed as mass of pollutant discharged per day or for an industrial user or a significant industrial user whose limits are based on the combined wastestream formula or net/gross calculations.

(c) *Commercial wastewater discharge permits.* Permit requirements for food service, commercial vehicle wash, and commercial laundry facilities are as follows:

(1) *Required.* No food service, commercial vehicle wash, and/or commercial laundry facility shall discharge process wastewater into the WWRF without first obtaining a commercial wastewater discharge permit from the

Back to Electronic Table of Contents

control authority, except when a commercial user has filed a timely application pursuant to subsection (c)(4) of this Section may continue to discharge until such time the application has been processed by the control authority and a permit is issued.

(2) *Violations.* Any violation of the terms and conditions of a commercial wastewater discharge permit shall be deemed a violation of this Article and subjects the commercial wastewater discharge permittee to the sanctions set out in this Article. Obtaining a wastewater discharge permit does not relieve the permittee of its obligation to comply with any requirements of federal, state, and local law.

(3) *Grease trap/Grease Interceptor requirements.* All food service facilities, with the exception of private residences, commercial vehicle wash facilities, and commercial laundries, are required to have grease trap/grease interceptors to preclude the introduction of fats, oils, grease, or other solid or viscous materials that may impair flow into the WWRF or sanitary sewer system ("prohibited materials"). Facilities other than those listed shall be required to install a grease trap/grease interceptor at the request of the control authority to preclude the introduction of prohibited materials into the WWRF. The grease trap/grease interceptor design shall be based on the requirements found in Section 23-120 (c)(3)c and e of this code, and the 2010 State of Florida Plumbing Code.

a. *Interceptor wastes.* All fixtures which may introduce prohibited materials must be connected though the interceptor. In no case shall sanitary wastewater be introduced to the interceptor.

b. *Existing facilities.* All existing facilities which are not in compliance with this Division as of October 1, 2012 shall be required to come into compliance with this Division no later than October 1, 2016. Existing facilities may continue use of a grease trap/grease interceptor that is not in compliance with this Division through October 1, 2016 unless or until one or more of the following occurs:

    1. The control authority determines the facility is contributing or discharging prohibited materials into the WWRF or sanitary sewer system in quantities sufficient to cause line stoppage or in quantities that necessitate increased or additional maintenance to the WWRF or sanitary sewer system.

    2. The facility has an irreparable or defective grease trap/grease interceptor. A grease trap/grease interceptor will be deemed irreparable or defective when it fails to operate per the manufacturer's specifications or cannot be repaired so as to operate per the manufacturer's specifications as determined by the control authority.

    3. Remodeling of the food preparation or kitchen waste plumbing system in a manner or to an extent which requires the issuance of a plumbing permit by the City of Largo.

    4. The facility undergoes or is required to undergo renovations or modifications which necessitate changes to or the addition of plumbing connections to an existing grease trap/grease interceptor in order to comply or remain in compliance with the requirements of this Division.

    5. The facility does not have a grease trap/grease interceptor and remodeling, the addition of food preparation facilities, or other renovations are conducted which necessitate the addition of a grease trap/grease interceptor.

c. *Existing facilities necessitating the installation or re-installation of a new grease trap/grease interceptor.* The following criteria will be applied to any existing facility requiring the installation or re-installation of a new grease trap/grease interceptor in accordance with this Section. The control authority shall determine the appropriate size grease trap/grease interceptor in instances in which all of the following conditions are not met or when variations not contemplated by this Section arise.

    1. Regardless of the seating capacity, a 50 gallon per minute (GPM) grease trap will be

Back to Electronic Table of Contents

required/permitted when all of the following conditions are met:

i. Water flow will not exceed 50 GPM based on calculations from Equation A below; and

ii. A fryer, oven, wok range, grill or other similar appliance(s) is/are not maintained by the facility for food preparation. Such appliances may only be retained/utilized for preheating or warming of food before serving; and

iii. The facility uses only disposable products to serve food (i.e. paper and/or plastic plates and serving utensils); and

iv. The facility does not contain or operate an automatic dishwasher.

2. A 75 GPM grease interceptor, with a minimum of 600 pounds of grease capacity, made of a material suitable for outdoor conditions and installed in-ground will be required/permitted where the following conditions are met:

   i. Water flow is less than 100 GPM through the grease interceptor based on calculations from Equation A below; and

   ii. The facility operates at a capacity of fifty (50) seats or less. The seating capacity factor may be adjusted in the control authority's sole discretion based on information that includes, but is not limited to, the type of business, its operation, and/or operational historical data if/when available. Operational historical data the control authority may consider includes, but is not limited to, the type and amount of food served, the business' grease interceptor maintenance and inspection history, completion of inspection logs, history of any overflow, etc.

3. A grease interceptor device that meets the requirements for a new facility as provided in Section 23-120(c)(3)e below will be required/permitted where the following conditions are met:

   i. Water flow is in excess of 50 GPM based on calculations from Equation A below; and

   ii. The facility operates at a capacity of greater than 50 seats. The seating capacity factor may be adjusted in the control authority's sole discretion based on information that includes, but is not limited to, the type of business, its operation, and/or operational historical data if/when available. Operational historical data the control authority may consider includes, but is not limited to, the type and amount of food served, the business' grease interceptor maintenance and inspection history, completion of inspection logs, history of any overflow, etc.

   Equation A:

   $(X1 + X2+...Xn)/231/1 \times 0.75$ = Water Flow Rate in GPM

   Where:

   X = height x length x width (of a single kitchen fixture measured in inches)
   231 = factor derived from the Florida Plumbing Code to convert cubic inches to GPM
   0.75 = loading factor derived from the Florida Plumbing Code
   1 = discharge rate (1 minute)

d. *Extensions.* A facility owner/user may request up to a 90-day extension from the date for compliance set by the control authority to install the grease trap/grease interceptor required for compliance with this Section. The request for extension shall be made, in writing, to the Director, no less than thirty (30)

Back to Electronic Table of Contents

calendar days prior to the date set for compliance with this Section. The compliance date for existing facilities undergoing significant modifications, substantial renovation or changes in ownership or use shall be as established by the control authority upon notice to the facility owner/user that installation of a new grease trap/grease interceptor is required. Any existing facility operating a grease trap/grease interceptor that is not incompliance with subsection 23-120(c)(3)c on or before October 1, 2016 shall submit its request for extension no later than July 1, 2016. The request for extension shall state the reasons for the facility owner's/user's failure or inability to comply with the compliance date, shall include a reasonable amount of additional time needed to complete the work, and shall provide the steps to be taken to avoid future delays. The Director's decision whether to grant an extension, and the length of any extension granted, shall be in his/her sole discretion and shall be final.

e. *New facilities.* Grease interceptors shall be located so as to be easily accessible for inspection and maintenance. Grease interceptors shall be equipped with two-way cleanout tees at the inlet and outlet and shall be a minimum of 750 gallons or a size as determined by application of Equation B or C below, whichever is greater. Interceptors shall be designed in accordance with the requirements found in the 2010 State of Florida Plumbing Code and shall have a capacity based on calculations defined in Equation B or C below which is derived from the 2010 Edition of the Florida Plumbing Code.

Equation B*:

5) x (GM) x (LF) x 0.75 = effective capacity of grease interceptor in gallons

Where:

M = meals prepared per day
GM = gallons of waste per meal
LF = loading factor (using a factor of 1.00 per dishwasher and 0.75 without dishwasher)
0.75 = reduction factor for non-private sewage disposal system

* Equation B shall be applied in instances where a commercial kitchen exists outside a typical restaurant/dine-in setting. This would include, but is not limited to, catering kitchens, take-out facilities, assisted living facilities, nursing homes, etc.

Equation C:

(S) x (GS) x (HR/12) x (LF) x 0.75 = Effective capacity of grease interceptor in gallons.

Where:

S = number of seats in dining area(s)
GS = Gallons of wastewater per seat (using 25 gallons for facilities with non-disposable dishes/serving ware and/or an automatic dishwasher) (using 10 gallons for facilities with disposable dishes/serving ware and no dishwasher)
HR = Number of hours the facility is open
LF = Loading Factor (Use 2.00 interstate highway; 1.50 other freeways; 1.25 recreational area; 1.00 main highway; 0.75 other roads)

(4) *Application.* Users required to obtain a commercial wastewater discharge permit shall complete and file with the control authority an application in the form specified by the control authority, and accompanied by a fee of $100.00. Any user notified by the control authority as requiring a commercial wastewater discharge permit shall, within 30 calendar days of said notification, apply for a commercial wastewater discharge permit. Proposed new facilities shall apply a minimum of 60 calendar days prior to connecting or contributing to the WWRF. The application for a commercial wastewater discharge permit shall be complete and must contain the

Back to Electronic Table of Contents

following elements in the format specified:

a. Identifying information. The name, contact name, address, phone number, and location of the facility (if different from the address), including the name of the operator and owner. For facilities with corporate contacts for invoicing and representation, the identifying information must include the corporate name, contact name, address, and contact phone number.

b. Description of operations. A brief description of the nature, average water usage, customers served per day, number of seats (where applicable), hours of operation, and location and size of grease trap/grease interceptor, oil/water separator, or lint trap.

c. Any other information as determined by the control authority to be necessary to evaluate the permit application.

(5) *Permit renewal application.* Permitted commercial users shall apply for permit renewal at least 30 calendar days prior to the expiration of the existing permit. The permit renewal shall be in the format specified by the control authority and be accompanied by a fee of $100.00. The control authority shall provide the user with a permit renewal application and an invoice for the permit renewal fee 60 calendar days prior to the existing permit expiration date.

(6) *Application review.* The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a commercial wastewater discharge permit subject to the terms and conditions provided herein.

(7) *Permit duration.* Except as specified by the control authority, a commercial wastewater discharge permit shall be effective for one year from the date of issuance of the permit.

(8) *General permit conditions.* Users requiring a commercial wastewater discharge permit shall be subject to all provisions of this Division and all other applicable federal, state, and local laws and regulations. User charges and fees established by the city shall be paid by the user. Users subject to a commercial wastewater discharge permit shall abide by the terms and conditions of the permit. Commercial wastewater discharge permits shall include the following general provisions:

a. *Mandatory pumping frequency.* All permitted commercial wastewater facilities shall be required to pump out and remove the entire contents of their grease traps, interceptors, and/or filter systems at the minimum frequencies provided below. More frequent pumping may be required to meet the requirements of this Division. Pump-outs may be performed during daylight hours only (6:00 a.m. to 6:00 p.m.).

1. *Food service facilities.* Every 30 operational days or at a frequency determined in writing by the control authority a grease interceptor shall be serviced as described in subsection 23-120(c)(8)a. An alternate frequency may be requested by the facility as specified in subsection 23-120(c)(8)d. In no case may the frequency of pumping exceed 180 calendar days. Grease shall not accumulate greater than six inches at any time or as specified by the manufacturer of the device, whichever is less.

2. *Commercial vehicle wash facilities/garages.* Every 90 calendar days or at a frequency determined in writing by the control authority. Oil/grease shall not accumulate greater than six inches at any time or greater than as recommended by the device manufacture, whichever is less. Sediment shall not accumulate greater than eight inches.

3. *Commercial laundry facilities.* Every 90 calendar days or at a frequency determined in writing by the control authority. Sediment shall not accumulate greater than eight inches or greater than as recommended by the device manufacturer, whichever is less.

Back to Electronic Table of Contents

4. *Food service facilities with grease traps.* Each facility shall determine the frequency at which its grease trap(s) shall be cleaned. Cleaning shall occur at a frequency necessary to prevent pass-through of grease and other food solids or other prohibited material(s) and should take into account the device manufacturer's recommendations. Grease traps shall, in all instances, be cleaned at a minimum of once per week. The date and time of all cleanings shall be recorded in a bound logbook, which shall be available for review upon request by the control authority.

   i. *Weekly maintenance*. For facilities that conduct weekly maintenance, said maintenance shall include the complete removal of the top grease level and floating material. Cleaning shall include scraping solids from the walls and other exposed surfaces above the gray water level. The operator is required to document the level of grease, in inches, before each cleaning. Measurements shall be entered in the facility's maintenance logbook and shall be made available for review by the city upon request.

   ii. *Quarterly maintenance*. For facilities that conduct quarterly grease trap maintenance, said maintenance shall include the complete removal of all device contents, including floating material, gray water, bottom sludge and solids; leaving the device totally empty. Gray water includes all liquids contained in a grease trap that lay below the floating grease layer and above the food solids layer. Cleaning shall include scraping solids from the walls, floors, baffles and all piping.

   iii. *Disposal of Material*. Users equipped with approved grease traps are authorized to perform self-cleaning and waste removal. Grease, solid materials, gray water or oils removed from grease traps shall not be returned to any grease interceptor, private sewer line or to any portion of the city's sanitary sewer system. Removed grease and solid materials from the grease trap shall be disposed of in the solid waste disposal system.

   iv. *Flow control device.* All grease traps shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity in GPM for the device. Each food service facility is responsible for maintaining appropriate flow control devices. It shall be a violation of this Section if a flow control device is removed from any grease trap or is modified. A fine of $500 per instance shall be assessed for removal of a flow control device or for failure to replace the device within the period required by the control authority.

b. *Right to inspect*. The city reserves the right to inspect any food facility in which there is a reasonable suspicion that the facility has failed or continues to fail to comply with the cleaning/maintenance requirements of this Section. City inspectors will take measurements, in inches or fractions thereof, of grease trap device contents during the time period determined by the control authority to be appropriate to confirm compliance with this Section. The data collected will be compared to the manufacturer's recommendations and device specifications to determine whether compliance has been achieved and will be used for enforcement, assessment of penalties, and/or issuance of a compliance order.

c. *Documentation of interceptor service.* All facilities permitted under this Division shall provide documentation of interceptor pumping upon request of the control authority. The documentation of service can include a log provided by the control authority, receipts or copies of receipts from the hauler, manifest statements from the hauler, the county grease service record, or similar documentation. The documentation must be kept and readily available for review for a period of one year from the date of service.

d. *Requirements to receive alternate pumping frequency.* All food service facilities, other than those with grease traps, may request in writing an alternate pumping frequency, not to exceed 180 calendar days.

Back to Electronic Table of Contents

1. Upon receipt and processing of a written request by a food service facility, the control authority shall inspect the interceptor during a pump-out to verify the condition of the interceptor. The control authority will issue a written authorization to the facility to halt pumping of the interceptor until further notice by the control authority. The interceptor shall not be pumped until the interceptor is reinspected by the control authority and approval to pump is given.

2. The control authority shall re-inspect the interceptor after 30 calendar days or at a time determined by the control authority to monitor the condition of the interceptor. The interceptor must not accumulate more than six inches of grease on the surface or more than eight inches of solids on the bottom of the interceptor as measured at a point adjacent to the outlet pipe of the interceptor.

3. The control authority will continue to inspect the interceptor at regular intervals to determine if the performance criteria in subsection (c)(8)d.2 of this Section are met. When the control authority determines the interceptor requires pumping in accordance with the above criteria, the inspector will determine the alternate pumping frequency and a written alternate pumping frequency shall be issued by the control authority.

4. If the control authority determines in subsequent inspections that the performance criteria are not met by the alternate pumping frequency, the control authority will nullify the alternate frequency and the facility will be required to meet the pumping frequency of every 30 operational days.

e. *Requirement to notify control authority of change in contact.* The facility shall, in writing, notify the control authority within five (5) calendar days of a change in facility contact name, ownership, and/or corporate contact.

f. *Requirement to repair or replace grease trap/grease interceptor.* Users notified by the control authority of required repairs or replacement due to existing grease trap/grease interceptor failure as determined by the control authority, shall make repairs or replace the failed grease trap/grease interceptor within the time period determined by the control authority. When determining the appropriate time for repair or replacement the control authority will consider the condition of the grease trap/grease interceptor, its potential for overflow or to allow stormwater inflow, and/or to cause harm to the sanitary sewer system and/or the environment. If the control authority determines public safety or the environment is at risk or the grease trap/grease interceptor will allow stormwater inflow, the control authority may require immediate repairs, installation of a temporary treatment system, or a cessation of flow until repairs to or replacement of the grease trap/grease interceptor are completed. In the event replacement of the grease trap/grease interceptor is determined necessary by the control authority in his/her sole discretion, the new (replacement) grease trap/grease interceptor shall meet the standards and size requirements for new facilities as required by this Article. Users shall be required to obtain a permit from the city Building Division prior to conducting any repair or replacement work.

g. *Inspections*. A city inspector may conduct scheduled or unscheduled (random/unannounced) inspections of food service facilities to verify continued compliance with the requirements of this Article. The inspector will inspect all grease traps or grease interceptors, plumbing connections, the logbook and file, and other pertinent information, and may take samples and photographs as the inspector or control authority deems necessary. The inspector shall record all observations in a written report. Any deficiencies shall be noted, and may include, but are not limited to:

1. Failure to properly maintain the grease trap or grease interceptor in accordance with the provisions of this Article.

2. Failure to report changes in facility operations, or wastewater constituents and characteristics.

Back to Electronic Table of Contents

3. Failure to maintain logs, files, records or failure to provide access for inspection or monitoring activities.

4. Inability of existing grease trap or interceptor to prevent discharge of prohibited materials into the city's WWRF and/or sanitary sewer system.

5. Any other violation of this Article.

h. *Alternative grease removal devices*. The city recognizes that alternative grease and wastewater treatment options will become available due to advancements in technology. The owner/operator of a facility required to install a grease trap/grease interceptor pursuant to this Section may submit a written request to the City Manager to install an alternative device. Alternative devices may be installed only upon written permission from the City Manager or his/her designee prior to installation. Permission to use an alternative device or advanced technology device will be based on documented and proven removal efficiencies and reliability of device operation. The facility owner/operator may be required to furnish analytical data demonstrating grease removal effectiveness, or perform effluent monitoring for a period of time required by the City Manager or his/her designee before receiving final approval for use and operation of the alternative device. Permission to use alternative devices or advanced technology devices may be withdrawn by the city at any time if it is demonstrated that the alternative device fails to operate as originally specified by the facility owner/operator and/or if the alternative device allows for the discharge of prohibited materials into the city's WWRF and/or sanitary sewer system. If permission for use of an alternative device or advanced technology device is withdrawn, the facility shall install a grease interceptor or grease trap in compliance with this Section within 60 calendar days or within the period required by the City Manager, whichever is greater. The city reserves the right to pursue any remedies available to it by law, including filing suit for injunctive relief and/or specific performance, and/or assessment of fines by code enforcement action against the owner of the property on which the non-compliant device is operated/installed or the operator of the facility utilizing said non-compliant device.

(Code 1978, § 22-55; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2005-01, §§ 9, 10, 12, 10-19-2004; Ord. No. 2012-29, § 4, 8-21-2012, Ord. No. 2013-51, § 1, 07-02-2013)

Sec. 23-121. Reporting requirement for significant industrial users.

(a) *Baseline report.* Reporting requirements for existing industrial users upon effective date of categorical pretreatment standards or new categorical sources prior to commencing discharge.

(1) *Existing users.* Within 180 calendar days after the effective date of a categorical pretreatment standard, or 180 calendar days after the final administrative decision made upon a category determination request under subsection 62-625.410(2)(d), F.A.C., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to a WWRF, shall submit to the control authority a report which contains the information listed in subsection (a)(2) of this Section. Where reports containing this information have already been submitted to the control authority in compliance with the requirement of paragraph 62-625.410(2)(d), F.A.C., the industrial user shall not be required to submit this information again.

(2) *New user.* At least 90 calendar days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the control authority a report which contains the information listed in this subsection. New sources shall include in this report information on the method of pretreatment it intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (a)(2)d and e of this Section.

Back to Electronic Table of Contents

a. *Identifying information.* The industrial user shall submit the name and address of the facility, including the name of the operator and owners.

b. *Permits.* The industrial user shall submit a list of any pollution control permits held by or for the facility.

c. *Description of operations.* The industrial user shall submit a brief description of the nature, average rate of production, and NAICS codes of the operations carried out by such industrial user. This description shall include a schematic process diagram which indicates points of discharge to the WWRF from the regulated processes.

d. *Flow measurement.* The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the WWRF from each of the following:

1. Regulated process streams; and

2. Other streams as necessary to allow use of the combined wastestream formula of subsection 62-625.410(6), F.A.C., or the flow weighted average formula. The control authority shall allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. *Measurement of pollutants.*

1. The industrial user shall identify the pretreatment standards applicable to each regulated process.

2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. All laboratory and analytical reports shall comply with Rule 62-160.670, F.A.C. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to confirm compliance with the standard.

3. Grab samples must be used for any of these applicable tests: pH, cyanide, total phenols, oil and grease, sulfide, volatile organics, temperature, dissolved oxygen, chlorine residual, un-ionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g., ortho phosphate, etc.) For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the industrial user demonstrates that this will provide a representative of the effluent being discharged.

4. The industrial user shall take a minimum of one representative sample to compile the data necessary to comply with these requirements.

5. 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 industrial user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of subsection 62-625.410(6), F.A.C, in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit is required in accordance with subsection 62-625.410(6), F.A.C,

Back to Electronic Table of Contents

this adjusted limit, along with supporting data, shall be submitted to the control authority.

6. All activities related to sampling and analysis shall comply with subsection 23-121(f), 40 CFR Part 136, and Chapter 62-610, F.A.C., and shall be conducted under the requirements of Rule 62-160.300, F.A.C.

7. The industrial user may submit a baseline report which utilized only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

8. The baseline report shall indicate the time, date and place of sampling; methods of analysis; and test results for each component and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWRF.

f. *Certification.* A statement, reviewed by an authorized representative of the industrial user indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

g. *Compliance schedule.* If additional pretreatment or O&M will be required to meet the pretreatment standards, the industrial user shall provide such additional pretreatment or O&M as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1. Where the industrial user's categorical pretreatment standard has been modified by the control authority using methods approved in Chapter 62-625, F.A.C., at the time the industrial user submits the report required by this subsection, the certification statement and compliance schedule shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified as noted above after the industrial user submits the report required by this subsection, any necessary amendment to the certification statement and compliance schedule shall be submitted by the industrial user to the control authority within 60 calendar days after the modified limit is approved.

(b) *Compliance schedule for meeting categorical pretreatment standards.* The following conditions shall apply to the compliance schedule required by subsection (a)(2)g of this Section:

(1) The schedule shall contain increments of progress 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 industrial user to meet the applicable categorical pretreatment standards including but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction.

(2) No increment referred to in subsection (a) of this Section shall exceed nine months.

(3) Within 14 calendar days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.

(c) *Report on compliance with categorical pretreatment standard deadline.* Within 90 calendar days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source

Back to Electronic Table of Contents

following commencement of the introduction of wastewater into the WWRF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subsections (a)(2)d through f of this Section. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

(d) *Periodic reports on continued compliance.*

(1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWRF, shall submit to the control authority a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. Reports shall be submitted during the months of June and December unless required more frequently in the pretreatment standard or by the control authority. The industrial user may request submission of the above reports in months other than June and December if, based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in (a)(2)d of this Section, except that the control authority shall require more detailed reporting of flows if necessary to comply with the requirements of Chapter 62-625, F.A.C. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation as required by the control authority or the applicable pretreatment standard necessary to determine the user's compliance status.

(2) Where the control authority has imposed mass limitations on industrial users as provided for by subsection 62-625.410(5),F.A.C., the report required by subsection (d)(1) of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(3) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4),F.A.C., the report required by subsection (d)(1) of this Section shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (d)(1) of this Section shall include the industrial user's actual average production rate for the reporting period.

(e) *Notice of potential problems, including slug discharges.* All industrial users shall notify the control authority immediately of any discharges including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, or prohibited discharges, as defined by subsection 62-625.400(2), F.A.C., that might cause damage to the WWRF, natural resources, or any person or property. Following such discharges a report required by Section 23-118(i) of this Division shall be submitted to the control authority within five (5) calendar days following the discharge. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge.

(f) *Monitoring and analysis to demonstrate continued compliance.*

(1) The reports required in subsections (a), (c), (d), and (g) of this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user, except when the DEP is acting as the control authority. Where the control authority performs the

Back to Electronic Table of Contents

required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under subsection (a)(2)f of this Section. In addition, where the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.670, F.A.C.

(2) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 calendar days after becoming aware of the violation. The industrial user is not required to resample if:

a. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

b. The control authority performs sampling at the industrial user between the time when the industrial user performs its initial sampling and the time when the industrial user receives the results of the sampling; or

c. The control authority has performed the sampling and analysis in lieu of the industrial user.

(3) The reports required in subsections (d) and (g) of this Section shall be based upon data obtained through sampling and analysis performed during the period covered by the report. The data shall be representative of conditions occurring during the reporting period. The control authority shall require frequency of monitoring necessary to assess and ensure compliance by industrial users with applicable pretreatment standards and requirements. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. An industrial user's failure to maintain its monitoring facility in good working order and condition shall not constitute grounds for any claim that sample results are unrepresentative of a user's discharge.

(4) All activities related to sampling and analysis shall be subject to the same requirements specified in subsection (a)(2)e.6 of this Section.

(5) If an industrial user subject to the reporting requirement in subsections (d) and (g) of this Section monitors any pollutant more frequently than required by the control authority, at the location(s) identified in the industrial user's wastewater discharge permit and using the procedures required by subsection (a)(2)e.6 of this Section, the results of this monitoring shall be included in the report.

(6) All activities related to sampling and analysis shall comply with paragraphs 62-625.600(6)(d) and (e) and Chapter 62-160, F.A.C.

a. Sampling activities shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," DEP -SOP-001/01, March 31, 2008, hereby adopted and incorporated herein by this reference.

b. Analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C.

c. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and control

Back to Electronic Table of Contents

authority, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C.

(7) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for all sampling required by this Section. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative for the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. 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 may be composited prior to analysis as follows:

a. Samples for cyanide, total phenols and sulfides may be composited in the laboratory or in the field.

b. Samples for volatile organics and oil and grease may be composited in the laboratory; and

c. Composite samples for other parameters unaffected by the compositing procedures allowed in the DEP's approved sampling procedures and laboratory methodologies may be authorized by the control authority, as appropriate.

(8) Oil and grease samples shall be collected in accordance with subsection 23-121(a)(2)e 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 samples

(9) Sampling required in support of baseline monitoring and 90-day compliance reports shall be conducted as follows:

a. For industrial users where historical sampling data does not exist, a minimum of four (4) grab samples must be taken for each of the following: pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

b. For industrial users where historical sampling data is available, the control authority may authorize a lower minimum.

(g) *Reporting requirements for industrial users not subject to categorical pretreatment standards.*

(1) The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Non-categorical Significant Industrial Users shall submit to the control authority a report at the frequency stated in the permit and contain a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. Non-categorical Significant users shall submit reports to the control authority at least once every six months. Minor industrial users required to be permitted shall submit reports to the control authority within 60 calendar days upon request of the control authority. In cases where the local limit requires compliance with a BMP or pollution prevention alternative, the user must submit documentation, as required by the control authority which he/she deems necessary to determine the user's compliance status.

(2) The reports shall be based on sampling and analysis performed by the user in the period covered by the report, and are subject to the same requirements specified in subsection (a)(2)e.6 of this Section.

(h) *Notification of changed discharge.* All industrial users shall promptly notify the control authority in

Back to Electronic Table of Contents

advance of any change in the volume (plus or minus 20 percent) or character of pollutants in their discharge that may result in pass through, interference, or increased pollutant loading at the WWRF, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (m) of this Section.

(1) The control authority may require the user to submit such information as the control authority deems necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(2) The control authority may issue a new wastewater discharge permit (including any new or additional permit terms or conditions the control authority deems necessary) or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(i) *Signatory requirements for industrial user reports.* The reports required by subsections (a), (c), (d), (g), and (n) of this Section shall include the certification statement as set forth in Section 23-120(b)(7)l of this Division, and shall be signed by an authorized representative of the industrial user.

(j) *Provisions governing fraud and false statements.* Any person, including a responsible corporate officer, submitting or maintaining reports and other documents required under this article shall be subject to the civil and criminal penalties of F.S. § 403.161 for any falsification described in that Section.

(k) *Recordkeeping requirements.*

(1) Any industrial user subject to the reporting requirements of this Division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Division, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and/or documentation associated with its BMPs. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C. Records shall include the date, exact place, method, time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; 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 (3) years or the period required by applicable law, whichever is greater. This period shall be automatically extended for the duration of any litigation concerning the user, or where the user has been specifically notified of a longer retention period by the control authority. The control authority shall retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements, were applicable, as specified under Rule 62-625.600, F.A.C.

(l) *Date of Receipt of Reports.* Written reports will be deemed to have been submitted on the date postmarked. For reports, which 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.

(m) *Provisions governing hazardous waste.*

(1) The industrial user shall notify the control authority and the DEP's hazardous waste and pretreatment authorities in writing of any discharge into the WWRF of a substance, which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the WWRF, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. Industrial users who commence discharging after the effective date of the ordinance from which this subsection is derived shall provide the notification no later than 180 calendar

Back to Electronic Table of Contents

days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (h) of this Section. The notification requirement in this subsection does not apply to pollutants already reported under the self-monitoring requirements of subsections (a), (c), (d), and (g) of this Section.

(2) Discharges are exempt from the requirements of subsection (m)(1) of this Section 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 Chapter 62-730, F.A.C. Discharge of more than 15 kilograms of nonacute hazardous wastes, as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new DEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the control authority and the DEP's hazardous waste and pretreatment authorities of the discharge of such substance within 90 calendar days of the effective date of such regulations.

(4) In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Division, a permit issued thereunder, or any applicable federal, state, or local law.

(n) *Annual certification by NSCIUs*. An industrial user determined to be a NSCIU in accordance with paragraph 62-625.200(25)(c), F.A.C., must annually submit the following certification statement, signed in accordance with the signatory requirements outlined in subsection 23-121(i). The following certification must accompany any alternative report required by the control authority:

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [*specify applicable national pretreatment standard part(s)*], I certify that, to the best of my knowledge and belief that during the period from [*month, day, year*] to [*month, day, year*]:

(1) The facility described as [industrial user name] met the definition of a non-significant categorical industrial user as described in paragraph 62-625.200(25)(c), F.A.C.;

(2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [documentation of basis to continue exemption]."

(o) *Monitoring waiver for categorical pollutants.* The control authority may waive the requirement for a user subject to a categorical pretreatment standard to sample a pollutant regulated by a categorical pretreatment standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the user. This waiver is subject to the following conditions:

(1) The waiver may be approved where a 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

Back to Electronic Table of Contents

applicable categorical standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of an individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the user 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.

(4) The request for a monitoring waiver must be signed in accordance with the signatory requirements in subsection 23-120(b)(7)l.

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any approval of the monitoring waiver by the control authority must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for three (3) years after the expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the user must certify on each report that there has been no increase in the pollutant in its wastestream due to activities of the user with the following statement:

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR Part [*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 of pollutants] in the wastewater due to the activities at the facility since filing of the last periodic report."

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately notify the control authority and comply with the monitoring requirements of this Division or other more frequent monitoring requirements imposed by the control authority in his/her discretion.

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standards.

(Code 1978, § 22-56; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2005-01, § 11, 10-19-2004, Ord. No. 2014-68, §2, 8-5-2014)

Sec. 23-122. Compliance monitoring.

(a) *Monitoring facilities.* The control authority shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be

Back to Electronic Table of Contents

provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 calendar days following written notification by the control authority.

(b) *Inspection and sampling access.* The control authority shall be allowed to inspect the facilities of any user to ascertain whether the purposes of this Division are being met and all requirements are being complied with a minimum of one time per year. Persons or occupants of premises where wastewater is created or discharged shall allow the control authority representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. 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 user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the control authority access to the user's premises shall constitute a violation of this Division. The control authority, DEP, and EPA shall have the right to set up on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. The control authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at the frequency determined by the industry or manufacturer standards to ensure their accuracy. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the control authority, DEP, and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. If the control authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Division, 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 article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the control authority may seek issuance of a search warrant from the sixth circuit court of the county.

(c) *Approved sampling and analyses.*

(1) All sampling and analysis shall be performed in accordance with Section 23-121(f) of this Division.

(d) The control authority shall inspect and sample the effluent from each significant industrial user at least once every 12 months. The control authority may sample and shall inspect permitted minor industrial users at least once every 12 months. Additional inspections and sampling of significant and minor industrial users may be performed by the control authority. Control authority sampling and inspections may be conducted without prior notification to the industrial user or minor industrial user.

(Code 1978, § 22-57; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2005-66, § 2, 10-4-2005; Ord. No. 2014-68, §2, 8-5-2014)

Sec. 23-123. Enforcement.

(a) *Cease and desist order; harmful contributions.* The control authority may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the control authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the WWRF or causes the control authority to violate any condition of its NPDES permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWRF system or endangerment to

Back to Electronic Table of Contents

any individuals. The control authority shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the cause of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the control authority within 10 calendar days of the date of occurrence.

(b) *Revocation of permit.* Any user who violates the following conditions of this Division, or applicable State or federal regulation, is subject to having the permit revoked in accordance with the procedures of this Section:

(1) Failure of a user to report factually the wastewater constituents and characteristics of the facility's discharge;

(2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(4) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application as determined by the control authority which would result in an issuance of invalid wastewater discharge permit;

(5) Falsifying self-monitoring reports and/or certification statements;

(6) Tampering with monitoring equipment;

(7) Failure to meet effluent limitations;

(8) Failure to timely pay fines or penalties;

(9) Failure to timely pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Division.

(c) *Notification of violation.* Whenever the control authority finds that any user has violated or is violating this Division, or a wastewater discharge permit, the control authority may serve upon such person a written notice stating the nature of the violation. Within 30 calendar days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the control authority by the user. The user is also subject to escalating violations as detailed in the enforcement plan.

(d) *Publication of industrial users in significant noncompliance.* In compliance with the public participation requirements of Chapter 120, F.S., the control authority shall, at least annually, publish in a newspaper of general circulation within the jurisdiction served by the WWRF that meets the requirements of Sections 50.011 and 50.013, F.S., a list of the users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

Back to Electronic Table of Contents

(1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all the measurements for the same pollutant parameter taken during a consecutive six (6)-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for the same pollutant parameter taken during a consecutive six (6)-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, 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 control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWRF personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWRF's exercise of its emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within ninety (90) calendar days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within forty-five (45) calendar days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which may include a violation of BMPs, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(e) *Show cause hearing.*

(1) The control authority may order any user who causes or allows an unauthorized discharge to enter the WWRF to show cause before the city commission why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at no less than ten (10) calendar days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The city commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the control authority to:

a. Issue in the name of the city commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

b. Take the evidence; and

c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city commission for action thereon.

Back to Electronic Table of Contents

(3) At any hearing held pursuant to this Division, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the city commission has reviewed the evidence, it may issue a show cause order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(f) *Consent order.* If the control authority finds that alterations must be made in an industrial user's pretreatment facility, the control authority may issue an order to which the user shall consent, after negotiation between the two parties, in order to establish a compliance schedule. The consent order will include milestone dates to be met to bring the facility in compliance with the users waste discharge permit. The user will be allowed to continue discharging to the WWRF as long as the schedule for compliance, established in the consent order and documented in regular reports, is followed. Violations of the compliance schedule can result in the revocation of the user's permit and severance of service and additional enforcement actions.

(g) *Compliance order.* The control authority may issue a compliance order to direct a user to achieve or restore compliance by a specified date. The order shall be issued without the negotiated consent of the user. The compliance order may include a compliance schedule with milestone dates for actions to be met by the user. The user may not be allowed to discharge process wastewater until compliance with the wastewater discharge permit and all Sections of this Division are met. Violations of the compliance schedule or any terms of the compliance order may result in administrative penalties, revocation of the user's permit, and severance of service.

(h) *Administrative penalties.* When the control authority finds that a user has violated, or continues to violate, any provision of this Division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may fine such user in an amount not to exceed the maximum fine allowed under law, but not less than $100.00 per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other longterm average discharge limits, fines shall be assessed for each day during the period of violation. Users desiring to dispute such fines must file a written request for the control authority to reconsider the fine along with full payment of the fine amount within 30 calendar days of being notified of the fine. Where a request has merit, the control authority may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. Issuance of an administrative penalty shall not be a bar against, or a prerequisite to, pursuing any other legal remedies available to the city.

(i) *Emergency suspensions.* The control authority may immediately suspend a user's wastewater discharge, after verbal notice to the user, whenever such suspension is necessary to prevent an actual or threatened discharge. Such a suspension is warranted when it reasonably appears a discharge presents the threat of or causes imminent or substantial endangerment to the health or welfare of persons or property.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as he/she deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWRF, public sanitary sewer collection system, its receiving stream, and/or to prevent endangerment to any persons, property, or the environment. The control authority may allow the user to recommence its discharge when the user has demonstrated, to the control authority's satisfaction, that the period of endangerment has passed, unless the termination proceedings of this Division are initiated against the user.

Back to Electronic Table of Contents

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent danger shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing.

(3) Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(j) *Termination, modification, suspension or revocation of wastewater discharge permit.* Termination of a user's permit may also result in termination of the user's sewer service. Any permit issued under this Division is subject to be modified, suspended, or revoked in whole or in part during its term for cause which may include, but is not limited to, any one of the following:

(1) Violation of any terms or conditions of the user's permit or other applicable law or regulation;

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;

(3) Falsifying reports;

(4) Tampering with monitoring equipment;

(5) Failure to pay fines;

(6) Failure or refusal to accept, or respond to, Notices of Violation, Compliance Schedules or other enforcement procedures;

(7) A change in any permitted user's operating condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(8) When necessary to protect the public health, safety and welfare.

(k) A user found in violation of any one condition in subsection (k)(1) through (8 above, will be notified of the proposed termination of its wastewater discharge and/or wastewater discharge permit and be offered an opportunity to show cause, in accordance with Section 23-123 (e), why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, pursuing any other legal remedy available to the city.

(l) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this Division, federal or state pretreatment requirements or any order of the control authority, the city attorney may commence an action for appropriate legal and/or equitable relief in the sixth judicial circuit court of the county or other court of competent jurisdiction.

(Code 1978, § 22-58; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2014-68, §2, 8-5-2014)

Sec. 23-124. Confidential information.

(a) *Authority.* In accordance with Chapter 119, F.S., all information and documents submitted to the control authority are considered to be public information, and as such are available to the public for reading and copying. However, in accordance with F.S. § 403.111, any information submitted to the control authority in accordance with this article may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such

Back to Electronic Table of Contents

information. If no claim is made at the time of submission, the control authority shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in F.S. § 403.111.

(b) *Effluent data.* Effluent information and data provided to the control authority in accordance with this article shall be available to the public without restriction.

(Code 1978, § 22-59; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2014-68, 8-5-2014)

Sec. 23-125. Affirmative defenses to discharge violations.

(a) *Upset.*

(1) *Noncompliance not part of upset.* 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.

(2) *Effect of an upset.* An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(3) of this Section are met.

(3) *Conditions necessary for a demonstration of upset.* An industrial user who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the industrial user can identify the cause of the upset;

b. The industrial user's facility was, at the time of the upset, being properly operated; and

c. The industrial user has orally submitted the following information to the control authority within 24 hours of becoming aware of the upset, with a written submission to be provided within five (5) calendar days:

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; and

3. Steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(4) *Burden of proof.* In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset has the burden of proof.

(5) *Industrial user responsibility in case of an upset.* The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical 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) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions and limits in Section 23-118 if it can prove that it did not know, or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

Back to Electronic Table of Contents

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature of constituents from the user's prior discharge when the WWRF was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

An affirmative defense cannot apply to the specific prohibitions in Section 23-118(b)(1), (3) and (13).

(c) *Bypass.* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions in subsections (b)(1) and (2) of this Section.

(1) *Notice.*

a. If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the control authority at least ten (10) calendar days before the date of the bypass. If the industrial user does not know of the need for a bypass ten (10) calendar days prior to the bypass then the industrial user shall notify the control authority immediately upon knowledge of the need for the bypass.

b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the industrial user becomes aware of the bypass. The written submission shall contain:

1. A description of the bypass and its cause;

2. The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and

3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(2) *Prohibition of bypass.* Bypass is prohibited, and the control authority shall take enforcement action against an industrial user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no technically 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 backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The industrial user submitted notices as required under subsection (c)(1) of this Section.

d. The control authority shall approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in subsection (b)(1)b of this Section.

(Code 1978, § 22-60; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2014-68, §2, 8-5-2014)

Sec. 23-126. Judicial enforcement remedies.

Back to Electronic Table of Contents

(a) *Injunctive relief.* If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this Division, federal or state pretreatment requirements or regulations, or any order of the control authority, the city attorney may commence an action for appropriate legal and/or equitable relief in the Sixth Judicial Circuit Court in and for Pinellas County, or other court of competent jurisdiction. This may take the form of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Division on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other legal action against a user.

(1) A person who willfully or negligently introduces any substance into the WWRF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not less than $1,000.00 per day per violation, 60 days imprisonment per day per violation, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Division, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Division, shall, upon conviction, be punished by a fine of not less than $1,000.00 per day per violation or by imprisonment for not more than 60 days, or by both.

(b) *Remedies nonexclusive.* The remedies provided for in this Division are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan, approved by the DEP. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

(1) The control authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the control authority.

(2) 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 of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Code 1978, § 22-61; Ord. No. 97-27, § 1, 6-17-1997; Ord. No. 2001-60, § 1, 7-10-2001; Ord. No. 2002-22, § 1, 2-5-2002; Ord. No. 2005-01, § 12, 10-19-2004; Ord. No. 2014-68, §2, 8-5-2014)

Secs. 23-127 -- 23-150. Reserved.

ARTICLE III. STORMWATER UTILITY

Sec. 23-151. Short title.

Back to Electronic Table of Contents

This article shall be entitled "Stormwater Utility Ordinance of the City of Largo."

(Code 1978, § 22-68; Ord. No. 89-40, § 1(22-58(1)), 9-15-1989; Ord. No. 2008-15, § 1(22-68), 2-5-2008)

Sec. 23-152. Purpose and intent.

It is necessary to provide stormwater drainage facilities and service throughout the city in order that the health, safety and welfare of the inhabitants of the city may be protected. It is the intent and purpose of this article to provide authority to levy fees against all owners, tenants or occupants whose property impacts stormwater management facilities or services, or who enjoy benefits therefrom, and provide the city with a rational means for establishment of such fees, and designate the proceeds for the construction and maintenance of improvements and facilities and the administration and provision of stormwater services.

(Code 1978, § 22-69; Ord. No. 89-40, § 1(22-58(2)), 9-15-1989; Ord. No. 2008-15, § 1(22-69), 2-5-2008)

Sec. 23-153. Definitions and rules of construction.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Developed property means property which has been altered from its natural state by clearing, excavation, change of grade or landscaping or by the addition of any improvements such as a building, structure or impervious surface. For new construction, a property shall be considered developed pursuant to this article upon issuance of a certificate of occupancy or upon completion of construction or final inspection if no such certificate is issued, or where construction is at least 50 percent complete and construction is halted for a period of three months.

Equivalent residential unit (ERU) means the average impervious area in square feet of a residential unit within the city. For the purposes of this definition, one ERU shall equal 2, 257 square feet. The value of one ERU in square feet shall be set by the city commission.

Nonresidential property means any lot or parcel of land not exclusively residential, as defined herein, including transient rentals such as hotels, motels and travel trailer parks, but excluding mixed-use property, as defined herein.

Residential property means any lot or parcel of land developed and designated exclusively for residential purposes, including single-family homes, manufactured homes, duplexes, triplexes, quadplexes, townhomes, single-story apartment buildings and single-story condominiums.

High-density residential property means any lot or parcel of land developed and designated exclusively for high-density residential purposes, including multistory apartment buildings and multistory condominiums.

Mixed-use property means any lot or parcel of land developed and that is not designated exclusively for nonresidential, residential or high-density residential purposes.

(Code 1978, § 22-70; Ord. No. 89-40, § 1(22-58(3)), 9-15-1989; Ord. No. 2001-48, § 1, 5-1-2001; Ord. No. 2008-15, § 1(22-70), 2-5-2008; Ord. No. 2015-118, § 1, 8-4-2015)

Sec. 23-154. Fee established.

Back to Electronic Table of Contents

A stormwater utility fee is hereby established on all developed lots or parcels of land within the city.

(Code 1978, § 22-71; Ord. No. 89-40, § 1(22-58(4)), 9-15-1989; Ord. No. 99-70, § 1, 7-20-1999; Ord. No. 2008-15, § 1(22-71), 2-5-2008)

Sec. 23-155. Rates and charges.

The rate to be charged per ERU shall be $6.65 per month. The rate shall be reviewed and, if necessary, adjusted annually in accordance with this article.

(Code 1978, § 22-72; Ord. No. 89-40, § 1(22-58(5)), 9-15-1989; Ord. No. 95-50, § 1, 10-3-1995; Ord. No. 99-70, § 1, 7-20-1999; Ord. No. 2001-48, § 2, 5-1-2001; Ord. No. 2004-55, § 1, 6-15-2004; Ord. No. 2008-15, § 1(22-72), 2-5-2008; Ord. No. 2012-49, § 1, 7-3-2012; Ord. No. 2015-118, § 2, 8-4-2015)

Sec. 23-156. Fee--Residential property.

The fee imposed for residential properties shall be the rate for one ERU multiplied by the number of individual dwelling units existing on the property:

ERU rate x number of dwelling units

(Code 1978, § 22-73; Ord. No. 89-40, § 1(22-58(6)), 9-15-1989; Ord. No. 2008-15, § 1(22-73), 2-5-2008)

Sec. 23-157. Same--Nonresidential property and mixed-use property.

The fee imposed for nonresidential properties and mixed-use properties as defined herein shall be the rate for one ERU multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property or mixed-use property by the ERU:

ERU rate x (total impervious area/ERU square footage)

The City Manager or his/her designee shall be responsible for determination of the impervious area based on data supplied by the county property appraiser or by the property owner, tenant or developer if such information is unavailable. The City Manager or his/her designee may require additional information as necessary to make the determination.

(Code 1978, § 22-74; Ord. No. 89-40, § 1(22-58(7)), 9-15-1989; Ord. No. 2008-15, § 1(22-74), 2-5-2008, Ord. No. 2015-118, § 3, 8-4-2015)

Sec. 23-158. Same--High-density residential property.

The fee imposed for high-density residential properties shall be the rate for one ERU multiplied by 0.60 (sixty percent) multiplied by the number of individual dwelling units existing on the property.

(ERU rate x 0.60) x number of dwelling units

(Ord. No. 2008-15, § 1(22-75), 2-5-2008; Ord. No. 2012-49, § 2, 7-3-2012)

Sec. 23-159. Same--Minimum.

The minimum fee for any nonresidential parcel shall be equal to the rate for one ERU.

(Code 1978, § 22-75; Ord. No. 89-40, § 1(22-58(8)), 9-15-1989; Ord. No. 2008-15, § 1(22-76), 2-5-2008)

Back to Electronic Table of Contents

Sec. 23-160. Billing and payment; penalties for nonpayment.

Bills or statements for the stormwater utility fee shall be rendered bimonthly in accordance with the regular utility billing cycle by the finance department of the city for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth for solid waste and wastewater service. Any unpaid stormwater utility fees shall constitute a lien against the property which shall be superior to all other liens on the property except liens for unpaid ad valorem taxes. This lien, and any other lien imposed under this chapter, when delinquent for more than 60 days, may be foreclosed by the city in the manner provided by law for the foreclosure of mortgages on real property.

(Code 1978, § 22-76; Ord. No. 89-40, § 1(22-58(9)), 9-15-1989; Ord. No. 2008-15, § 1(22-77), 2-5-2008)

Sec. 23-161. Inclusion in utility bill.

For properties normally receiving bimonthly utility bills of the other services, the stormwater utility fee shall be included in the bimonthly utility bill rendered to the established customer. At the discretion of the city finance director, fee waivers for short-term, inactive utility accounts accruing fees of $5.00 or less in a six-month period may be made for purposes of administrative convenience.

(Code 1978, § 22-77; Ord. No. 89-40, § 1(22-58(10)), 9-15-1989; Ord. No. 2008-15, § 1(22-78), 2-5-2008)

Sec. 23-162. Bill for properties not served with utilities.

For properties not receiving monthly utility bills for other services, the bill or statement for the stormwater utility fee shall be sent to the owner of the property as determined from the tax rolls by the city. The finance department may render annual or semiannual billing on such properties if determined to be in the best interest of the city.

(Code 1978, § 22-78; Ord. No. 89-40, § 1(22-58(11)), 9-15-1989; Ord. No. 2008-15, § 1(22-79), 2-5-2008)

Sec. 23-163. Owner responsible for stormwater fee.

The owner of a property is ultimately responsible for all fees established under this article.

(Code 1978, § 22-79; Ord. No. 89-40, § 1(22-58(12)), 9-15-1989; Ord. No. 2008-15, § 1(22-80), 2-5-2008)

Sec. 23-164. Requests for adjustment; procedure.

All requests for adjustment of the stormwater utility fee shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review each request as follows:

(1) All requests shall be in writing and set forth in detail the grounds upon which relief is sought.

(2) Adjustment requests made during the first calendar year that the fee is imposed shall be reviewed by the City Manager or his/her designee within 90 days from the date of submission. Adjustments resulting from such requests shall be retroactive to the effective date of the fees imposed by this article.

(3) All adjustment requests after the first calendar year that the fee is imposed shall be reviewed by the City Manager or his/her designee within four months from the date of submission. Adjustments resulting from such requests shall be retroactive to the date of submission.

(4) The owner or owner's designee requesting the adjustment may be required at his/her own expense, to provide supplemental information to the City Manager or his/her designee, including, but not limited to,

Back to Electronic Table of Contents

survey data and engineering reports approved by either a registered professional land surveyor (R.P.L.S.) or professional engineer (P.E.). Failure to provide such information may result in denial of the adjustment request.

(5) The City Manager or his/her designee shall provide the person requesting the adjustment with a written determination of the request within the time provided herein. Any adjustments shall be prorated bimonthly.

(Code 1978, § 22-80; Ord. No. 89-40, § 1(22-58(13)), 9-15-1989; Ord. No. 2008-15, § 1(22-81), 2-5-2008, Ord. No. 2015-118, § 4, 8-4-2015)

Sec. 23-165. Appeals.

All determinations of the director pursuant to section 23-164 may be appealed to an appeals board consisting of the city manager, the community development director, and the finance director, or their designees. Appeals must be filed with the City Manager or his/her designee within 30 days of issuance of the director's written determination. Appeals shall be heard within 30 days of filing. In evaluating appeals, the appeals board shall be bound by the method of setting rates as set forth in this article. The decision of the board shall be final.

(Code 1978, § 22-81; Ord. No. 89-40, § 1(22-58(14)), 9-15-1989; Ord. No. 2008-15, § 1(22-82), 2-5-2008, Ord. No. 2015-118, § 5, 8-4-2015))

Sec. 23-166. Findings as to fees; use of funds; revenue fund.

The fees authorized under this article are found to be reasonable and necessary to safeguard the public health, safety and welfare by providing for payment of the operation, maintenance, administration and capital improvements for existing and future stormwater facilities. All proceeds of this fee are deemed to be in payment for use of or benefit derived from the city stormwater drainage system. All stormwater drainage utility fees collected by the city shall be deposited in a special fund to be used for the sole and only purpose of paying the cost of construction, operation, administration and maintenance of the stormwater facilities of the city. The fees and charges shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the cost of accounting, management and government of the utility. Other than as provided for herein, the fees and charges shall be used solely to pay for the cost of the operation, repair, maintenance, improvement, rehabilitation, replacement, design, engineering, right-of-way acquisition, and construction of public stormwater drainage facilities, and related costs.

(Code 1978, § 22-82; Ord. No. 89-40, § 1(22-58(15)), 9-15-1989; Ord. No. 2008-15, § 1(22-83), 2-5-2008)

Sec. 23-167. Credits for privately constructed and maintained stormwater facilities.

(a) In order to encourage a reduction in stormwater runoff, improvement in the quality of stormwater runoff, and proper maintenance of permitted stormwater improvements by property owners, a credit against the Stormwater Utility Rate is authorized for those developed properties, other than owners of single-family residences and homeowner associations, that meet the standards and conditions set forth in the section.

(b) A 25 percent credit against a property owner's Stormwater Utility rate will be provided if the property has a properly designed and maintained stormwater system. The system must have been permitted by the Southwest Florida Water Management District since December 31, 1984 and meet or exceed SWFWMD's and the city's standards at the time of permitting and construction. The system must be constructed, operated and maintained by a party other than the city. The system also must be on land owned by parties other than the city and upon which there are no drainage easements dedicated to the public for the purposes of drainage retention, flow mitigation, or stormwater pollution abatement. If the City Manager or his/her designee determines that the stormwater management system has not been, nor is currently being properly maintained as designed and permitted, or otherwise does not meet the requirements of this subsection, such credit shall be

Back to Electronic Table of Contents

disallowed.

(c) The division of engineering services shall be responsible for conducting on-site inspections, and such inspections shall focus on the structural integrity of the system; features such as outfall control structures; sediment sumps, slope erosion, underdrain/filtration systems, and sediment accumulation as compared to the system permit and design. Each property owner shall be responsible for maintaining the drainage system according to the permit during the applicable time period that the credit is provided.

(d) Property owners, or their authorized agents, are responsible to apply for a credit under this subsection by submitting a completed stormwater utility rate credit form to the City Manager or his/her designee.

(e) Property owners, or their authorized agents, of privately owned and maintained stormwater management systems must reapply every 36 months to retain the credit. Failure of the property owner or his agent to reapply for the credit after the appropriate period terminates shall be cause for the city to revoke said credit.

(f) A certification from a registered engineer that the system meets the requirements of this section and is operating as designed and permitted must be submitted with each initial application and each renewal application.

(g) The city may inspect the system at any time during the time period for which the credit is granted. Owners of systems with deficiencies noted during an inspection shall be notified of the deficiency and shall be given 90 days to bring the system into compliance with the permitted design. If, after 90 days, the deficiencies remain, the owner shall be notified and the credits revoked for all properties served by the subject system. In order for a failed system to re-qualify for credits, certification from a registered engineer must b submitted demonstrating that the system again operates as designed and permitted, and the City Manager or his/her designee must determine that the system meets the standards and conditions of this subsection.

(h) All vacant land separately taxed shall be exempt from the stormwater utility fee.

(Code 1978, § 22-83; Ord. No. 2001-48, § 3, 5-1-2001; Ord. No. 2008-15, § 1(22-84), 2-5-2008, Ord. No. 2015-118, § 6, 8-4-2015)

Secs. 23-168--23-185. Reserved.

ARTICLE IV. PRIVATELY OWNED COLLECTION AND TRANSMISSION SYSTEMS

Sec. 23-186. General provisions.

(a) *Intent.* This article sets forth the criteria for the proper operation and maintenance of new and existing privately owned collection and transmission systems discharging to the city's sanitary sewer system. Included within this article are requirements for sanitary sewer system design, performance, permitting, reporting, monitoring, operation, maintenance, repair, and rehabilitative procedures required by all privately owned collection and transmission systems discharging to the city's sanitary sewer system. This article enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, (hereinafter referred to as the "CWA"), and chapter 62-604, Florida Administrative Code (hereinafter referred to as the "F.A.C.")(F.A.C. ch. 62-604).

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adequate treatment capacity means the capability of the wastewater facility (WWRF), after receiving flow from a sewer service connection, to adequately treat the wastewater distributed in compliance with the rules and

Back to Electronic Table of Contents

regulations defined in the Code of Federal Regulations, 40 CFR 123.45, appendix A.

Best management practices (BMPs) means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices, which include treatment requirements, operating procedures, practices to control plant site runoff, spillage and leaks, sludge and/or waste disposal, drainage from raw material storage, and prevention or reduction of the pollution of waters of the state.

Clean Water Act (CWA) means 33 USC 1251 et seq. Also known as the Federal Water Pollution Control Act.

Collection and transmission system means sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connections to facilities intended for the purpose of providing treatment prior to release to the environment.

Control authority means the city environmental services department.

Daily average pump station operating time means the total number of operating hours for all pumps in the pump station for the month, divided by the number of days in the month.

Force main means a pipe which transports wastewater from a building, residence, or facility under pressure from the discharge side of a pump to a point of gravity flow.

Infiltration means the introduction of groundwater into any sanitary sewer system. Infiltration includes, but is not limited to, frequent seepage of groundwater through defective or cracked pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.

Inflow means any water, other than domestic wastewater or any other contribution approved by the control authority, discharged or introduced into the sanitary sewer system, which is not considered infiltration. Inflow includes, but is not limited to, flow from roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, defective or missing cleanout caps, cross connections from storm sewers and combined sewers, catchbasins, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguished from infiltration.

Inflow and infiltration (I&I) means the combination of flows attributed to inflow and infiltration as defined in this section.

Minimum flow means the rate of wastewater flow expressed in gallons per day per-inch diameter pipe per mile, measured at a primary pump station wet well or key manhole of a sewer substation from 1:00 a.m. to 5:00 a.m. or at such time when the rate of wastewater flow transmitted through the primary pump station or key manhole is at the lowest rate during any 24-hour period, exclusive of known or estimated wastewater flows from commercial and/or industrial contributors.

Nominal average power consumption means the total power consumption for the month, divided by the number of days in the month, further divided by the total number of similar pumps in the wastewater pump station. This total is then added to the previous 11 months and averaged to obtain a yearly rolling power consumption rate for each pump.

Nominal daily average pump station operating time means the total number of operating hours for the wastewater pump station for the month, divided by the number of days in the month, further divided by the total number of pumps in the wastewater pump station. This total is then added to the previous 11 months and averaged to obtain a yearly rolling usage rate for each pump.

Overflow means the discharge of untreated sewage or partially treated wastewater from any privately owned collection and transmission system or WWRF to the surface of the ground or to a surface water body.

Back to Electronic Table of Contents

Pollution means the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or levels which are, or may be, potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

Privately owned collection and transmission systems means any sanitary sewer collection and/or transmission system located on private or public property, including a public right-of-way or easement, intended to carry wastewater from residences, businesses, and/or industries, which discharges to the city's wastewater facility. Individual service connections for single-family residential properties and those facilities discharging to the city's wastewater facility through sanitary sewer collection systems that are part of a wastewater facility owned and operated by any municipality other than the city or county are exempt from the provisions of this article. Single individual gravity service connections are exempt in accordance with F.A.C. 62-604.100(11).

Publicly owned collection and transmission systems means any sanitary sewer collection and/or transmission system that is part of a permitted wastewater facility which is owned and operated by the city, any other municipality or the county.

Pump station means any privately owned pump station which receives wastewater from a gravity or force sewer main.

Rehabilitation program means a program which incorporates the provisions and requirements set forth in the U.S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October 1991, EPA/625/6-91/030, or most current edition). A rehabilitation program may include, but is not limited to, repair work on sewer lines, manholes, and other sewer system appurtenances that have been determined to contain excessive inflow and infiltration (I&I). The repair work may involve grouting of sewer pipe joints or defects, sewer pipe relining, inversion, sewer pipe replacement, and various repairs or replacement of other sewer system appurtenances.

Sanitary sewer evaluation survey (SSES) means a systematic examination of the tributary sewer systems or subsections of the tributary sewer systems that have demonstrated the possibility of excessive I&I. The examination will determine the location, flow rate, and cost of correction for each definable element of the total I&I problem.

Service lateral connection means the pipes which transport wastewater from a building, residence, or facility to a publicly or privately owned pumping station or sanitary sewer system.

Sewer service area means that portion of a privately owned sanitary sewer collection system which contributes wastewater to a particular pump station or gravity interceptor.

Sewer subsystem means the portion of a privately owned sanitary sewer collection system which discharges wastewater to a particular key manhole.

Stormwater means rainwater, snowmelt, surface and/or street drainage, and/or runoff.

Surcharged sanitary sewer means the condition during which a gravity sanitary sewer contains wastewater flows above the crown of the pipe.

Wastewater reclamation facility (WWRF) means any or all of the following: A collection/transmission system, a wastewater treatment plant, or a reuse and disposal system that is owned and operated by any municipality, or the county, and is permitted by the state to convey, treat, or dispose of sanitary sewage.

(c) *Objectives.* The objectives of this article are as follows:

Back to Electronic Table of Contents

(1) To minimize the introduction of stormwater into the city's sanitary sewer system.

(2) To minimize the introduction of nonpoint source pollutants into the city's sanitary sewer system, thereby reducing the possibility of inadequately treated effluent passing through the city's wastewater reclamation facility (hereinafter referred to as the "WWRF") into receiving waters, the reclaimed water system, and/or the atmosphere.

(3) To ensure that proper operation and maintenance policies and procedures have been implemented by owners of all privately owned collection and transmission systems in accordance with the rules and regulations outlined in F.A.C. ch. 62-604, Collection Systems and Transmission Facilities.

(4) To educate and inform privately owned collection and transmission system owners of their responsibilities in regard to sanitary sewer system overflows and offer guidance and techniques proven to minimize system overflows.

(5) To ensure strict adherence to sanitary sewer system construction standards.

(6) To establish fees and charges in order to provide for equitable distribution of costs associated with the implementation of the privately owned collection and transmission system program.

(7) To ensure that adequate monitoring, recording, and documenting procedures have been implemented by privately owned collection and transmission systems.

(d) *Applications.* This article shall apply to the city residents and to persons outside the city who are, by contract or agreement with the city, users of the city's WWRF. Except as otherwise provided herein, the designee of the city manager shall administer, implement, and enforce the provisions of this article. Individual service connections for single-family residential properties are exempt from the provisions of this article.

(e) *Right-of-entry.* Representatives of the control authority shall have the right to enter the premises of any privately owned collection and transmission system to determine whether the user is complying with all requirements of this article and any operational permits issued hereunder. Owners shall allow the control authority ready access to all parts of the premises for the purposes of inspection, records examination and copying, and the performance of additional duties.

(1) Where an owner has security measures in force which require proper identification and clearance before entry into the premises, the owner shall make necessary arrangements with the security personnel so that, upon presentation of suitable identification, the control authority representatives will be permitted to enter without delay for the purposes of performing inspections or corrective actions.

(2) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected shall be promptly removed by the owner at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be incurred by the owner.

(3) Unreasonable delays of more than 24 hours to allow the control authority access to the premises shall be a violation of this article.

(f) *Duty to halt sanitary sewer overflow.* In the event of equipment breakdown, power outage, destruction by hazard of fire, wind, or by other cause, resulting in a discharge of inadequately treated wastewater, in violation of section 23-187(a)(1), the permittee shall take immediate action to halt the illicit discharge. The permittee shall also notify the control authority and the state department of environmental protection (FDEP) in accordance with section 23-189(b)(6). In the event the control authority responds to, or discovers, a discharge occurring within a publicly owned collection and transmission system, the control authority shall take actions to halt the

Back to Electronic Table of Contents

discharge if the permittee, designated emergency contact, or system owner fails to take appropriate action within two hours after notification or attempted notification by the control authority. Control authority response can include, but is not limited to, the use of city personnel and equipment or a contracted service provider. The permittee or system owner shall be responsible for the reimbursement of all costs incurred by the city associated with the cessation and remediation of a sanitary sewer overflow.

(Code 1978, § 22-90; Ord. No. 2001-22, § 1, 12-19-2000; Ord. No. 2005-01, § 13, 10-19-2004)

Sec. 23-187. Prohibitions and performance criteria.

(a) *General prohibitions.* The following acts and the causing thereof are strictly prohibited:

(1) The intentional or accidental release or discharge of excreta, sewage, or other wastewater or residuals without providing proper treatment to the surface of the ground or to a surface water body.

(2) The introduction of, or causing to be introduced, directly or indirectly, stormwater, in any amount, into any collection/transmission system designed solely for the conveyance of domestic/industrial wastewater.

(3) A combined inflow and/or infiltration at any time in a privately owned collection and transmission system that exceeds 200 gallons per inch of pipe diameter per day per mile of pipe and laterals, pursuant to chapter 30, part 33.94 of the Recommended Standards for Wastewater Facilities, 1997 Edition, or most current edition.

(4) Acceptance of wastewater discharges which contain solid or viscous materials that may obstruct flow or otherwise interfere with WWRF operations or treatment.

(5) The operation and/or maintenance of all equipment associated with a privately owned collection and transmission system in a condition which will not reasonably ensure proper operation.

(6) The submission by the owner, manager, or operator of a privately owned collection and transmission system, or employee or agent thereof of misleading, false, or inaccurate information to the control authority, either knowingly or through neglect.
(7) Modification of a pump station, service area, sewer subsystem, and/or manholes without a descriptive report, outlining the proposed changes, and approval by the control authority no less than 30 days prior to performing said modifications.

(b) *Design and performance criteria.* Privately owned collection and transmission systems shall be designed and perform as follows:

(1) To preclude the deliberate introduction of stormwater runoff, air conditioning system condensate, closed cooling system water, swimming pool water, and other sources of uncontaminated wastewater.

(2) Wastewater pump stations discharging through pipes six inches in diameter, or smaller, shall be designed with a standard receptacle for connecting portable power generating equipment and a riser, with coupling devices and valving, to the discharge pipe, enabling connection of portable pumps and appurtenances. Pump stations discharging through larger pipes shall have suitable design features providing reasonable assurances of uninterrupted flow. Owners with approved operation and maintenance manuals that include provisions to provide portable generator power through hard wire connections to the control panel, the use of a portable pump and generator in tandem, the institution of water restriction measures, the use of a vacuum truck to remove the contents of the wet well, or other means to prevent overflows in emergencies may be allowed to operate without the equipment required for connecting portable generator equipment or pumps. At no time will an overflow due to a power outage or equipment failure exempt the system owner from enforcement actions.

Back to Electronic Table of Contents

(3) Wastewater pump stations shall be protected from lightning and transient voltage surges. As a minimum, pump stations shall be equipped with phase protection, lightning arresters, surge capacitors, or other similar protection devices. Small pumping stations serving a single building will not be required to provide surge protection devices when it is demonstrated in the engineering report that such protection is not necessary.

(4) All privately owned collection and transmission system pump stations shall be equipped with appropriate metering devices, which shall measure both the operation time and total power consumption for each pump present in the pump station. These meters shall be maintained in accordance with section 23-192(c). As an alternative to total power consumption meters, system owners may test the amperage drawn by each pump during routine inspections as part of the monitoring requirements specified in section 23-190(c)(3).

(5) All privately owned collection and transmission system wastewater pump stations shall be provided with multiple pumps, in accordance with chapter 40, section 42.3, Recommended Standards for Wastewater Facilities, 1997 Edition, or most current addition. Where only two pumps are provided, they shall be of the same size and shall have the capacity such that with either pump out of service, the remaining pumps will have the capacity to handle the systems design peak hourly flow. All pumps shall be tested at least annually according to the manufacturer's protocol. The recommended testing should include a hydrostatic analysis and an operating test. Nonresidential facilities with existing pump stations, designed and built with only one pump as of the effective date of the ordinance from which this article is derived, may continue to operate with one pump until the station requires modification or upgrade due to a change in flow or in the case of an overflow due to pump failure. Such stations must be equipped with alarms and meters as specified in this section and the system owner must have an operation and maintenance manual approved by the control authority that addresses the actions to be taken in the event of a pump failure to prevent a sanitary sewer overflow. Nonresidential properties served by pump stations with one pump and allowed to continue to operate with one pump under this section shall meet all other requirements of this article. Existing stations, designed and built with multiple pumps as of the effective date of the ordinance from which this article is derived, shall be required to operate with multiple pumps.

(6) All privately owned collection and transmission system wastewater pump stations shall have audible and visible alarms installed. Audible and visible alarms shall be activated during each site visit conducted in accordance with section 23-190(c) to ensure proper operation. The audible and visible alarms shall be designed to warn of the following situations:

a. High wet well water level.

b. Pump station power failure. This requirement may be waived for nonresidential facilities if addressed in an approved operation and maintenance manual.

c. Mechanical pump failure.

(7) New pump stations shall be designed and located on the site so as to minimize adverse effects resulting from odors, noise, and lighting. All such design control measures shall be addressed in the engineering report.

(8) Pump stations shall be enclosed with a fence or otherwise designed with features that discourage the entry of animals and unauthorized persons. Control panels, breaker boxes and wetwell covers shall be locked.

(9) An emergency call out number, providing 24-hour a day contact, shall be conspicuously and permanently attached to all pump stations. An emergency contact number for the city shall also be conspicuously and permanently attached to all pump stations. The city shall provide the signage for the city contact number.

(c) *Infiltration and inflow (I&I) rehabilitation program.* When a rehabilitation program is deemed necessary by a sanitary sewer evaluation survey pursuant to section 23-189(b)(4), the selected program shall be sufficient

Back to Electronic Table of Contents

to ensure that infiltration and/or inflow into the system shall be less than 200 gallons per inch of pipe diameter per day per mile of pipe and laterals, or that the program complies with best management practices (BMP) as required by the U.S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October 1991, EPA/625/6-91/030).

(1) The infiltration and inflow (I&I) rehabilitation program shall be timely executed and designed to reduce privately owned collection and transmission system infiltration and inflow (I&I) to a level which meets the standards set forth in subsections (a) and (b) of this section.

(2) In the event that the initial rehabilitation program fails to achieve the performance standards established in subsections (a) and (b) of this section, the owner shall submit a cost benefit analysis, which will analyze the feasibility of performing additional rehabilitation to achieve said performance standards. If the control authority determines that no technical, economical, or reasonable means of compliance exists, no further rehabilitation shall be required. However, applicable surcharges for transmission and treatment shall be assessed.

(d) *Privately owned service lateral connections.* Those portions of a sewer service lateral connection located upon privately owned real property will be the responsibility of the private real property owner. Responsible parties will ensure the proper operation, maintenance, and repair of said portions of the sewer service lateral connection. The control authority may commence enforcement actions, if deemed necessary, to achieve cessation of infiltration and/or inflow. If the control authority is required to perform work on the system, the owner of the system shall be back charged for time, equipment, and materials. Additionally, pursuant to F.A.C. ch. 62-604, and section 23-194(a), punitive damages may be assessed. System owners shall reimburse the city if an overflow occurring on a privately owned collection and transmission system causes the city to incur costs related to enforcement actions carried out by the state department of environmental protection (FDEP) or the United States Environmental Protection Agency.

(e) *New privately owned collection and transmission systems or system upgrades.* New privately owned collection and transmission system pump station construction or existing pump station upgrades shall be designed and built at the design engineer's discretion and with the approval of the control authority. Plans submitted to the control authority for approval prior to construction must be signed and sealed by a professional engineer licensed in the state.

(f) *Compliance schedule to perform system upgrades.* Owners of private collection and transmission systems not in compliance with this article shall submit to the control authority a schedule of proposed upgrades or repairs designed to meet the requirements of this article. The proposed schedule must be submitted in writing to the control authority for approval within 30 days of notification of noncompliance. The following conditions shall apply to the proposed compliance schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events designed to place the lift station or collection system in compliance with the requirements of this article. The major events may include hiring an engineer where applicable, completing preliminary plans, completing final plans, completing any required construction permitting, executing a contract for major components, commencing construction or installation, and completion.

(2) No increment referenced in subsection (f)(1) of this section shall exceed nine months. The total time for completion shall not exceed two years. For repairs to existing equipment, the compliance schedule shall not exceed one year.

(3) The proposed schedule must include a plan of action to prevent overflows or I&I for the duration of the schedule. The plan may include more frequent monitoring and inspections until the pump station meets the requirements of this article.

Back to Electronic Table of Contents

(4) Within 14 days following each date in the compliance schedule (milestone date), the system owner shall submit a progress report to the control authority including, at a minimum, whether or not the increment of progress has been met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the owner to return to the schedule established.

The control authority shall review the proposed compliance schedule and may request additional information before accepting the schedule. The control authority may require justification from the system owner as to the length of time between milestone dates and the total duration of the proposed compliance schedule. Upon approval of the compliance schedule by the control authority, the control authority and the system owner shall enter into a negotiated consent agreement which both parties shall sign. Failure to meet the proposed schedule and terms specified in the consent agreement may result in enforcement actions by the control authority. System owners failing to submit a proposed compliance schedule or refusing to sign a consent agreement shall be subject to the imposition of a compliance schedule by the control authority in the form of a compliance order. The compliance order shall not be subject to negotiation with the system owner. Failure to meet the compliance schedule outlined or terms specified in the compliance order shall constitute a violation of this section.

(Code 1978, § 22-91; Ord. No. 2001-22, § 1, 12-19-2000; Ord. No. 2005-01, § 14, 10-19-2004)

Sec. 23-188. Requirements--Permit application; fees.

(a) *Privately owned collection and transmission system operating permit.* No person shall operate, permit, cause, allow, let, or suffer the operation of a privately owned collection and transmission system, or any facility, which will be reasonably expected to cause, or contribute to air, ground, or water pollution, without a valid operating permit issued by the control authority, or be in violation of any condition, limitation, or restriction which is part of a valid operating permit.

(b) *Permit application.* All owners of new and existing privately owned collection and transmission systems discharging to the city's sanitary sewer system shall complete and file, with the control authority, an operating permit application in the form prescribed by the city. An incomplete or inaccurate application will not be processed and will be returned to the applicant for revision.

(1) Owners of existing privately owned collection and transmission systems, which are discharging wastewater into the city's WWRF and which wish to continue such discharges as of the promulgation date of the ordinance from which this article is derived, shall apply to the control authority for a privately owned collection and transmission system operating permit within 30 days of notification by the control authority.

(2) Owners of new privately owned collection and transmission systems intended to commence discharge of wastewater into the city's WWRF after the promulgation date of this article, shall apply to the control authority for a privately owned collection and transmission system operating permit at least 60 days prior to the date upon which any discharge to the city's sanitary sewer system will commence.

(3) The application for a privately owned collection and transmission system operating permit shall be complete and must contain the following elements in the format specified by the control authority:

a. The system owner's, local contact's, and system operator's name, address, and telephone number, and the physical location of the permitted system (if different from the owner's address).

b. A map depicting all pump stations, sewer pipes, sewer service areas, sewer subsystems, and/or manholes within the privately owned collection and transmission system.

c. The total length, expressed in linear feet, of gravity and/or pressure force mains. Measurements shall include pipe diameter and material (i.e., 100 feet of 4-inch PVC pipe).

Back to Electronic Table of Contents

d. Number and type of all individual service connections to the privately owned collection and transmission system.

e. Detailed operation and maintenance (O&M) procedures which shall include, but are not limited to:

1. Preventative maintenance procedure pursuant to section 23-192(a).

2. Spill containment and control procedures.
3. Emergency response plan.

4. A line jet cleaning program.

5. A sanitary sewer overflow stabilization and remediation program.

(4) For purposes of compliance, a summary of all I&I evaluations and/or rehabilitative work performed between January 1, 1997 and the effective date of the ordiance from which this article is derived shall be submitted to the control authority in conjunction with the initial privately owned collection and transmission system operating permit application. The contents shall include:

a. A detailed outline evaluating rehabilitative work performed.

b. The I&I reduction results obtained as a result of the rehabilitative work.

(5) Any other information as determined by the control authority to be necessary to evaluate the permit application.

(c) *Permit duration and renewal.* Permits shall be issued for a specified period not to exceed two years. The owner of the privately owned collection and transmission system shall submit a permit renewal application, pursuant to the provisions set forth in subsection (b) of this section, within a minimum of 60 days prior to the expiration of the existing permit.

(d) *Permit fee rate*. Permit fees are established to offset the administrative cost of implementing and maintaining this article and remain subject to revision upon approval by the city commission. Permit fees are due annually and shall be submitted as invoiced by the control authority. The initial permit fee shall be paid with the submittal of the privately owned collection and transmission system operating permit application. For those privately owned collection and transmission systems located within the city's sanitary sewer district but outside the city limits, an additional 25 percent surcharge fee shall be charged. The permit fees shall be assessed as follows:

(1) Two hundred dollars per privately owned collection and transmission system.

(2) Two hundred dollars additional fee for collection and transmission systems with one or more pump station.

(3) Privately owned collection and transmission systems with lift stations serving more than one building shall be charged $200.00 for the lift stations and $200.00 for the private collection system.

(e) *Additional fees.*

(1) Fees for additional monitoring and reinspections in response to deficiencies noted in routine control authority inspections include charges of $25.00 per employee hour.

(2) Annual inspections requiring more than four employee hours to complete due to the size of the sanitary

Back to Electronic Table of Contents

sewer system, shall result in fees of $25.00 per employee hour after the initial four employee hour period.

(3) All costs incurred by the control authority for materials needed to conduct routine or additional monitoring shall be charged to the collection and transmission system owner.

(4) System owners shall be subject to reimburse the city for costs associated with enforcement actions taken against the city by regulatory agencies for violations caused in whole or in part by privately owned collection and transmission systems.

(f) *Limitation on permit transfer.* Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the control authority:

(1) The permittee must give the control authority a minimum of 30 days advance written notice.

(2) The notice must include a written certification by the new owner which:

a. States the new owner acknowledges full responsibility for complying with the existing permit.

b. Identifies the specific date on which the transfer is to occur.

c. The new owner will provide a signed and sealed certification from a licensed professional engineer that the existing collection system capacity is sufficient for any additional flows anticipated with the new occupancy.

(Code 1978, § 22-92; Ord. No. 2001-22, § 1, 12-19-2000)

Sec. 23-189. Same--Documentation and reporting.

(a) *Routine documentation.* The records listed below shall be maintained at the location of the privately owned collection and transmission system for a period of three years. The records shall be made available to control authority staff during routine business hours for inspection and copying as needed. Failure to present the records at the time of request by the control authority shall be a violation of this article. If the control authority staff must return to the inspection site to complete a records review, the system owner shall be charged for the additional time at a rate of $25.00 per hour (minimum one hour). The records required for inspection are as follows:

(1) Privately owned collection and transmission system operation permit and permit application including drawings and specifications. For simplification, a copy of the submitted application will be included with the permit issued by the control authority.

(2) The sanitary sewer system log as specified in section 23-190(b).

(3) Receipts and documentation for all inspections and services performed by contractors on the pump stations or collection system.

(4) Copies of all other reports submitted to the control authority pursuant to this section.

(b) *Reporting requirements.* Specific to the following conditions, reports shall be provided to the control authority at the intervals indicated as follows:

(1) *Inflow and infiltration (I&I).* If I&I is identified at any time, it must be reported to the control authority via phone, fax or U.S. mail within seven days from the date of detection. Any subsequent program initiated to correct excessive I&I shall be submitted to the control authority in writing for approval prior to

Back to Electronic Table of Contents

implementation. This article specifically prohibits the introduction of stormwater into the sanitary sewer system. Enforcement actions, which may include administrative penalties, shall be initiated by the control authority if corrective action is not implemented within 30 days of the date such condition is detected.

(2) *Emergency repairs.* Emergency repairs or modifications deemed necessary to prevent a sanitary sewer overflow, or to protect public health, may be performed without the approval required in section 23-187(a)(7). When emergency repairs are required, the control authority shall be notified within 24 hours and a written narrative provided within 72 hours of the repair. The written report shall include the cause for the emergency repair, the actions taken, and the steps taken to prevent future events.

(3) *Sanitary sewer evaluation study.* Owners of private collection and transmission systems shall initiate a sanitary sewer evaluation survey (SSES) within 45 days of notification by the control authority. A sanitary sewer evaluation study shall be deemed necessary by the control authority for reasons including, but not limited to, excessive inflow or infiltration discovered during inspections, review of operating reports, and flow studies.

a. The SSES will serve to identify and formulate plans to reduce I&I into the sanitary sewer system.

b. SSES shall be completed and a report submitted, in writing, to the control authority within one year of notification by the control authority. SSES activities shall include inspections of the following:

    1. The entire length of system pipe line.

    2. All service lateral connections.

    3. All manholes.

    4. All pump stations and force mains.

(4) *Rehabilitation program.* If at any time during a SSES a rehabilitation or upgrade to the system is deemed necessary, a written report specifying the proposed actions must be submitted to the control authority prior to commencement of any work. All work proposed to correct deficiencies identified during an evaluation shall be completed within one year after conclusion of the evaluation unless a revised schedule is submitted to and approved by the control authority. When a rehabilitation program is deemed necessary by a sanitary sewer evaluation survey pursuant to subsection (b)(3) of this section, the selected program shall be sufficient to ensure that infiltration and/or inflow into the system shall be less than 200 gallons per inch of pipe diameter per day per mile of pipe and laterals. The program must comply with best management practices (BMP) as required by the U.S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October 1991, EPA/625/6-91/030), or most current edition.

a. The I&I rehabilitation program shall be timely executed and designed to reduce privately owned collection and transmission system inflow and infiltration to a level which meets the standards set forth in this article.

b. In the event that the initial rehabilitation program fails to achieve the performance standards established in this section, the owner shall submit a cost benefit analysis, which will analyze the feasibility of performing additional rehabilitation to achieve said performance standards. If the control authority determines that no technical, economical, or reasonable means of compliance exists, no further rehabilitation shall be required. However, applicable surcharges for transmission and treatment may be assessed.

(5) *Overflow.* In the event of equipment breakdown, power outage, destruction by hazard of fire, wind, or by other cause resulting in a discharge of inadequately treated wastewater in violation of section 23-187(a)(1), the permittee shall take immediate action to halt the illicit discharge. The permittee shall notify the control

Back to Electronic Table of Contents

authority and the state department of environmental protection (FDEP).

a. The permittee shall notify the control authority in person or by telephone within one hour of detection. The permittee shall also notify the FDEP at the contact number specified in the permit within 24 hours of detection. The contact numbers and elements required for the notification shall be specified in the permit.

b. The control authority shall sample the overflow stream to determine the environmental impact as per state requirements. All costs associated with the sampling event shall be paid by the owner of the privately owned collection and transmission system.

c. A written report shall be submitted to the control authority at the address specified in the permit within 72 hours of the notification referenced in subsection (b)(5)a of this section, describing the nature and cause of the breakdown, malfunction, or other cause relating to the discharge. The report shall include the duration and volume of discharged materials, measures taken to disinfect, recover, and dispose of materials discharged, and the procedures implemented to prevent reoccurrence. The report shall also be submitted to the FDEP within 72 hours at the contact location specified in the permit.

(6) *Water use reduction measures.* Permittees or owners of publicly owned collection and transmission systems that are routinely surcharged or at a daily flow rate that results in a surcharged condition or repeated overflows due to diminished capacity or inadequate capacity may be required by the control authority to institute water use reduction measures to minimize the surcharged condition or reduce sanitary sewer system overflows. The permittee or system owner shall submit to the control authority a monthly report of the measures taken, a flow report demonstrating the reduction of water use, and a report of the condition of the sanitary sewer system stating the effectiveness of the water use reduction measures on the surcharge conditions or overflows.

(7) *Progress report for consent agreement or compliance order.* Reports of progress in accordance with section 23-187(f) shall be submitted at the frequency specified in the agreement or order.

(Code 1978, § 22-93; Ord. No. 2001-22, § 1, 12-19-2000)

Sec. 23-190. Same--Monitoring.

(a) *Emergency contact.* The owner of a privately owned collection and transmission system shall have trained and qualified personnel available 24 hours per day, seven days per week to respond to surcharge conditions, pump station failure, or sanitary sewer overflows that may result from equipment malfunctions, power outages, other causes, or emergencies. The contact number for the emergency response personnel must be prominently displayed on any pump station with the emergency contact number for the city.

(b) *Sanitary sewer system log.* All owners of privately owned collection and transmission systems shall maintain a sanitary sewer system log, which will sequentially document operational and preventative maintenance activities performed. The sanitary sewer system log shall be comprised of clear, concise, and up-to-date entries in a bound, numbered ledger or in a form provided by the control authority and shall be readily accessible for periodic review by authorized personnel from the city's environmental services department.

(1) Pump station inspections shall be performed monthly.

(2) Visual manhole inspections shall be performed monthly. Smaller systems may perform visual manhole inspections less frequently with control authority approval.

(c) *Pump station inspections.* A pump station inspection shall be conducted by the owner for all pump stations at a minimum of once per month, at least three weeks and not more than six weeks apart, to ensure

Back to Electronic Table of Contents

proper operation. Additional monitoring may be required for reasons including overflows, suspected inflow and/or infiltration, and for systems not in compliance with the terms of this article. A routine pump station inspection shall include, at a minimum, the following activities:

(1) All equipment associated with the pump stations including, but not limited to, pumps, floats, alarms, and generators shall be inspected and manually operated for the purpose of identifying equipment malfunctions and physical deficiencies.

(2) All meters associated with all pumps shall be inspected. Power usage and pump operation times shall be recorded in the sanitary sewer system log.

(3) For stations not having total power consumption meters, the current drawn by each pump during operation must be tested (amperage reading) and recorded.

(4) All results and findings during the course of a routine inspection shall be documented in the sanitary sewer system log.

(d) *Control authority inspections.*

(1) *Routine inspections.* All privately owned collection and transmission systems shall be inspected by representatives of the control authority. Inspections shall be performed prior to permit issuance and annually thereafter to ensure compliance with local, state, and federal rules and regulations. The inspections of privately owned collection and transmission systems shall include, but are not limited to, the following:

a. Visual inspection of all manholes, sanitary sewer cleanouts, sewer service lateral connections, and pipes. Visual inspections may include the use of televising or video equipment to inspect the condition of pipe, sewer laterals, and joints.

b. All equipment associated with pump stations including, but not limited to, pumps, floats, alarms, etc. shall be inspected and manually operated for the purpose of identifying equipment malfunctions and physical deficiencies.

c. All meters associated with pumps shall be inspected and power usage and pump operating times shall be recorded.

d. Review of the sanitary sewer system log pursuant to subsection (b) of this section.

e. Review of all documentation required in section 23-189(a).

(2) *Inspection report and corrective actions.* The control authority shall prepare an inspection report outlining the results of the inspection, deficiencies noted, and a schedule for completing any required corrective actions. The report shall be completed and forwarded to the system owner within 30 days of the inspection. If reinspections are required, or if additional testing is determined to be required, the system owner shall be billed according to the schedule established in section 23-188(e). Additional testing can include, but is not limited to, television inspection of lines, flow comparison studies for wet and dry weather events, dye testing, pressure testing, and smoke testing. Corrective actions shall be the sole responsibility of the collection/transmission system owner. If the system owner does not complete the required corrective action, the control authority may complete the corrective actions and charge the system owner for the repairs.

(Code 1978, § 22-94; Ord. No. 2001-22, § 1, 12-19-2000; Ord. No. 2005-01, § 15, 10-19-2004)

Sec. 23-191. Pump station operation and repair.

Back to Electronic Table of Contents

(a) All privately owned collection and transmission system pump stations shall be operated in accordance with the rules and regulations outlined in F.A.C. ch. 62-604. Equipment malfunctions and physical deficiencies identified during a sanitary sewer system inspection of a pump station shall be corrected and reported within 72 hours after detection, in accordance with section 23-189(b)(2) If an equipment malfunction or a physical deficiency warrants extensive work be performed, a schedule of rehabilitation shall be submitted to the control authority within five days of detection.

(b) If the system is unable to operate as intended, an alternative method of wastewater disposal shall be implemented immediately after approval of the control authority. All expenses associated with a system rehabilitation and/or repair shall be the sole responsibility of the owner of the privately owned collection and transmission system.

(c) In the event that the person responsible for the operation of the privately owned collection and transmission system pump station determines that the pump station should be upgraded instead of repaired as in subsection (a) of this section, a detailed schedule outlining the pump station upgrade shall be submitted to the control authority for approval within 30 days of the date of determination in accordance with section 23-187(f).

(d) If a privately owned collection and transmission system upgrade and/or expansion increases the flow to the city's sanitary sewer system, then the owner of the privately owned collection and transmission system shall be responsible for a percentage of the cost incurred relating to additional maintenance, repairs, upgrades, transmission, and treatment. The system owner must also apply for concurrency review and approval by the city prior to initiating the system upgrade or expansion.

(Code 1978, § 22-95; Ord. No. 2001-22, § 1, 12-19-2000; Ord. No. 2005-01, § 16, 10-19-2004)

Sec. 23-192. Maintenance requirements.

(a) *Preventative maintenance program.* Owners of all privately owned collection and transmission systems shall implement a written prevention maintenance program which will assist in circumventing, preventing, and minimizing sewage overflows and/or loss of line capacity. The preventative maintenance program shall be accessible for review by authorized personnel of the city's privately owned collection and transmission system program. The preventative maintenance program shall include, but is not limited to:

(1) Inspection procedures.

(2) Preventative maintenance schedule.

(3) Predictive maintenance schedule.

(4) Corrective maintenance procedures.

(5) Emergency response procedures.

(6) List of emergency contact names and telephone numbers.

(b) *Spare parts.* Owners of all privately owned collection and transmission systems shall maintain an inventory of critical space parts. Larger and/or more expensive components may be secured from vendors and/or other systems on an "as-needed" basis, providing the system's integrity is maintained. Every precaution shall be taken to prevent sustained overflows and/or surcharge conditions that may result from equipment malfunction and/or system deterioration.

(c) *Meter calibration.* Metering equipment shall be calibrated in accordance with manufacturer's

Back to Electronic Table of Contents

specifications, utilizing the recommended procedure and frequency. Applicable sanitary sewer system log entries shall include:

(1) The name and/or identification number of the meter being calibrated.

(2) The date and time of calibration.

(3) The name of the person performing the calibration.

(4) Supporting calibration verification data.

(5) Adjustment required to meet calibration standards.

(Code 1978, § 22-96; Ord. No. 2001-22, § 1, 12-19-2000)

Sec. 23-193. Certification of sanitary sewer system capacity.

Notwithstanding any provision of this article, no county or municipal officer, agent, employee, or board shall approve, grant, or issue any building permit, certificate of use, and occupancy (except for changes in ownership) for any land use served or to be served by a privately owned collection and transmission system until the city or county municipal officer, agent, employee, or board has obtained the prior written unconditional approval or prior written conditional approval of the control authority. Notwithstanding any provision of this article, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, iterated, or occupied any land use served or to be served by a privately owned collection and transmission system until prior written unconditional approval or the prior written conditional approval has been obtained from the control authority.

(1) The control authority shall issue unconditional written approval only if adequate treatment and transmission capacity exists at the time the land use is to be connected to an operable and available privately owned collection and transmission system or at the time additional capacity is recognized.

(2) If the system does not meet the criteria in subsection (1) of this section, the control authority shall issue conditional written approval only if the following requirements are met:

a. The private system owner has submitted plans of corrective action designed to provide adequate capacity. These plans must be approved by the control authority, local, state, and federal governmental agencies.

b. The privately owned wastewater treatment facility has obtained the approval of all local, state, and federal agencies to construct additional treatment capacity.

c. The owner seeking the written conditional approval submits an executed document in such form as prescribed by the control authority and recorded in the public records of the city. This action shall be at the owners expense, the document shall contain, at a minimum, the following representations and obligations:

1. The owner obtaining a building permit pursuant to a conditional written approval issued by the control authority shall not apply for a certificate of use and occupancy or municipal business license, nor shall the facilities being constructed under said building permit be connected to the publicly owned collection and transmission system, until all of the conditions set forth in subsections (2)a and b of this section have been complied with.

2. The construction pursuant to subsection (2)b of this section has been completed and certified and

Back to Electronic Table of Contents

that the plan of corrective action pursuant to this section has been implemented, completed, and certified.

(3) Notwithstanding any of the foregoing provisions in subsection (2) of this section, the control authority shall not issue a written conditional approval if:

a. A previously implemented approved plan for corrective action designed to provide adequate transmission capacity pursuant to subsection (2)b of this section failed to achieve adequate transmission capacity.

b. Any and all conditional or unconditional written approvals issued by the control authority pursuant to the provisions of this section shall remain valid and in full force and effect for a period not to exceed one year from the date of issuance of such written approval. Notwithstanding the foregoing, if the person seeking such written approval applies for a building permit within said one-year period and obtains such building permit and commences construction of the project as defined by section 104 of the Standard Building Code, 1997 edition, Southern Building Code Congress International, Inc. (SBCCI) within 90 days of issuance of the building permit, the conditional or unconditional written approval issued by the control authority shall remain valid and in full force and effect. However, if any of the requirements set forth herein are not met, the written conditional or unconditional approval issued by the control authority and any building permit issued pursuant to such approval immediately shall be rendered null and void and be of no further force and effect.
c. Notwithstanding any of the foregoing, no county or municipal officer, agent, employee, or board shall approve, grant, or issue any building permit for any land use served or to be served by a private sanitary sewer system unless and until the owner of said private sanitary sewer system was issued written approval for said service from the control authority.

(4) Recertification of abandoned systems. If a privately owned collection and transmission system is determined to be abandoned due to lack of occupancy for a period of six months or greater, the sanitary sewer system shall require recertification of system capacity prior to reoccupancy. Recertification of system capacity shall include an inspection of the entire system, including any lift stations, to verify that all components of the system are functioning properly and that all requirements of this article for new systems are met. Recertification shall be signed and sealed by a licensed professional engineer.

(Code 1978, § 22-97; Ord. No. 2001-22, § 1, 12-19-2000)

Sec. 23-194. Enforcement.

(a) The control authority may commence enforcement actions which may include administrative penalties, if deemed necessary, to achieve cessation of I&I or for any violation of this article.

(b) Enforcement actions and corresponding fees shall be defined in the privately owned collection and transmission system enforcement response plan.

(Code 1978, § 22-98; Ord. No. 2001-22, § 1, 12-19-2000)

Secs. 23-195--23-211. Reserved.

ARTICLE V. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) REGULATIONS

Sec. 23-212. Short title.

This article shall be entitled "Municipal Separate Storm Sewer System (MS4) Regulations."

Back to Electronic Table of Contents

(Code 1978, § 22-101; Ord. No. 93-62, § 1, 9-7-1993)

Sec. 23-213. Intent.

This article is adopted by the city for the purpose of maintaining efficient, economic and safe operation of the municipal separate storm sewer system (MS4) and for the protection of the health, safety and general welfare of the public within the city. This article is intended to prevent and abate pollution through the regulation and control of connections and discharges to the city (MS4) and to limit the use of the city (MS4) to the collection, conveyance, treatment and disposal of stormwater through appropriate regulation and enforcement. The prohibitive discharge standards contained herein were developed under the authority of applicable federal and state regulations and applicable home rule power.

(Code 1978, § 22-102; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 17, 10-19-2004)

Sec. 23-214. Definitions.

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

Act means the Federal Clean Water Act Amendments to the Federal Water Pollution Control Act, enacted by Congress in 1972, and commonly known as the Clean Water Act.

Authorized official means any employee or agent of the city designated by the city manager to administer or enforce the provisions of this article.

Best management practices means (as stated in F.A.C. 62-621.300(4)(a)) schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. Best management practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

City manager means the city manager of the City of Largo.

Construction means any on-site activity which will result in soil disturbance, including the building, assembling, expansion, modification or alteration of the existing property, the erection of buildings or other structures, or any part thereof, or land clearing. Construction activity includes demolition, grubbing, clearing, grading and excavation, and landscaping activities which require a clearing and grubbing permit.

Discharge means any direct or indirect introduction of any solid, liquid or gaseous matter into the separate storm sewer system or onto a right-of-way and/or easement draining to a separate storm sewer system.

FDEP means the state department of environmental protection.

Illicit discharge means any discharge to the separate storm sewer system or onto a right-of-way and/or easement that is not composed entirely of stormwater except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit (other than the NPDES permit for discharges from the separate storm sewer system) and discharges resulting from firefighting activities, or other discharges specifically identified as authorized exceptions pursuant to section 23-218(c).

Nonparticulate filter backwash means swimming pool filter backwash water which meets or exceeds state water quality standards for suspended solids and turbidity as set forth in F.A.C. 62-302. Filter backwash water from diatomaceous earth filters must be discharged through a separation tank or contained on site.

Back to Electronic Table of Contents

Notice of violation (NOV) means a formal notice in writing to an individual, business, group, industrial facility, construction site, tenant, occupant or homeowner, that activities performed have resulted in a violation of this article.

NPDES means the National Pollutant Discharge Elimination System; a program established by the Environmental Protection Agency under the Clean Water Act to address the impact of stormwater discharges into waters of the U.S.

NPDES permit means a permit issued by the state department of environmental protection, or the Federal Environmental Protection Agency, to regulate stormwater discharges from industrial activity, construction sites, or municipal separate storm sewer systems.

Nonpoint sources (NPS) means diffused runoff without a single point of origin that flows over the surface of the ground by stormwater and is then introduced to surface or ground waters. The term "NPS" includes, but are not limited to, atmospheric deposition and runoff, or leaching from agricultural lands, urban areas, unvegetated lands, onsite sewage treatment and disposal systems, and construction sites.

Person means any natural individual, corporation, partnership, institution or other entity.

Separate storm sewer system means the system of conveyances owned by the city used for collecting, storing and transporting stormwater, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

Site of industrial activity means any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR 122.26(b)(14) of the regulations of the EPA, as amended.

Stop work order means an order to cease and desist all construction and/or demolition activity.

Stormwater means any surface water runoff and drainage resulting from a natural storm event including, but not limited to, the surfaces of buildings and other hardened surfaces on the land, but does not include any industrial or commercial process water, or contaminants introduced into water as a result of activities conducted on the site.

(Code 1978, § 22-103; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 18, 10-19-2004)

Sec. 23-215. Illicit discharges.

(a) *General prohibitions.* Except as set forth under subsection (c) of this section or in accordance with a valid NPDES permit, any discharge to the separate storm sewer system that is not composed entirely of stormwater is prohibited.

(b) *Specific prohibitions.* Any discharge to the separate storm sewer system or onto a right-of-way and/or easement draining to a separate storm sewer system containing any chemicals, paint products, petroleum products, water softener/conditioner discharge, swimming pool diatomaceous earth filter backwash water, automotive fluids of any kind, sewage, industrial waste, sediment, concrete truck washings, construction or building materials, leaves, grass clippings or other yard waste, trash, garbage, dumpster runoff, or other waste materials, or containing any materials in violation of federal, state, county, municipal or other laws, rules, regulations, orders or permits is prohibited.

(c) *Authorized exceptions.* Unless the city manager determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under subsection (a) of this section, provided that they meet state water quality standards as set forth in F.A.C. 62-302: flows from

Back to Electronic Table of Contents

firefighting, water line flushing and other contributions from potable or treated effluent ("sparkling water") water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwater, direct infiltration of groundwater to the separate storm sewer system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, uncontaminated air conditioning condensation, springs, individual residential car washing, flows from riparian habitats and wetlands, nonparticulate filter backwash from swimming pools, and dechlorinated swimming pool discharges.

(d) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the separate storm sewer system that results in any discharge in violation of these regulations. This prohibition applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

(Code 1978, § 22-105; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 20, 10-19-2004)

Sec. 23-216. Spills and dumping.

(a) *General prohibitions.* Except as set forth under section 23-218(c) or as in accordance with a valid NPDES permit, any discharge to the separate storm sewer system that is not composed entirely of stormwater is prohibited.

(b) *Specific prohibitions.* Any discharge to the separate storm sewer system or onto a right-of-way and/or easement draining to a separate storm sewer system containing any chemicals, paint products, petroleum products, automotive fluids of any kind, sewage, industrial waste, sediment, concrete truck washings, construction or building materials, leaves, grass clippings or other yard waste, trash, garbage, or other waste materials, or containing any materials in violation of federal, state, county, municipal or other laws, rules, regulations, orders or permits is prohibited.

(c) *Notification of spills.* As soon as any person has knowledge of any discharge to the separate storm sewer system in violation of these regulations, such person shall immediately notify the city department of community development and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification in writing to the city manager at P.O. Box 296, Largo, Florida 33779-0296, within three calendar days.

(Code 1978, § 22-106; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 21, 10-19-2004)

Sec. 23-217. Construction activity.

(a) *Erosion and sediment control.* All construction sites that break ground or create soil disturbance must provide erosion and sediment control regardless of the type or size of the construction activity. Construction sites are required to use appropriate best management practices which shall meet or exceed city engineering standards to prevent pollutants from leaving the construction site and being discharged to the separate storm sewer system. Construction sites are required to use and properly maintain appropriate best management practices throughout the life of the project until final site stabilization has occurred. Vehicle track out, runoff or discharge of construction materials including, but not limited to, sediment, mud, soil, sand, rubble, concrete or concrete washings, or any other building or site materials, is prohibited.

(b) *Notice of intent requirement.* For construction sites one acre or larger, a development order and/or building permit will not be issued until/unless a construction generic permit, notice of intent, state department of environmental protection (FDEP) Form 62-621.300(4)(b), or as amended, as is required pursuant to NPDES Phase II, is submitted as part of the permit/application process. A notice of termination, FDEP Form 62-621.300(6), must be submitted to FDEP to discontinue permit coverage. A notice of termination may be submitted only when the site meets the eligibility requirements for termination specified in the construction

Back to Electronic Table of Contents

generic permit.

(c) *Discharge of groundwater.* A generic permit for the discharge of produced groundwater from any noncontaminated site activity is required in accordance with FDEP F.A.C. 62-621.300(2), prior to the discharge of any water from the site.

(d) *Notice of violation.* A formal notice will be issued in writing for any activities that have resulted in a violation of these regulations. In addition to the penalties set forth in section 23-221, a stop work order may be issued halting all construction and/or demolition work at the site until the violations are corrected.

(Ord. No. 2005-01, § 22, 10-19-2004)

Sec. 23-218. Industrial activity.

(a) *General prohibitions.* Any discharge into the separate storm sewer system in violation of any federal, state, water management district, county, municipal or other law, rule, regulation or permit is prohibited.

(b) *Specific prohibitions.* By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the city manager may impose reasonable limitations as to the quality of stormwater (including, without limitation, the designation of maximum levels of pollutants) discharged into the separate storm sewer system from sites of industrial activity. Any promulgation of such regulations and issuance of permits by the city manager shall be in accordance with applicable law.

(c) *NPDES permits.* Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the city manager no later than 60 calendar days after the effective date of the ordinance from which this article is derived or 60 calendar days after issuance.

(Code 1978, § 22-104; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 23, 10-19-2004)

Sec. 23-219. Inspection and monitoring.

(a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any of the provisions of the regulations of this article or other regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this article or other regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this article or any regulations or permits issued hereunder; provided, however, that if such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter, and if such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of a right of entry obtained by the local courts. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or areawide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of the regulations of this article including, but not limited to, random sampling and sampling in areas with evidence of stormwater contamination, nonstormwater discharges or similar factors.

(b) *Authority for monitoring and sampling.* Any authorized official may install and maintain such devices as are necessary to conduct sampling or metering of discharges to the separate storm sewer system. During any inspections made to enforce the provisions of this article or regulations or permits issued hereunder, any

Back to Electronic Table of Contents

authorized official may take any samples deemed necessary.

(c) *Requirements for monitoring.* The city manager may require any person engaging in any activity or owning any property, building or facility (including, but not limited to, a site of industrial activity) to undertake such reasonable monitoring of any discharges to the separate storm sewer system and to furnish periodic reports.

(Code 1978, § 22-107; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 24, 10-19-2004)

Sec. 23-220. Administrative order.

The city manager may issue an order to any person to immediately eliminate any connection or cease any illicit discharge to the separate storm sewer system, determined by the city manager to be in violation of any provision of these regulations or in violation of any regulation or permit issued under this article.

(Code 1978, § 22-108; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 25, 10-19-2004)

Sec. 23-221. Penalties.

(a) *Fines and imprisonment.* Failure to comply with the requirements of the regulations of this article or any permit or approval granted or authorized hereunder shall constitute a violation of this article. Violations of the provisions of this article shall, upon conviction, be punished by a fine not to exceed $1,000.00 per day or by imprisonment in the county jail not to exceed 60 days, or by both fine and imprisonment pursuant to the provisions of F.S. ch. 166. If a violation is continued, each day of such violation shall constitute a separate offense.

(b) *Abatement.* In addition to the penalties provided in subsection (a) of this section, the city manager is hereby authorized to institute any action or proceeding, including suit for equitable and/or injunctive relief, in order to prevent, clean up, or abate violations of this article.

(Code 1978, § 22-109; Ord. No. 93-62, § 1, 9-7-1993; Ord. No. 2005-01, § 26, 10-19-2004)

Secs. 23-222--23-250. Reserved.

ARTICLE VI. WATER CONSERVATION

Sec. 23-251. Local enforcement of water shortage orders by Southwest Florida Water Management District.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

District means the Southwest Florida Water Management District.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Water resource means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground.

Water shortage condition means when sufficient water is not available to meet present or anticipated needs of persons using the water resource or when conditions are such as to require temporary reduction in total water

Back to Electronic Table of Contents

usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

Water shortage plan means F.A.C. ch. 40D-21, the codification of the water shortage plan adopted and published by the Southwest Florida Management District, or any modification or derivative of F.A.C. ch. 40D-21 which may be current at the time a water shortage or water shortage emergency is declared.

(b) *Application of section.* The provisions of this section shall apply to all persons using the water resource, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This section shall not apply to persons using treated effluent or saltwater.

(c) *Declaration of water shortage; water shortage emergency.* The declaration of a water shortage or water shortage emergency affecting all or any part of the city by the governing board or the executive director of the district shall invoke the provisions of this section. Upon such declaration, all water use restrictions or other measures imposed by the district pursuant to F.A.C. ch. 40D-21, applicable to the city or any portion thereof, shall be subject to enforcement action pursuant to subsection (d) of this section. Any violation of the provisions of F.A.C. ch. 40D-21 or any order issued pursuant thereto shall be a violation of this section.

(d) *Enforcement.* Every police officer of the city in their service areas governed by this section shall, in connection with all other duties imposed by law, diligently enforce the provisions of this section. In addition, the city manager may also delegate enforcement responsibility for this section to agencies and departments of local government in the service areas governed by this section, in accordance with state and local law.

(e) *Penalties.* Violations of the provisions contained herein shall constitute a civil offense and violators will be subject to the following penalties:

Violation	*Fine*
First violation	$25.00
Second and subsequent violations	Fine not to exceed $500.00 and/or imprisonment in the county jail not to exceed 60 days.

Each day in violation of this section shall constitute a separate offense. In the initial stages of a water shortage, law enforcement officials may attempt to provide violators with no more than one written warning.

(f) *Water users to accept provisions of section.* No water service shall be furnished to any person or utility unless such person or utility agrees to accept all the provisions of this section. The acceptance of water service or the withdrawal of water from a private source shall be in itself the acceptance of the provisions contained herein.

(Code 1978, § 13-10; Ord. No. 90-38, § 1--6, 5-15-1990)

Back to Electronic Table of Contents

Chapter 24 RESERVED

Back to Electronic Table of Contents

Chapter 25 VEHICLES FOR HIRE

Article I. In General
Secs. 25-1--25-18. Reserved.
Article II. Public Conveyances
Division 1. Generally
Sec. 25-19. Definitions.
Sec. 25-20. Duties of chief of police.
Sec. 25-21. Compliance with article required.
Sec. 25-22. Approval required; public conveyance permit.
Sec. 25-23. Taximeter requirements.
Sec. 25-24. Inspections of public conveyances.
Sec. 25-25. Distinctive markings required.
Sec. 25-26. Restricted areas of operation.
Sec. 25-27. Use for immoral purposes.
Sec. 25-28. No driver to drive more than 12 hours a day.
Sec. 25-29. Authority to promulgate rules.
Sec. 25-30. Penalties for violations of article.
Secs. 25-31--25-48. Reserved.
Division 2. Business Tax Receipt
Sec. 25-49. Required.
Sec. 25-50. Regulation of public conveyances.
Sec. 25-51. Investigation of application.
Sec. 25-52. Issuance or refusal.
Sec. 25-53. Display of permit.
Sec. 25-54. Revocation or suspension of company business tax receipt; grounds; notice; hearing.
Secs. 25-55--25-81. Reserved.
Division 3. Insurance
Sec. 25-82. Required.
Sec. 25-83. Type; cancellation.
Secs. 25-84--25-109. Reserved.
Division 4. Public Conveyance Operator's Permit
Sec. 25-110. Required.
Sec. 25-111. Application.
Sec. 25-112. Alteration or destruction.
Sec. 25-113. Revocation or suspension of public conveyance operator's permit; grounds; notice; hearing, emergency situations; prohibited acts.
Secs. 25-114--25-139. Reserved.
Division 5. Rates
Sec. 25-140. Posting of rate schedule.
Sec. 25-141. Advance payment.
Sec. 25-142. Nonpaying passengers.
Sec. 25-143. Receipts.

ARTICLE I. IN GENERAL

Back to Electronic Table of Contents

Secs. 25-1--25-18. Reserved.

ARTICLE II. PUBLIC CONVEYANCES

DIVISION 1. GENERALLY

Sec. 25-19. Definitions.

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

Building division means that agency of the city responsible for issuing a business tax receipt, and shall include the community development director or his designee.

Business tax receipt means the written authority granted by the building division under this article to engage in the public conveyance business in the city.

Operator means any natural person who drives or operates a public conveyance for the transportation of passengers for hire, fee or compensation.

Operator's permit means written authority given by the chief of police pursuant to the provisions of this article to any person to drive or operate a public conveyance or conveyances upon the streets of the city.

Public conveyance means any vehicle of whatever name called, used or operated for the purpose of transporting passengers for hire, fee or compensation of any kind over, upon or along any public right-of-way within the city, including taxicabs. This definition excludes buses operating on regularly established and scheduled routes and lines, charter buses and coaches which have their point of origin outside the city and which are reserved for the exclusive use of the occupants, and automobiles (commonly referred to as "V.I.P." or luxury limousines and characterized by modifications intended to increase the comfort of passengers within) designed to carry no more than nine persons which are hired by written lease with or without driver to transport the occupants to or from any destination within the city.

Public conveyance company means any business entity of whatever nature or composition which is licensed by the building division to operate one or more public conveyances for the transportation of passengers for hire, fee or compensation of any kind, and may be a corporation, partnership, joint venture, natural person or other individual, association or combined persons or entities.

Taxi and *taxicab* means a motor vehicle which is engaged in the business of carrying passengers for hire, not on a regular schedule or fixed route, the destination of which is controlled by the passengers therein, which is designed to carry no more than nine persons, including the driver.

Taxistand means those areas situated on the public streets, avenues, roads and alleys of and in the city which have been designated by the traffic engineer for the use by taxicabs for the purpose of awaiting or picking up taxicab passengers.

Taximeter means an instrument or device attached to a vehicle and designed to accurately measure mechanically or electronically the distance traveled by such vehicle, to record the times said vehicle travels or is in waiting, and to indicate the fare to be charged.

(Code 1978, § 20-1; Ord. No. 85-56, § 1(20-1), 10-1-1985)

Sec. 25-20. Duties of chief of police.

Back to Electronic Table of Contents

It shall be the duty of the chief of police to maintain records of any and all violations, or reported violations, of any state statute or ordinance of the city by any public conveyance owner, operator or company manager, where such violations would be material to the issuance, renewal or revocation of a public conveyance operator's permit or license.

(Code 1978, § 20-2; Ord. No. 85-56, § 1(20-2), 10-1-1985)

Sec. 25-21. Compliance with article required.

The operation of public conveyances within and upon the public streets of the city shall be subject to the conditions, regulations and restrictions set forth in this article.

(Code 1978, § 20-3; Ord. No. 85-56, § 1(20-3), 10-1-1985)

Sec. 25-22. Approval required; public conveyance permit.

(a) It shall be unlawful, without issuance of a permit as prescribed herein, to operate or cause to be operated in the city any public conveyance. The following are conditions precedent to the issuance of a public conveyance permit:

(1) No public conveyance may be operated for hire unless it has first been inspected as provided in this section.

(2) The other distinctive markings required by section 25-25 shall be displayed.

(b) To evidence compliance with this article, the police chief shall issue an annual permit to each public conveyance so complying, which permit is nontransferable, and which shall be conspicuously and continuously displayed in the lower right hand corner of the windshield or other such conspicuous location at the direction of the police chief. The expiration date of the public conveyance permit shall be recorded or marked plainly on the permit.

(c) The police chief may issue a public conveyance permit to any public conveyance upon satisfactory proof that the vehicle concerned has been issued a permit, license or certification by another governmental entity, which permit, license or certificate is valid and issued in accordance with enacted standards and requirements that are substantially similar, and not less restrictive, than the minimum standards and requirements of this article.

(d) Taxicab requirements. In addition to the foregoing, the following requirements shall relate to the operation of taxicabs:

(1) No taxicab shall be approved for service in the city which does not have an operable two-way radio, or similar device, installed in the taxicab to provide communication between the taxicab operator and the dispatcher who receives telephone calls for taxicab service.

(2) There being an existing and continuing public need for 24-hour taxicab service, and the providing of 24-hour service being recognized as burdensome, it is the intention of the city that this burden should be equitably and fairly shared. Therefore, all taxicab companies must operate and provide taxicab service 24 hours a day in order to receive and retain a business tax receipt.

(3) Every taxicab operator shall maintain daily trip sheets which shall be delivered to the taxicab company at the end of each operator's tour of duty. The term "trip sheet" shall mean a daily log of all passengers, the time, place of entry and the destination of each passenger, the amount charged, and a description of any personal

Back to Electronic Table of Contents

property left in the taxicab. Trip sheet forms shall be supplied by the taxicab company which employs the taxicab operator and shall be retained by said company for not less than six months and so stored as to permit read access by reference to date or taxicab operator name.

(Code 1978, § 20-4; Ord. No. 85-56, § 1(20-4), 10-1-1985)

Sec. 25-23. Taximeter requirements.

Every taxicab being operated for hire on the streets, roads, avenues and other public ways of the city shall be equipped with an operable, accurate taximeter which has been inspected and certified by the state department of weights and measures, or other such governmental agency empowered and equipped to measure the accuracy of such devices, and such taximeter shall be operated at all times that passengers are being transported, or the taxicab is otherwise being operated, for hire within the city.

(Code 1978, § 20-5; Ord. No. 85-56, § 1(20-5), 10-1-1985)

Sec. 25-24. Inspections of public conveyances.

(a) Every public conveyance company shall be responsible for ensuring that each public conveyance owned, operated or controlled by it complies with applicable state and federal laws, rules, regulations and standards regarding motor vehicle safety equipment and devices. Every public conveyance company shall cause every public conveyance that it owns, leases or controls to be inspected at least annually to ensure that each such public conveyance complies with F.S. ch. 316, and the public conveyance company shall maintain a permanent registry containing information on the identity of each public conveyance inspected, the date of the inspection, and nature of any deficiencies or defects discovered, remedial action or service performed, and the name of the inspector.

(b) The city manager may require additional inspections of any public conveyance to enforce the provisions of this section, which inspections shall be conducted by persons qualified to perform the inspection requested.

(c) A public conveyance which fails to meet the operating and safety requirements of F.S. ch. 316, or other applicable law, rule or regulation shall not be operated for the transportation of passengers for hire until such defect or deficiency has been rectified.

(Code 1978, § 20-6; Ord. No. 85-56, § 1(20-6), 10-1-1985)

Sec. 25-25. Distinctive markings required.

Every public conveyance company holding a license to operate one or more public conveyances within the city shall permanently affix by paint or decal to the sides and rear of each vehicle the name or identification of the public conveyance company which owns, operates or controls the vehicle in letters not less than six inches in height, and the address of such company or the telephone numbers in letters and numerals not less than three inches in height.

(Code 1978, § 20-7; Ord. No. 85-56, § 1(20-7), 10-1-1985)

Sec. 25-26. Restricted areas of operation.

(a) No public conveyance operator shall solicit business or pick up passengers within an area within the city designated by the police chief as a bus stop, nor shall any public conveyance load or unload where parking and standing is prohibited.

(b) No public conveyance shall have less than three doors.

Back to Electronic Table of Contents

(c) No portion of any fare or other thing of value shall be paid by any public conveyance operator to any person in return for obtaining fares or otherwise extending preferential treatment to said public conveyance operator.

(Code 1978, § 20-8; Ord. No. 85-56, § 1(20-8), 10-1-1985)

Sec. 25-27. Use for immoral purposes.

It shall be unlawful for the operator of a public conveyance operated in the city to permit any person to accompany or use such public conveyance for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.

(Code 1978, § 20-9; Ord. No. 85-56, § 1(20-9), 10-1-1985)

Sec. 25-28. No driver to drive more than 12 hours a day.

It shall be unlawful for any operator to drive or operate a public conveyance for more than 12 hours within any 24-hour period. This section may be suspended by the city manager in cases of manifest necessity or demonstrated emergency.

(Code 1978, § 20-10; Ord. No. 85-56, § 1(20-10), 10-1-1985)

Sec. 25-29. Authority to promulgate rules.

The city manager or his designee shall have authority to promulgate reasonable rules and regulations to enforce the provisions of this article.

(Code 1978, § 20-11; Ord. No. 85-56, § 1(20-11), 10-1-1985)

Sec. 25-30. Penalties for violations of article.

(a) Violations of the sections of this article shall be brought to the attention of the business tax receipt holder in whose service the conveyance vehicle is employed. Repeated occurrences by the same or other drivers of the same business tax receipt holder shall be grounds for revocation and cancellation of the holder's certificate.

(b) Violation of any other provision of the article shall, in the discretion of the commission, constitute grounds for revocation and cancellation of the business tax receipt holder's license.

(c) In addition to the foregoing, any person, either by himself or agent, who shall violate any of the provisions of this article shall, upon conviction thereof, be fined a sum not to exceed $500.00 or to be imprisoned in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment.

(Code 1978, § 20-12; Ord. No. 85-56, § 1(20-28), 10-1-1985)

Secs. 25-31--25-48. Reserved.

DIVISION 2. BUSINESS TAX RECEIPT

Sec. 25-49. Required.

Back to Electronic Table of Contents

(a) It shall be unlawful for any person or public conveyance company to hold himself or itself out to the public in any manner as being engaged in the business of, or to own, lease, control, drive, carry on, engage in or conduct the business of operating one or more public conveyances without first having obtained a business tax receipt from the building division after paying the fee prescribed in chapter 22. In addition to the business tax receipt fee prescribed by chapter 22, an additional regulatory charge of $40.00 per public conveyance vehicle to be operated by the company within the city is hereby exacted. This section shall apply only to public conveyance companies that pick up passengers within the city limits, or which have any office or dispatch facilities located within the city.

(b) Any public conveyance company which is licensed by another municipality or county to conduct a public conveyance business and which registers said business tax receipt in this city in accordance with this Code shall not be relieved of the responsibility of complying with this article.

(c) All holders of the aforementioned business tax receipts shall, notwithstanding any other provision to the contrary, purchase or renew their business tax receipt, as prescribed by article V of chapter 22 on or before October 1 of each year. In the event of failure, neglect or refusal to purchase or renew such business tax receipt by November 1 thereafter, all business tax receipts of the offending holder shall lapse and become null and void and be forfeited to the city.

(Code 1978, § 20-22; Ord. No. 85-56, § 1(20-12), 10-1-1985)

Sec. 25-50. Regulation of public conveyances.

(a) In order to secure a business tax receipt, an applicant must provide information on a form provided by the building division. The applicant must:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien admitted for permanent residence who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service;

(3) Not have been convicted of any felony if such conviction or convictions are related to the operation of a motor vehicle or with the operation of a public conveyance, and not have been convicted of violating any ordinance governing the conduct of public conveyance business tax receipt holders.

(b) Should the applicant for any business tax receipt hereunder be a corporation or partnership, then the chief executive officer of the corporation, or if a partnership, the partner with the greatest proprietary interest, shall possess all of the requirements set out in subsection (a) of this section.

(Code 1978, § 20-23; Ord. No. 85-56, § 1(20-13), 10-1-1985)

Sec. 25-51. Investigation of application.

Upon the filing of such application, the police department shall make an investigation, including any hearing deemed necessary, as to each application for license for the operation of such public conveyance company, and in determining whether a license shall be issued, the police department shall determine the fitness of the applicant to engage in the business of operating public conveyances in accordance with this Code.

(Code 1978, § 20-24; Ord. No. 85-56, § 1(20-14), 10-1-1985)

Sec. 25-52. Issuance or refusal.

Back to Electronic Table of Contents

If the police department finds that the applicant is qualified to operate a public conveyance business under section 25-50 and that applicant has complied with the requirements of this article, a business tax receipt shall be issued to the applicant by the building division. If the police department finds that the applicant is not fit to conduct the public conveyance business or that the applicant's vehicles or equipment is not fit for such business in the city, no business tax receipt will be issued, and notice of the action will be given to the applicant setting forth the reason for the refusal of such business tax receipt and informing the applicant of his appellate rights under this Code.

(Code 1978, § 20-25; Ord. No. 85-56, § 1(20-15), 10-1-1985)

Sec. 25-53. Display of permit.

Upon approval of an application for a public conveyance company business tax receipt and the issuance of such business tax receipt and compliance with all other provisions of this article, the chief of police shall issue a public conveyance permit as prescribed in section 25-22 for each vehicle licensed to operate within the city.

(Code 1978, § 20-26; Ord. No. 85-56, § 1(20-16), 10-1-1985)

Sec. 25-54. Revocation or suspension of company business tax receipt; grounds; notice; hearing.

(a) Upon a finding of due cause as hereinafter defined, the city manager shall have the authority to revoke or suspend any business tax receipt which has been issued or which may hereafter be issued by the city.

(b) Due cause for the revocation or suspension of a business tax receipt shall include, but not be limited to, the following:

(1) Obtaining a business tax receipt by providing false information;

(2) Conviction of any shareholder, partner or member of any corporation, partnership, firm or association holding a 51 percent interest or more in the entity of any of the following: Criminal homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, grand theft, criminal solicitation to commit or attempt to commit any of the crimes immediately above, or unlawful possession, sale or distribution of any controlled substance which is regulated or prohibited by F.S. ch. 893, if such conviction or convictions are related to the operation of the company, or violation of any ordinances of the city governing the conduct of holders of business tax receipts for the public conveyance business;

(3) Violation of any of the provisions of this division, or the traffic regulations applicable within the city;

(c) No public conveyance company business tax receipt which has been issued or which may hereafter be issued by the city shall be revoked or suspended except upon a finding of due cause as defined in subsection (b) of this section and after a hearing scheduled after a prior five-day written notice to the company stating the place, date, time and purpose of such hearing, and setting forth the charges upon which said hearing shall be held.

(d) After revocation of a public conveyance company business tax receipt hereunder, no application for a business tax receipt under this article shall be accepted or considered for a period of 12 months from the date of revocation.

(e) With due cause, in the event of a violation of this article which results in an emergency situation in which continued operation by the company endangers the health, welfare or safety of the public, the city manager may suspend any company business tax receipt hereunder; any such suspension may be made effective immediately and shall remain in force until a hearing is held as provided herein.

Back to Electronic Table of Contents

(Code 1978, § 20-27; Ord. No. 85-56, § 1(20-17), 10-1-1985)

Secs. 25-55--25-81. Reserved.

DIVISION 3. INSURANCE

Sec. 25-82. Required.

(a) It shall be unlawful for the owner, operator or driver of any public conveyance to drive or operate the same or to permit the same to be driven or operated upon the public streets of the city unless such owner, operator or driver shall have first procured and filed with the city clerk a liability insurance policy, upon which the city is shown as an additional insured party, issued by a good and responsible insurance company, or a surety bond issued by a good and responsible surety company; such insurance company or surety company must have authority to do business as such in the state. The minimum amount of liability insurance or surety bond for each public conveyance shall be as follows:

(1) An amount of not less than $100,000.00 bodily injury liability insurance for any one person injured by reason of the negligent operation of the public conveyance;

(2) An amount not less than $300,000.00 bodily injury liability insurance for the maximum compensation to all persons injured in any one accident; and

(3) An amount not less than $100,000.00 for all property damage in any one accident.

(b) In lieu of subsection (a) of this section, the public conveyance company, owner, operator or driver may make application to the state pursuant to F.S. § 324.031, to qualify as a self-insurer in the same amounts as required above. Such owner, operator, driver or chauffeur shall file with the city clerk a copy of the application and all documentation filed with the state. Upon approval of such application by the state, a current copy of such approval shall be filed with the building division. Upon filing such grant of approval from the state with the building division, such owner, operator or driver shall be entitled to function as a self-insurer until such time as the approval is revoked, cancelled or otherwise terminated.

(Code 1978, § 20-38; Ord. No. 85-56, § 1(20-18), 10-1-1985)

Sec. 25-83. Type; cancellation.

(a) The policy of insurance or surety bond required under this division may be in the form of a separate policy or separate surety bond for each public conveyance or may be in the form of a fleet policy covering all public conveyances operated by such public conveyance company, owner, operator or driver, in which latter event such policy of insurance or surety bond shall provide the same liability for each public conveyance operated in service, as specified in section 25-82.

(b) No policy of insurance or surety bond as provided in this division shall be cancelled until the expiration of 30 days after notice of intended cancellation thereof has been provided in writing to the city by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.

(Code 1978, § 20-39; Ord. No. 85-56, § 1(20-19), 10-1-1985)

Secs. 25-84--25-109. Reserved.

Back to Electronic Table of Contents

DIVISION 4. PUBLIC CONVEYANCE OPERATOR'S PERMIT

Sec. 25-110. Required.

(a) It shall be unlawful for any person to operate or drive a public conveyance in or upon the streets of the city unless and until such person shall have, upon payment of an operator's permit fee of $20.00, first obtained from the chief of police of the city a public conveyance operator's permit, as provided in this division.

(b) The possession of a valid public conveyance operator's permit or license issued pursuant to the rules, standards or laws of another governmental agency, which rules, standards or laws meet or exceed the minimum requirements of this article regarding operator qualifications, shall entitle the person to whom the permit or license has been issued to a public conveyance operator's permit so long as the applicant continues to meet the minimum requirements of this article. The chief of police may ensure such compliance by requiring the applicant to execute a sworn affidavit on a form provided by the police department. Entitlement to such permit based upon issuance of another governmental agency shall not relieve the operator of payment of the prescribed operator's permit fee.

(Code 1978, § 20-50; Ord. No. 85-56, § 1(20-20), 10-1-1985)

Sec. 25-111. Application.

(a) In order to receive a public conveyance operator's permit, an applicant must provide the following information on a form provided by the chief of police. The applicant must:

(1) Be at least 18 years of age;

(2) Possess a valid state chauffeur's license;

(3) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service;

(4) Exhibit a proficiency with the English language so as to be able to comprehend and interpret traffic signs; issue written receipts to passengers; and obey lawful orders of police and others in lawful authority;

(5) Be fingerprinted by the police department and supply to the police department two current photographs, size 2 1/2 inches by 2 3/4 inches), accurately depicting the applicant's face and shoulders, or permit the department to take such photographs;

(6) Submit an affidavit or affidavits from a public conveyance company, on forms provided by the police department, showing that the applicant will be affiliated as a driver with the public conveyance company upon issuance of the operator's permit;

(7) Not have been convicted or not have been on probation, parole, or served time on a sentence for a period of two years previous to the date of application, for the violation of any of the following criminal offenses of the state, or any other state of the United States: Criminal homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping, robbery, driving a motor vehicle while under the influence of intoxicating beverages or drugs, child molestation, grand theft, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, any law involving violence or theft, or unlawful possession, sale or distribution of any controlled substance which is regulated or prohibited by F.S. ch. 893;

(8) Not have been convicted for a period of two years prior to the date of application of the violation of any

Back to Electronic Table of Contents

statute or ordinance governing the conduct of drivers of vehicles for hire.

(b) Failure on the part of the applicant to demonstrate through the information provided on the application described herein, as well as the fingerprints and pictures that such applicant meets or possesses the prescribed qualifications shall be grounds for denying the permit.

(c) All drivers of vehicles for hire holding a current operator's permit from the city are hereby permitted to continue to operate until expiration of such permits. Thereafter, each driver must obtain a new permit issued pursuant to this section. Each such applicant must meet the criteria set forth in this section. The permit so issued shall be valid until the driver's next birthday.

(d) After its initial issuance, the permit shall be renewed by the driver during the month of the driver's birthday upon providing proof that the driver continues to possess the requirements necessary to obtain and maintain a permit as set forth above.

(e) Any driver who intends to change his public conveyance company affiliation must present his operator's permit to the police department so that such permit may be replaced with a substitute permit reflecting such change of affiliation. Under no circumstances shall the driver drive with the public conveyance company with which he intends to affiliate before obtaining a substitute permit.

(f) The public conveyance operator's permit or substitute permit issued hereunder shall remain the property of the city, and upon termination of employment or association with a public conveyance company, the applicant shall surrender such permit or substitute permit to the police department.

(Code 1978, § 20-51; Ord. No. 85-56, § 1(20-51), 10-1-1985)

State law reference(s)--Licensing of chauffeurs, F.S. § 322.14.

Sec. 25-112. Alteration or destruction.

It shall be unlawful for any person holding a public conveyance operator's permit to willfully alter, deface, obliterate or destroy the same or to cause or permit the same to be altered, defaced, obliterated or destroyed.

(Code 1978, § 20-52; Ord. No. 85-56, § 1(20-22), 10-1-1985)

Sec. 25-113. Revocation or suspension of public conveyance operator's permit; grounds; notice; hearing, emergency situations; prohibited acts.

(a) Upon a finding of due cause as defined in subsection (b) of this section, the chief of police shall have the authority to revoke or suspend any operator's permit which has been issued or may hereafter be issued by the city.

(b) The term "due cause" (for the revocation or suspension of an operator's permit) shall include, but not be limited to, the following:

(1) The failure of the driver to maintain any and all of the general qualifications applicable to the initial issuance of a permit hereunder;

(2) Obtaining a permit by providing false information;

(3) Violation by a driver of any of the following offenses:

a. Driving under the influence of intoxicating beverages or drugs;

Back to Electronic Table of Contents

b. Criminal homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, grand theft, criminal solicitation to commit or attempt to commit any of the crimes listed in this subsection, unlawful possession, sale or distribution of any controlled substance which is regulated or prohibited by F.S. ch. 893, or a violation of any ordinance of the city governing the conduct of drivers of a public conveyance;

c. Providing false information to the chief of police;

d. Charging a fee in excess of those fees posted and displayed in accordance with this Code;

e. Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a public conveyance;

f. Whenever it shall appear that an operator has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his ability to drive safely;

g. Four or more moving traffic violations in any 12-month period;

h. Paying a portion of a fare or anything of value to any person in return for that person's soliciting or finding passengers for the public conveyance operator.

(c) No operator's permit which has been issued or which may hereafter be issued by the city shall be revoked or suspended except upon a finding of due cause as defined in subsection (b) of this section, and after a hearing scheduled time and purpose of such hearing and setting forth the charge or charges upon which said hearing shall be held.

(d) The city manager or his designee shall conduct the hearing required by subsection (c) of this section. The operator whose permit is subject to revocation or suspension shall be informed of his right to defend himself and present witnesses and evidence in his behalf.

(e) After revocation of any operator's permit hereunder, no application for an operator's permit shall be accepted or considered for a period of 12 months from the date of revocation.

(f) For due cause, in the event of a violation of this article which results in an emergency situation in which continued operation by the operator endangers the health, welfare or safety of the public, the chief of police may suspend any operator's permit hereunder; any such suspension may be made effective immediately and shall remain in force until a hearing is held as provided herein.

(g) Whenever any person holding an operator's permit is convicted of, pleads guilty to or pleads nolo contendere to any of the following offenses, in any court, such disposition shall constitute due cause for suspension as provided in subsection (f) of this section: Driving under the influence of intoxicating beverages or controlled substances, criminal homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, grand theft, criminal solicitation to commit any of the above crimes, criminal attempt to commit any of the above crimes, or felonious possession, sale or distribution of substances controlled, regulated, or prohibited by F.S. ch. 893.

(h) Suspension of a public conveyance operator's permit pursuant to this section may be for any period of time up to and including six months or for so long as a public conveyance operator fails to meet the minimum requirements for the issuance of such a permit. Any operator who operates a public conveyance or taxicab or other vehicle for hire in the city during the period of suspension shall not be eligible thereafter for an operator's permit and any company which permits a suspended operator to operate a public conveyance for hire may have its business tax receipt revoked. The public conveyance company shall at all times know the status of its

Back to Electronic Table of Contents

operator's permits with regard to expiration, suspension or revocation.

(i) Any operator whose permit has been suspended or revoked shall surrender said permit to the chief of police and it shall be unlawful to possess an operator's permit during the period of such suspension or revocation. At the conclusion of the period of suspension or revocation, the applicant may reapply for a new operator's permit.

(Code 1978, § 20-53; Ord. No. 85-56, § 1(20-23), 10-1-1985)

Secs. 25-114--25-139. Reserved.

DIVISION 5. RATES

Sec. 25-140. Posting of rate schedule.

No public conveyance shall transport passengers from a point within the city to another point or destination, except to the extent that such public conveyance has a tour schedule which includes rates on file with the chief of police. Such rates shall also be visibly posted within each vehicle and at such locations as are designated or utilized by a public conveyance as a fixed passenger pickup point.

(Code 1978, § 20-64; Ord. No. 85-56, § 1(20-24), 10-1-1985)

Sec. 25-141. Advance payment.

Every operator shall have the right to demand payment of the legal fare in cash in advance, and may refuse employment unless so prepaid.

(Code 1978, § 20-65; Ord. No. 85-56, § 1(20-25), 10-1-1985)

Sec. 25-142. Nonpaying passengers.

It shall be unlawful for any operator of any public conveyance to carry in such public conveyance any person except fare-paying passengers or employees of the persons by which the public conveyance is owned or operated. This restriction shall not apply to the use of such conveyance by a public safety officer of this city during an emergency.

(Code 1978, § 20-66; Ord. No. 85-56, § 1(20-26), 10-1-1985)

Sec. 25-143. Receipts.

If demanded by the passenger, the operator shall deliver to any passenger at the time of payment a receipt therefor in legible writing, containing the name of the owner, the city license number, or the operator's permit number, if the license is required, showing upon the receipt all items for which a charge is made, the total amount paid, and the date of payment.

(Code 1978, § 20-67; Ord. No. 85-56, § 1(20-27), 10-1-1985)

Back to Electronic Table of Contents

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APPENDIX A RETIREMENT PLAN AND DISABILITY PLAN FOR GENERAL EMPLOYEES

Article I. Retirement Plan for General Employees
Division 1. Purpose of Plan and Trust
Division 2. Definitions
Division 3. Alternative Methods of Determining Eligibility and Vesting Service
Sec. 3.1. Elapsed time.
Sec. 3.2. Credited service.
Sec. 3.3. Service.
Sec. 3.4. Leave of absence.
Division 4. Participation
Sec. 4.1. Eligibility.
Sec. 4.2. Waiver.
Sec. 4.3. Binding force.
Sec. 4.4. Transfer from an affiliated employer.
Sec. 4.5. Transfer to an affiliated employer.
Division 5. Accounts
Sec. 5.1. Participants' accounts.
Sec. 5.2. Valuation of accounts.
Division 6. Contributions
Sec. 6.1. Employer contribution.
Sec. 6.2. Return of employer contributions.
Sec. 6.3. Mandatory employee contributions.
Sec. 6.4. Employee contributions.
Sec. 6.5. Rollover contribution.
Sec. 6.6. [Reserved].
Sec. 6.7. Time and method of payment of contributions.
Sec. 6.8. Duty of trustee and plan administrator.
Sec. 6.9. Deductible voluntary contributions.
Sec. 6.10. Additional requirements.
Division 7. Allocations
Sec. 7.1. Allocation of participating employer contributions and forfeitures.
Sec. 7.2. Eligibility for allocation.
Sec. 7.3. Allocation of other contributions.
Division 8. Limitations on Allocations
Sec. 8.1. Limitations on participating employers that do not maintain any other qualified plan.
Sec. 8.2. Limitations on employers that maintain more than one qualified plan all of which are qualified defined contribution plans.
Sec. 8.3. Limitations on participating employers that maintain qualified defined contribution plans other than a master or prototype plan.
Sec. 8.4. Limitation on participating employers that maintain a qualified defined benefit plan.
Sec. 8.5. Special definitions.
Division 9. Investments
Sec. 9.1. Investment authority.
Sec. 9.2. Employer directed investments.
Sec. 9.3. Participant directed investments.
Sec. 9.4. Investment manager.

Back to Electronic Table of Contents

Division 10. Insurance Policies
Sec. 10.1. Purchase of insurance policies.
Sec. 10.2. Limitations on insurance policies.
Sec. 10.3. Disposition of insurance policies.
Sec. 10.4. Minimum purchase.
Sec. 10.5. Validity of insurance policy.
Sec. 10.6. Subordination of insurance policy or annuity contract.
Division 11. Benefits and Distributions
Sec. 11.1. Vesting.
Sec. 11.2. Forfeitures.
Sec. 11.3. Normal retirement benefit.
Sec. 11.4. Early retirement benefit.
Sec. 11.5. Deferred retirement benefit.
Sec. 11.6. [Reserved].
Sec. 11.7. Death benefit.
Sec. 11.8. Other termination of employment benefit.
Sec. 11.9. Commencement of benefits.
Sec. 11.10. Form of distribution.
Sec. 11.11. Distribution requirements.
Sec. 11.12. Method of distribution.
Sec. 11.13. Withdrawals of employee contributions.
Sec. 11.14. Loans to participants.
Sec. 11.15. Other provisions.
Sec. 11.16. Definitions.
Sec. 11.17. Forms of benefits.
Division 12. Plan Administration
Sec. 12.1. Plan administrator.
Sec. 12.2. Duties.
Sec. 12.3. Claims procedure.
Sec. 12.4. Administration expenses.
Division 13. Trustee
Sec. 13.1. Establishment and acceptance of trust.
Sec. 13.2. Contributions to the trust fund.
Sec. 13.3. Contribution of existing qualified plan.
Sec. 13.4. Powers and duties.
Sec. 13.5. Limited trustee responsibilities.
Sec. 13.6. Authorized persons.
Sec. 13.7. Taxes and fees.
Sec. 13.8. Distribution.
Sec. 13.9. Trustee reports.
Sec. 13.10. Dealing with the insurer.
Sec. 13.11. Limitation of liability.
Sec. 13.12. Co-trustees.
Sec. 13.13. Trustee removal or resignation.
Division 14. Amendment, Merger, and Termination
Sec. 14.1. Amendment.
Sec. 14.2. Termination.
Division 15. Domestic Relations Order
Sec. 15.1. Definitions.
Sec. 15.2. Procedures.
Division 16. Miscellaneous
Sec. 16.1. Employment rights.
Sec. 16.2. Notices.

Back to Electronic Table of Contents

Sec. 16.3. Competency.
Sec. 16.4. Missing persons.
Sec. 16.5. Controlled groups and affiliated service groups.
Sec. 16.6. Leased employees.
Sec. 16.7. Construction.
Sec. 16.8. Governing law.
Sec. 16.9. Gender and number.
Sec. 16.10. Plan-to-plan transfers.
Sec. 16.11. Additional participation requirement.
Sec. 16.12. Spendthrift provision.
Sec. 16.13. Direct rollovers.
Sec. 16.14. Effective date.
Article II. Disability Income Plan for General Employees
Division 1. Definitions
Division 2. Participation
Sec. 2.01. Date of participation.
Sec. 2.02. Termination of participation.
Sec. 2.03. Re-employment of a participant.
Division 3. Disability Income Benefits
Sec. 3.01. Eligibility for disability income.
Sec. 3.02. Amount of disability income.
Sec. 3.03. Payment of disability income.
Sec. 3.04. Continuing evidence of disability.
Sec. 3.05. Recovery from disability.
Division 4. Board of Trustees and Fund
Sec. 4.01. Board of trustees.
Sec. 4.02. Fund.
Sec. 4.03. Plan must be nondiscriminatory.
Division 5. Termination and Amendment of the Plan
Sec. 5.01. Amendment of plan.
Sec. 5.02. Termination of plan.
Division 6. Claims Procedures
Sec. 6.01. Claims of affected persons.
Sec. 6.02. Initial hearing.
Sec. 6.03. Full hearing.
Sec. 6.04. Conduct of the full hearing.
Sec. 6.05. Additional procedures.
Division 7. Miscellaneous
Sec. 7.01. Information.
Sec. 7.02. Limitation of rights.
Sec. 7.03. Applicable law.
Sec. 7.04. Construction.
Sec. 7.05. Rights to city's assets.
Sec. 7.06. Non-alienation of benefits.
Sec. 7.07. Written communications required.

ARTICLE I. RETIREMENT PLAN FOR GENERAL EMPLOYEES*

Back to Electronic Table of Contents

***Editor's note--**Printed herein is the retirement plan for general employees, as adopted by Ordinance No. 95-09 on December 6, 1994. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. exhibits 1 through 7 attached to the adoption agreement have not been included herein at the city's instruction, but can be found for inspection in the city clerk's office.

State law reference(s)--Actuarial soundness of retirement systems, F.S. § 112.60 et seq.

ORDINANCE NO. 95-09

AN ORDINANCE OF THE CITY OF LARGO TO REPEAL ORDINANCE NO. 84-33 ESTABLISHING THE CITY OF LARGO RETIREMENT PLAN FOR GENERAL EMPLOYEES (CODIFIED AS APPENDIX A, RETIREMENT PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF LARGO) AND TO REPLACE SAID PLAN WITH THE NATIONWIDE LIFE INSURANCE COMPANY MONEY PURCHASE GOVERNMENT 414(h) PICK-UP PLAN NON-STANDARDIZED ADOPTION AGREEMENT AND INDIVIDUALLY DESIGNED GOVERNMENTAL DEFINED CONTRIBUTION PLAN AND TRUST BASIC PLAN DOCUMENT; PROVIDING FOR THE PURPOSE OF THE PLAN AND TRUST; PROVIDING FOR DEFINITIONS; PROVIDING FOR ALTERNATIVE METHODS OF DETERMINING ELIGIBILITY AND VESTING SERVICE; PROVIDING FOR PARTICIPATION; PROVIDING FOR ACCOUNTS; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR ALLOCATIONS; PROVIDING FOR LIMITATIONS ON ALLOCATIONS; PROVIDING FOR INVESTMENTS; PROVIDING FOR INSURANCE POLICIES; PROVIDING FOR BENEFITS AND DISTRIBUTIONS; PROVIDING FOR PLAN ADMINISTRATION; PROVIDING FOR TRUSTEE; PROVIDING FOR AMENDMENT, MERGER AND TERMINATION; PROVIDING FOR DOMESTIC RELATIONS ORDERS; PROVIDING FOR MISCELLANEOUS ITEMS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city commission of the City of Largo, Florida, ("city commission") previously has established the Retirement Plan for General Employees of the City of Largo ("plan") as a defined benefit pension plan pursuant to the provisions of section 401(a) of the Internal Revenue Code of 1986, as amended, and

WHEREAS, the city commission desires to continue to provide retirement security for its employees, and

WHEREAS, the city commission, based upon the recommendations of the participants in the plan and the retirement plan board of trustees, has determined to amend and restate the plan to the form set forth in the Nationwide Life Insurance Company Individually Designed Governmental Defined Contribution Plan and Trust, and

WHEREAS, the provisions of Ordinance No. 84-33 should be amended accordingly, and

WHEREAS, the city commission has decided to utilize investment products offered by Nationwide Life Insurance Company for the plan, and

WHEREAS, the Public Employees Benefit Services Corporation (PEBSCO) has been selected to provide recordkeeping and administrative services for the plan.

Back to Electronic Table of Contents

NOW, THEREFORE, THE CITY OF LARGO HEREBY ORDAINS THAT:

1. Ordinance No. 84-33, (codified as appendix A in the City of Largo Code) and identified as Retirement Plan and Trust for General Employees of the City of Largo, is hereby repealed in its entirety and replaced with a revised and restated appendix A, identified as the Nationwide Life Insurance Company Money Purchase Government 414(h) Pick-Up Plan non-standardized adoption agreement and individually designed governmental defined Contribution Plan and Trust basic plan document, attached hereto and made a part hereof.

2. All ordinances or parts of ordinances in conflict herewith be and the same are repealed.

3. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

4. The provisions of this ordinance shall take effect on December 18, 1994.

APPROVED ON FIRST READING this 15th day of November, 1994.

PASSED AND ADOPTED ON SECOND AND FINAL READING this 6th day of December, 1994.

CITY OF LARGO

/s/ Thomas Feaster

Mayor-Commissioner

ATTEST:

/s/ Jean Scott

City Clerk

APPROVED AS TO FORM:

/s/ Gerald R. McClelland

City Attorney

NATIONWIDE LIFE INSURANCE COMPANY INDIVIDUALLY DESIGNED GOVERNMENT

RETIREMENT PLAN AND TRUST BASIC PLAN DOCUMENT

Back to Electronic Table of Contents

DIVISION 1. PURPOSE OF PLAN AND TRUST

The Nationwide Life Insurance Company Individually Designed Government plan and trust has been created for the exclusive benefit of eligible employees and their beneficiaries of any participating government employer which adopts the plan and trust. The plan is intended to qualify under Code section 401(a) and the trust is intended to be tax-exempt under Code section 501(a).

DIVISION 2. DEFINITIONS

Each item defined below, when used in the plan and trust or adoption agreement, with the first letter of each word capitalized, shall have the meaning set forth in this article [division].

2.1 *Account* means the value of the annuity contracts, mutual fund shares, and other assets held by the trustee on behalf of the participant. The term "account" does not include the value of any insurance policies held by the trustee on the life of the participant.

2.2 *Accrued benefit* means the sum of the value of any insurance policies issued on the participant's life plus the value of his account and shall constitute his entire interest in the trust fund.

2.3 *Adoption agreement* means the document the employer executes to adopt the plan and trust and is made a part thereof.

2.4 *Affiliated employer* means the employer, and if authorized by the employer, any other employer who maintains a separate plan, agrees to administer its plan in accordance with sections 2.20, 2.56, 4.4, and 4.5, and executes the adoption agreement as such.

2.5 *Allocation date* means the date specified in exhibit 1.

2.6 *Annuity contract* means any annuity contract, fixed or variable, individual or group, deferred or immediate. Any annuity contract distributed from this plan shall be endorsed so that it is nontransferable.

2.7 *Annuity starting date* means (i) the first day of the first period for which an amount is paid as an annuity or, (ii) in the case of a benefit not paid in the form of an annuity, the first day on which all events have occurred which entitle the participant to such benefit.

2.8 *Beneficiary* means the participant's spouse unless the participant designated another person(s) or entity as his beneficiary. Such beneficiary designation shall be made in a form acceptable to the plan administrator and must be filed with the plan administrator to be effective. The participant's most recent beneficiary designation shall supersede any previous designation. If no such beneficiary is alive or if no designation is in effect at the time of distribution, beneficiary shall mean the executor or other legal representative of the last to die of the participant and designated beneficiary.

2.9 *Board* means the retirement board of the entity adopting the plan.

2.10 [Reserved]

2.11 *Code* means the Internal Revenue Code of 1986, as most recently amended.

2.12 *Common due date* means each date, if any, set forth in exhibit 4 of the adoption agreement, as of which insurance policies may be purchased for a participant.

2.13 *Compensation* is the amount defined in exhibit 1. For any plan year beginning after December 31,

Back to Electronic Table of Contents

1988, the plan administrator must take into account no more than the compensation limitation prescribed by Code section 401(a)(17). The compensation limitation is $200,000.00 for the 1989 plan year, $209,200.00 for the 1990 plan year, $222,220.00 for the 1991 plan year, $228,860.00 for the 1992 plan year, $235,840.00 for the 1993 plan year, $150,000.00 for the 1994 plan year and $150,000.00 for the 1995 plan year. For plan years beginning after December 31, 1995, the compensation limitation is the adjusted dollar amount determined in accordance with Code section 401(a)(17).

The compensation limitation in effect for any plan year (or for any 12-month compensation period) is the compensation limitation in effect at the beginning of that plan year (or other 12-month period). For a plan year (or other compensation measuring period) of less than 12 months, the compensation limitation is a prorated dollar amount.

In determining the compensation of a participant for purposes of the compensation limitation, the rules of Code section 414(q)(6) shall apply, except in applying such rules, the term "family" shall include only the spouse of the participant and any lineal descendants of the participant who have not attained age 19 before the close of the year. If, as a result of the application of such rules the adjusted compensation limitation is exceeded, then (except for purposes of determining the portion of compensation up to disparity) the compensation limitation shall be prorated among the affected participants in proportion to each such participant's compensation as determined under this section 2.13 prior to the application of the compensation limitation. If elected by the participating employer in the adoption agreement, compensation shall include any amount which is contributed by the participating employer pursuant to a salary reduction agreement and which is not includable in the gross income of an employer under Code sections 125, 457, 414(h), 402(h), 402(a)(8), or 403(b).

(Ord. No. 96-24, § 1, 6-4-1996)

2.14 [Reserved]

2.15 *Early retirement age* means the age, if any, specified in exhibit 5 of the adoption agreement.

2.16 *Early retirement date* means the first day of any month after his early retirement age and prior to his normal retirement age in which a participant has elected to retire.

2.17 [Reserved]

2.18 *Effective date* means the date set forth in exhibit 1 of the adoption agreement.

2.19 *Eligibility computation period* means for an employee's initial eligibility compensation period the 12-month consecutive period beginning on an employee's employment date or if required under section 4.1, reemployment date. The succeeding 12-consecutive-month periods commence with the first plan year which commences prior to the first anniversary of the employee's initial eligibility computation period regardless of whether the employee is entitled to be credited with 1,000 hours of service (or any lesser number of hours as specified in exhibit 2 of the adoption agreement) during the initial eligibility computation period. An employee who is credited with 1,000 hours of service (or any lesser number of hours as specified in exhibit 2 of the adoption agreement) in both the initial eligibility computation period and the plan year which commences prior to the first anniversary of the employee's initial eligibility computation period will be credited with two years of service for purposes of eligibility to participate.

2.20 *Eligibility service* means the number of eligibility computation periods during which an employee completes the number of hours of service specified in exhibit 2 of the adoption agreement. Eligibility service shall include service with a participating employer, affiliated employer, and with a predecessor employer providing the participating employer maintains the plan of such predecessor.

Back to Electronic Table of Contents

2.21 *Eligible employee* means all employees, excluding any classification of employees specified in exhibit 2 of the adoption agreement, which have completed the eligibility service requirements of exhibit 2. If an employee is excluded by classification and also excluded based on the age and service requirements of the plan, the employee shall be considered excluded based on the age and service requirements of the plan.

2.22 *Employee* means any employee of the participating employer maintaining the plan, or of any other employer required to be aggregated with such participating employer under sections 414(b), (c), (m), or (o) of the Code. The term "employee" shall also include any leased employee deemed to be an employee of any employer described in the previous paragraph as provided in sections 414(n) or (o) of the Code.

2.23 *Employee contributions* means contributions to the plan made by the participant on an after tax basis.

2.24 *Employer* means the entity executing the adoption agreement as employer.

2.25 *Employment date* means the date on which an employee first performs an hour of service.

2.26 *Hour of service* means:

(a) Each hour for which an employee is paid, or entitled to payment, for the performance of duties for the participating employer. These hours shall be credited to the employee for the computation period in which the duties are performed;

(b) Each hour for which an employee is paid or entitled to payment by the participating employer on account of a period of time during which no duties are performed (irrespective of whether the employment relationship has terminated) due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence;

(c) Each hour for which back pay, irrespective of mitigation of damages, is either awarded or agreed to by the participating employer. The same hours of service shall not be credited both under paragraph (a) or paragraph (b), as the case may be, and under this paragraph (c). These hours shall be credited to the employee for the computation period or periods to which the award or agreement pertains rather than the computation period in which the award, agreement or payment is made;

(d) Each hour for which an employee would have been credited during a period of time during which no duties are performed due to absence because of pregnancy of the employee, the birth of a child of an employee, the placement of a child in connection with the adoption of the child by the employee, or for purposes of caring for the child during the period immediately following the birth or placement for adoption;

(e) Each hour specified in (a), (b), (c), and (d) while an employee is in an ineligible class of employees shall be counted for all purposes of the plan if the employee becomes an eligible employee;

(f) Each hour specified in (a), (b), (c), and (d) while an employee is employed by another participating employer or when employed by any employers (whether or not incorporated) that are members of a controlled group, as defined in section 414(b) of the Code or under common control, as defined in section 414(c) of the Code, part of an affiliated service group, as defined in section 414(m) of the Code, and any other entity required to be aggregated with the participating employer pursuant to section 414(o) and regulations thereunder, will be counted for all purposes of the plan; and

(g) Each hour specified in (a), (b), (c), and (d) will also be counted for all purposes of the plan for any person considered an employee under Code section 414(n) or section 414(o) and the regulations

Back to Electronic Table of Contents

thereunder.

2.27 *Insurance policy* means an ordinary life insurance, term insurance, retirement income, endowment, or any other life insurance policy which is issued by an insurer on the life of a participant and acquired under the plan.

2.28 *Insurer* means a legal reserve life insurance company from which insurance policies or annuity contracts are purchased pursuant to the plan.

2.29 *Mandatory employee contribution* means participant after-tax contributions which are to be made as a condition of employment with the employer. Pursuant to section 414(h) of the Code, such contributions shall be picked up by the employer and are deemed to be employer contributions.

2.30 *Mutual fund shares* means shares of any open end investment company.

2.31 *Nationwide* means Nationwide Life Insurance Company. Reference to its related and affiliated companies shall include Nationwide Financial services, Inc., Nationwide Variable Life Company, WAUSAU insurance Companies, and any other company affiliated with the Nationwide Corporation or Nationwide Life Insurance Company.

2.32 [Reserved]

2.33 *Normal retirement age* means the age specified in exhibit 5 of the adoption agreement.

2.34 *Normal retirement date* means the first day of the calendar month coinciding with or next following a participant's normal retirement age, but not earlier than the effective date.

2.35 *One hundred percent vested* or *100 percent vested* means the participant's account is non-forfeitable.

2.36 [Reserved]

2.37 *Participant* means an eligible employee or former eligible employee who has met the eligibility requirements specified in exhibit 2 and who may become eligible to receive or is receiving benefits under the plan.

2.38 *Participating employer* means the employer and, if authorized by the employer, any other employer required to be aggregated under Code sections 414(b), (c), (m), or (q) which elects to participate in the plan and executes the adoption agreement or executes a board resolution specifying that it is a participating employer in the plan.

2.39 *Plan* means the plan set forth in this document, the adoption agreement, and amendments thereto. The name of the plan shall be as stated in the adoption agreement.

2.40 *Plan administrator* means the person, persons, or entity specified in exhibit 6 of the adoption agreement.

2.41 *Plan anniversary* shall mean the effective date and, subsequently, the first day of the second and each succeeding plan year.

2.42 *Plan year* means the period specified in exhibit 1 of the adoption agreement.

2.43 R*eemployment date* means the date on which an employee first performs an hour of service following a break in service.

Back to Electronic Table of Contents

2.44 *Required beginning date* means the later of the first day of April of the calendar year following the calendar year in which the participant attains age 70 1/2 or the calendar year in which the participant retires.

2.45 *Rollover contribution* means a rollover contribution defined in section 402(a)(5), 403(a)(4), or 408(d)(3) of the Code.

2.46 [Reserved]

2.47 *Section 3401 wages* means wages as defined in section 3401(a) for the purpose of income tax withholding at the source but determined without regard to any rules which limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in section 3401(a)(2)).

2.48 [Reserved]

2.49 [Reserved]

2.50 *Spouse (surviving spouse)* means an individual who is married (or was married at the date of the participant's death) to a participant, provided that a former spouse will be treated as the spouse or surviving spouse to the extent provided under a qualified domestic relations order as described in section 414(p) of the Code.

2.51 *Trust* means the trust set forth in this document, the adoption agreement, and amendments thereto. The trust name shall be the plan name, as stated in the adoption agreement, plus the word "trust."

2.52 *Trustee* means the board of trustees described in article [division] XIII.

2.53 *Trust fund* means all assets of the trust.

2.54 *Valuation date* means the date(s) specified in exhibit 1.

DIVISION 3. ALTERNATIVE METHODS OF DETERMINING ELIGIBILITY AND VESTING SERVICE

Sec. 3.1. Elapsed time.

If "months from employment date" is specified in exhibit 2, or elapsed time is elected for vesting service in exhibit 5, the plan administrator shall determine an employee's eligibility service under the plan under the elapsed time method. In such case the following shall apply:

For purposes of determining an employee's initial or continued eligibility to participate in the plan, or the non-forfeitable interest in the participant's account derived from employer contributions, an employee will receive credit for the aggregate of all periods of eligibility service commencing with the employee's employment date or reemployment date and ending on the date a break in service begins. For the purpose of this section, employment date or reemployment date shall mean the first day the employer [employee] performs an hour of service, as defined in this section. An employee will also receive credit for any period of severance of less than 12 months. Fractional periods of a year will be expressed in terms of days.

A period of severance is a continuous period of time during which the employee is not employed by the employer. Such period begins on the date the employee retires, quits or is discharged, or if earlier, the 12-month

Back to Electronic Table of Contents

anniversary of the date on which the employee was otherwise first absent from service.

A break in service is a period of severance of at least 12 consecutive months.

For purposes of determining an employee's initial or continued eligibility to participate in the plan, an employee will receive credit for the aggregate of all time period(s) commencing with the employee's first day of employment or reemployment and ending on the date a break in service begins. The first day of employment or reemployment is the first day the employee performs an hour of service. An employee will also receive credit for any period of severance of less than 12 consecutive months. Fractional periods of a year will be expressed in terms of days.

For purposes of this section, hour of service shall mean each hour for which an employee is paid or entitled to payment for the performance of duties for the employer.

In the case of an employee who is absent from work for maternity or paternity reasons, the 12-consecutive-month period beginning on the first anniversary of the first date of such absence shall not constitute a break in service. For purposes of this paragraph, an absence form work for maternity or paternity reasons means an absence (1) by reason of the pregnancy of the individual, (2) by reason of the birth of a child of the individual, (3) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or (4) for purposes of caring for such child for a period beginning immediately following such birth or placement.
If the employer is a member of an affiliated service group (under section 414(m)), a controlled group of corporations (under section 414(b)), a group of trades or businesses under common control (under section 414(c)) or any other entity required to be aggregated with the employer pursuant to section 414(o) and the regulations thereunder, service will be credited for any employment for any period of time for any other member of such group. Service will also be credited for any individual required under section 414(n) or section 414(o) and the regulations thereunder to be considered an employee of any employer aggregated under section 414(b), (c), or (m).

Sec. 3.2. Credited service.

If credited service is elected as the basis for determining vesting service in exhibit 5, the plan administrator shall determine a participant's vesting service based upon the participant's credited service as defined in this section 3.2. The credited service of each participant will be the total period of his service as defined in section 3.3, computed in completed calendar months, from his last date of employment until his normal retirement date or, if earlier, his date of actual retirement or termination of employment, except as provided in this section 3.2 or in section 3.3.

The period of any absence of 31 days or more will be excluded from an employee's or a participant's credited service unless he receives regular compensation from the employer during such absence and except as otherwise provided below. Any absence of 30 days or less will be included in an employee's or a participant's credited service. The first two years of any absence after the effective date of the plan due to the employee's or participant's engagement in military service will be included in his credited service if such absence is covered by a leave of absence granted by the employer or is by reason of compulsory military service. An employee or a participant who was absent prior to the effective date of the plan because of his engagement in military service will be credited for the full period of such absence if such absence was covered by a leave of absence granted by the employer or was by reason of compulsory military service, provided such period would otherwise have been included as credited service if the employee or participant had been in the active service of the employer.

Sec. 3.3. Service.

The term "service" means that period of continuous, uninterrupted and active employment with the employer from the employee's or participant's last date of employment to the earlier of the date of termination of his

Back to Electronic Table of Contents

employment and his normal retirement date, as herein described. Any absence from active employment with the employer, including but not limited to absences by reason of discharge or resignation, which is not deemed a leave of absence as defined in section 3.4, will be considered a termination of service.

Sec. 3.4. Leave of absence.

Absence from active employment with the employer by reason of leave of absence granted by the employer because of sickness, disability, jury duty, a temporary layoff by the employer, compulsory military service, or for any other reason will not terminate an employee's or a participant's service, provided he returns to active employment with the employer at or prior to the expiration of his leave or, if no expiration date is specified with respect to his leave, within the period of time which accords with the employer's policy with respect to permitted absences. If the employee or participant does not return to active employment with the employer at or prior to the expiration of his leave of absence as above defined, his service will be considered terminated as of the date on which his leave began.

Absence from active employment with the employer because of compulsory engagement in military service will be considered a leave of absence granted by the employer and will not terminate the service of an employee or a participant if he returns to active employment with the employer within the period of time during which he has reemployment rights under any applicable federal law or within 60 days from and after discharge or separation from such compulsory engagement if no federal law is applicable. No provision of this paragraph or in this plan shall require reemployment of any employee or participant whose active employment with the employer was terminated by reason of military service.

All employees and participants under similar circumstances shall be treated alike with regard to this section 3.4.

DIVISION 4. PARTICIPATION

Sec. 4.1. Eligibility.

Each eligible employee shall become a participant on the effective date or, if later, on the entry date specified in exhibit 1 of the adoption agreement, providing he first meets the eligibility requirements specified in exhibit 2 of the adoption agreement. Following a termination of employment, a former participant or an eligible employee who has fulfilled the plan's eligibility requirements but is no longer employed by the participating employer on his entry date shall be permitted to reenter the plan on his reemployment date.

In the event a participant becomes ineligible to participate because he is no longer a member of an eligible class of employees specified in exhibit 2 of the adoption agreement, but has not incurred a one-year break in service, such employee shall participate immediately upon his return to an eligible class of employees. If such employee incurs a one-year break in service, his eligibility to participate shall be determined pursuant to the preceding paragraph.

In the event a participant becomes ineligible to participate because he is no longer a member of an eligible class of employees specified in exhibit 2 of the adoption agreement, but has not terminated employment with the employer, the plan administrator will limit that participant's sharing in the allocation of any employer contribution and forfeitures under the plan by disregarding the participant's compensation paid by the employer for services rendered in the participant's capacity as an employee who is ineligible to participate in the plan. However, during such period of ineligibility, the participant, without regard to employment classification, continues to receive credit for vesting under article [division] III of the plan.

In the event an employee who is not a member of an eligible class of employees specified in exhibit 2 of the adoption agreement becomes a member of an eligible class, such employee shall become a participant

Back to Electronic Table of Contents

immediately if such employee has satisfied the eligibility requirements specified in exhibit 2.

Sec. 4.2. Waiver.

An employee of any participating employer who adopts a plan in which mandatory contributions are picked-up pursuant to Code section 414(h) by the participating employer shall not waive participation in the plan. For any plan year, any participant who is not a participant in a "pick-up" plan described in the previous sentence may, in writing and prior to the date any contribution is made on his behalf, waive all of such contribution, including any forfeiture attributable to such contribution, providing such participant does not receive any amounts waived in cash.

Sec. 4.3. Binding force.

A participant shall be conclusively deemed to have assented to the plan, to any subsequent amendments, to the terms of the annuity contracts or insurance policies on his life, and shall be bound thereby with the same force and effect as if he had formally executed this plan.

Sec. 4.4. Transfer from an affiliated employer.

If an eligible employee is transferred from an affiliated employer to a participating employer, he shall participate immediately if he meets the eligibility requirements specified in exhibit 2 of the adoption agreement.

Sec. 4.5. Transfer to an affiliated employer.

If a participant transfers to an affiliated employer, he shall not be entitled to any distribution from this plan pending his subsequent death or severance of employment.

DIVISION 5. ACCOUNTS

Sec. 5.1. Participants' accounts.

The plan administrator shall maintain an account for each participant showing the current dollar value of his interest in the plan. Sub accounts to be known as employer, employee, mandatory, and rollover shall be kept, showing (a) the contributions in each category, (b) the earnings, losses and expenses, and (c) distributions from each sub account. Other sub accounts may be established as determined by the plan administrator. If a participant has five consecutive one-year breaks in service, the plan administrator shall maintain pre-break and post-break sub accounts.

The rollover account of each participant who was participating in the plan on December 17, 1994, shall include the participant's accrued benefit under the plan as of December 17, 1994. Furthermore, the plan administrator will allocate three-fourths of the surplus assets of the plan as of December 17, 1994, pro rata to the rollover accounts of the participants who were participating in the plan on December 17, 1994. For purposes of this section 5.1, the term "surplus assets" means the assets of the plan which are in excess of the amount required to provide the retirement benefits accrued under the provisions of the plan as of December 17, 1994. One-fourth of the surplus assets shall be applied toward the employer contribution provided in section 1 of exhibit 3 of the adoption agreement.

Sec. 5.2. Valuation of accounts.

On each valuation date, the plan administrator shall determine the net increase or decrease in the fair market

Back to Electronic Table of Contents

value of the trust fund, excluding insurance policies, individual annuity contracts, or allocated group annuity contracts, and shall equitably allocate the result thereof to each participant's account. Such determination shall include realized and unrealized gains and losses, investment income and losses, and applicable expenses. To the extent a participant fails to direct his account, earnings and losses of the trust shall be allocated to each participant's account in the ratio that such account bears to all participants' accounts. Subject to section[s] 9.3 and 11.14, such realized and unrealized gains and losses shall be allocated on a fair and equitable basis under a method specified by the plan administrator. A participant's interest in an individual annuity contract or allocated group annuity contract shall be determined at the annuity contract value and changes in such value shall be allocated to the account of such participant. Such determination, other than on the first valuation date, shall not include contribution or forfeiture allocations.

DIVISION 6. CONTRIBUTIONS

Sec. 6.1. Employer contribution.

For each plan year, the participating employer shall contribute the amount specified in exhibit 3 of the adoption agreement.

If a target benefit plan is adopted, the participating employer may not make contributions on behalf of a participant after the plan year in which the participant attains normal retirement age. On and after the first day of the plan year beginning in 1988, a participating employer may make a contribution on behalf of a participant after his normal retirement age if his final average compensation or years of vesting service requires such contribution to be made. The annual employer contribution necessary to fund the target benefit with respect to a participant are [is] determined under the individual level premium funding method using the factors specified in the adoption agreement.

A participating employer shall have no right, title, or interest in contributions made to the plan and no part of such contributions or income derived therefrom shall revert to the participating employer except as provided in section 6.2.

Sec. 6.2. Return of employer contributions.

Notwithstanding any other provision of this plan, contributions made by a participating employer may be returned to such participating employer if the contribution was made by reason of a mistake of fact. Such contribution must be returned within one year of the contribution.

In the event that the Commissioner of Internal Revenue determines that this plan is not initially qualified under the Internal Revenue Code, any contribution made incident to that initial qualification by the participating employer must be returned to the participating employer within one year after the date the initial qualification is denied, but only if the application for the qualification is made by the time prescribed by law for filing the participating employer's return for the taxable year in which the plan is adopted, or such later date as the Secretary of the Treasury may prescribe. Any future contributions conditioned upon the qualification of an ongoing plan may be returned to the participating employer which are made within one year of the date the qualification of the plan was denied.

The participating employer shall state by written request to the trustee the amount of contribution to be returned and the reason for such return. The amount returned will not include any net earnings attributable to the contribution and will be reduced by any net losses and expenses attributable to the contribution. The trustee will return the specified amount to the participating employer promptly upon receipt of the written

Back to Electronic Table of Contents

request.

Sec. 6.3. Mandatory employee contributions.

The employer may elect in exhibit 3 of the adoption agreement that all eligible employees must contribute mandatory employee contributions to the plan as a condition of employment with the employer. The participating employer shall collect such contributions and remit them to the trustee.

Mandatory employee contributions shall be 100 percent vested when made and shall be distributed as provided by article [division] XI.

Sec. 6.4. Employee contributions.

If this plan is amended to permit employee contributions, such contributions shall solely be required to meet the requirements specified in section 6.6. The participating employer shall collect such contributions and remit them to the trustee.

Any election, change, or revocation of employee contributions shall be made on a form satisfactory to the plan administrator and shall be filed with the plan administrator within the time period specified by the plan Administration prior to its effect.

Sec. 6.5. Rollover contribution.

Subject to the approval of the plan administrator and upon completion of such forms as the plan administrator may require, a participant may make a rollover contribution to this plan.

Sec. 6.6. [Reserved].

Sec. 6.7. Time and method of payment of contributions.

Participating employer contributions for any plan year shall be paid to the trustee in one or more installments not later than the time prescribed by law.

Any contribution which will be invested in an insurance policy, annuity contract, or mutual fund shares may be paid by the participating employer directly to the company offering such investment. In this event such contribution shall be deemed to be received by the trustee as of the date of receipt by such company.

Sec. 6.8. Duty of trustee and plan administrator.

The trustee and the plan administrator shall neither be liable nor responsible for collecting any contribution and the trustee shall have only the responsibility of investing amounts received in accordance with article [division] XIII.

Sec. 6.9. Deductible voluntary contributions.

This plan will not accept deductible employee contributions.

Sec. 6.10. Additional requirements.

The plan administrator may specify additional requirements governing any contributions made to the trust fund.

Back to Electronic Table of Contents

DIVISION 7. ALLOCATIONS

Sec. 7.1. Allocation of participating employer contributions and forfeitures.

If a money purchase plan or target benefit plan is adopted, the plan administrator, as of the allocation date, shall allocate to the account of each participant eligible for an allocation the amount paid to the trust on his behalf by his participating employer. Such amount shall be determined by reference to exhibit 3. Forfeitures from a money purchase plan shall either be used to reduce the amount of the next required participating employer's contribution and allocated on the allocation date along with the contribution paid or allocated on the allocation date in addition to any contribution paid, as specified by exhibit 3 of the adoption agreement. If a target benefit plan is adopted, forfeitures shall be used to reduce the next participating employer's contribution.

Sec. 7.2. Eligibility for allocation.

Each participant who meets the requirements of exhibit 3 shall share in any employer contribution and forfeitures (if permitted by exhibit 3) for such plan year. Unless otherwise stated in exhibit 3 of the adoption agreement, a participant who is governed by a standardized adoption agreement must complete more than 500 hours of service (1,000 hours prior to the first plan beginning on or after January 1, 1990) in any applicable plan year in order to share in an allocation for that year. Unless otherwise stated in exhibit 3 of the adoption agreement, a participant who is governed by a non-standardized adoption agreement must complete 1,000 hours of service in any applicable plan year in order to share in an allocation for that year. Unless otherwise specified in exhibit 3, the participant must be employed on the last day of the plan year in order to receive an allocation.

Sec. 7.3. Allocation of other contributions.

Any employee contributions and rollover contributions shall be allocated on the date received directly to the sub account of the participant on whose behalf such contribution was made. Any mandatory employee contributions shall be allocated to the participant's mandatory sub account for the period specified by the plan administrator.

DIVISION 8. LIMITATIONS ON ALLOCATIONS

Sec. 8.1. Limitations on participating employers that do not maintain any other qualified plan.

(a) If the participant does not participate in, and has never participated in, another qualified plan or a welfare benefit fund, as defined in section 419(e) of the Code, or an individual medical account, as defined in section 415(1)(2) of the Code, maintained by the employer which provides an annual addition as defined in section 8.5, the amount of the annual addition which may be credited to the participant's account for any limitation year will not exceed the lesser of the maximum permissible amount or any other limitation contained in this plan. If the employer contribution that would otherwise be contributed or allocated to the participant's account would cause the annual additions for the limitation year to exceed the maximum permissible amount, the amount contributed or allocated will be reduced so that the annual additions for the limitation year will equal the maximum permissible amount.

(b) Prior to determining the participant's actual compensation for the limitation year, the employer may determine the maximum permissible amount for a participant on the basis of a reasonable estimation of the participant's compensation or forfeitures for the limitation year, uniformly determined for all participants similarly situated.

(c) As soon as is administratively feasible after the end of the limitation year, the maximum permissible amount for the limitation year will be determined on the basis of the participant's actual compensation for

Back to Electronic Table of Contents

the limitation year.

(d) If there is an excess amount due to paragraph (b) above or as a result of the allocation of forfeitures, the excess will be disposed of as follows:

(1) Any employee contributions, to the extent they would reduce the excess amount, will be returned to the participant;

(2) If after the application of (1) above an excess amount still exists and the participant is covered by the plan at the end of a limitation year, the excess amount in the participant's account will be used to reduce employer contributions (including any allocation of forfeitures) for such participant in the next limitation year, and each succeeding limitation year, if necessary;

(3) If after the application of (2) above an excess amount still exists and the participant is not covered by the plan at the end of a limitation year, the excess amount will be held unallocated in a suspense account. The suspense account will be applied to reduce future employer contributions (including allocation of any forfeitures) for all remaining participants in the next limitation year and each succeeding limitation year if necessary;

(e) If a suspense account is in existence at any time during a limitation year pursuant to this section, it will not participate in the allocation of the trust's investment gains and losses. If a suspense account is in existence at any time during a particular limitation year, all amounts in the suspense account must be allocated and reallocated to participants' sub accounts before any employer contributions or any employee contributions may be made to the plan for that limitation year. Excess amounts may not be distributed to participants.

Sec. 8.2. Limitations on employers that maintain more than one qualified plan all of which are qualified defined contribution plans.

(a) This section applies if, in addition to this plan, the participant is covered under another qualified master or prototype defined contribution plan or a welfare fund, as defined in section 419(e) of the Code, maintained by the employer or an individual medical account, as defined in section 415(1)(2) of the Code, maintained by the employer which provides an annual addition as defined in section 8.5, during any limitation year. The annual additions which may be credited to a participant's account under this plan for any such limitation year will not exceed the maximum permissible amount reduced by the annual additions credited to a participant's account under the other plans and welfare benefit funds for the same limitation year. If the annual additions with respect to the participant under other defined contribution plans maintained by the employer are less than the maximum permissible amount and the employer contribution that would otherwise be contributed or allocated to the participant's account under this plan would cause the annual additions for the limitation year to exceed this limitation, the amount contributed or allocated will be reduced so that the annual additions under all such plans and funds for the limitation year will equal the maximum permissible amount. If the annual additions with respect to the participant under such other defined contribution plans and welfare benefit funds in the aggregate are equal to or greater than the maximum permissible amount, no amount will be contributed or allocated to the participant's account under this plan for the limitation year.

(b) Prior to determining the participant's actual compensation for the limitation year, the employer may determine the maximum permissible amount for a participant in the manner described in section 8.1(b).

(c) As soon as is administratively feasible after the end of the limitation year, the maximum permissible amount for the limitation year will be determined on the basis of the participant's actual compensation for the limitation year.

(d) If, pursuant to section 8.2(c) or as a result of the allocation of forfeitures, a participant's annual additions

Back to Electronic Table of Contents

under this plan and such other plans would resort in an excess amount for a limitation year, the excess amount will be deemed to consist of the annual additions last allocated, except that annual additions attributable to a welfare benefit fund or an individual medical account will be deemed to have been allocated first regardless of the actual allocation date.

(e) If an excess amount was allocated to a participant on the last day of the plan year of this plan which coincides with the last day of the plan year of another plan, the excess amount attributed to this plan will be the product of:

(1) The total excess amount allocated as of such date times.

(2) The ratio of (a) the annual additions allocated to the participant for the limitation year as of such date under this plan to (b) the total annual additions allocated to the participant for the limitation year as of such date under this and all the other qualified master or prototype defined contribution plans.

(f) Any excess amounts attributed to this plan shall be disposed of in the manner described in section 8.1(d).

Sec. 8.3. Limitations on participating employers that maintain qualified defined contribution plans other than a master or prototype plan.

If the participant is covered under another qualified defined contribution plan maintained by the employer which is not a master or prototype plan, annual additions which may be credited to the participant's account under this plan for any limitation year will be limited as specified in exhibit 7 of the adoption agreement.

Sec. 8.4. Limitation on participating employers that maintain a qualified defined benefit plan.

If the employer maintains, or at any time maintained, a qualified defined benefit plan covering any participant in this plan, the sum of the participant's defined benefit plan fraction and defined contribution plan fraction will not exceed 1.0 in any limitation year. The annual additions which may be credited to the participant's account under this plan for any limitation year will be limited in accordance with exhibit 7 of the adoption agreement.

Sec. 8.5. Special definitions.

(a) *Annual additions:* The sum of the following amounts credited to a participant's account for the limitation year:

(1) Employer contributions;

(2) Forfeitures; and

(3) The lesser of: (i) one-half of the employee contributions, or (ii) the employee contributions in excess of six percent of the participant's compensation for the limitation year.

Effective the first plan year beginning in 1987, all employee contributions shall be considered. However, the annual addition for any limitation year beginning before January 1, 1987, shall not be recomputed to treat all employee contributions as annual additions.

Amounts allocated after March 31, 1984, to an individual medical account, as defined in section 415(l)(1) of the Code, which is part of a pension or annuity plan maintained by the employer, are treated as annual additions to a defined contribution plan. Also, amounts derived from contributions paid or accrued in taxable years ending after December 31, 1985, which are attributable to post-retirement medical benefits allocated to the separate

Back to Electronic Table of Contents

account of a key employee, as defined in section 419A(d)(3), under a welfare benefit fund, as defined in section 419(e), maintained by the employer are treated as annual additions to a defined contribution plan.

For this purpose, any excess amount applied under section 8.1(d) or 8.2(f) in the limitation year to reduce employer contributions will be considered annual additions for such limitation year.

(b) *Compensation:* For the purposes of this article [division] and where separately referenced as W-2 earnings, compensation shall mean wages within the meaning of section 3401(a) of the Code and all other payments of compensation to an employee by his employer (in the course of the employer's trade or business) for which the employer is required to furnish the employee a written statement under sections 6041(d) and 6051(a)(3) of the Code. This definition of compensation may be modified to exclude amounts paid or reimbursed by the employer for moving expenses incurred by an employee, but only to the extent that at the time of the payment it is reasonable to believe that these amounts are deductible by the employee under section 217 of the Code. Compensation must be determined without regard to any rules under section 3401(a) of the Code that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in section 3401(a)(2) of the Code). For limitation years beginning after December 31, 1991, for purposes of applying the limitations of this article [division], compensation for a limitation year is the compensation actually paid or includable in gross income during such year.

(c) *Defined benefit fraction:* A fraction, the numerator of which is the sum of the participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the employer and the denominator of which is the lesser of 125 percent of the dollar limitation determined for the limitation year under sections 415(b) and (d) of the Code or 140 percent of the highest average compensation, including any adjustments under section 415(b) of the Code. Notwithstanding the above, if the participant was a participant as of the first day of the first limitation year beginning after December 31, 1986, in one or more defined benefit plans maintained by the employer which were in existence on May 6, 1986, the denominator of this fraction will not be less than 125 percent of the sum of the annual benefits under such plans which the participant had accrued as of the close of the last limitation year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plan after May 5, 1986. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of Code section 415 for all limitation years beginning before January 1, 1987.

(d) *Defined contribution fraction:* A fraction, the numerator of which is the sum of the annual additions to the participant's account under all the defined contribution plans (whether or not terminated) maintained by the employer for the current and all prior limitation years (including the annual additions attributable to the participant's nondeductible employee contributions to all defined benefit plans, whether or not terminated, maintained by the employer, and the annual addition attributable to all welfare benefit funds, as defined in section 419(e) of the Code, and individual medical accounts, as defined in section 415(l)(2) of the Code, maintained by the employer) and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior limitation years of service with the employer (regardless of whether a defined contribution plan was maintained by the employer). The maximum aggregate amount in any limitation year is the lesser of 125 percent of the dollar limitation in effect under Code section 415(c)(1)(A) or 35 percent of the participant's compensation for such year. If the employee was a participant as of the end of the first day of the first limitation year beginning after December 31, 1986, in one or more defined contribution plans maintained by the employer which were in existence on May 6, 1986, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this plan. Under the adjustment, an amount equal to the product of (1) the excess of the sum of the fraction over 1.0 times (2) the denominator of this fraction will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last limitation year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of the plan made after May 5, 1986, but using the section 415 limitation applicable to the first limitation year beginning on or after January 1, 1987.

Back to Electronic Table of Contents

The annual addition for any limitation year beginning before January 1, 1987, shall not be recomputed to treat all employee contributions as annual additions.

(e) *Employer:* For purposes of this article [division], employer shall mean the employer that adopts this plan and all members of a controlled group of corporations (as defined in section 414(b) of the Code as modified by section 415(h)), all commonly controlled trades or businesses (as defined in section 414(c) as modified by section 415(h)) or affiliated service groups (as defined in section 414(m)) of which the adopting employer is a part and any other entity required to be aggregated with the employer pursuant to regulations under section 414(o) of the Code.

(f) *Excess amount:* The excess of the participant's annual additions for the limitation year over the maximum permissible amount.

(g) *Highest average compensation:* The average compensation for the three consecutive years of service with the participating employer that produces the highest average. A year of service with the participating employer is the 12-consecutive-month period defined in the employer's defined benefit plan.

(h) *Limitation year:* A limitation year shall be the period selected in exhibit 1. If the employer has more than one qualified plan, this plan or the other plan shall be amended so that all qualified plans maintained by the employer must use the same limitation year. If the limitation year is amended to a different 12-consecutive-month period, the new limitation year must begin on a date within the limitation year in which the amendment is made.

(i) *Master or prototype plan:* A plan the form of which is the subject of a favorable opinion letter from the Internal Revenue Service.

(j) *Maximum permissible amount:* The maximum annual addition that may be contributed or allocated to a participant's account under the plan for any limitation year shall not exceed the lesser of:

(i) The defined contribution dollar limitation, or

(ii) Twenty-five percent of the participant's compensation for the limitation year.

The compensation limitation referred to in (ii) shall not apply to any contribution for medical benefits (within the meaning of section 401(h) or section 419A(f)(2) of the Code) which is otherwise treated as an annual addition under section 415(1)(1) or 419A(d)(2) of the Code. The defined contribution dollar limitation is the lesser of $30,000.00 (or if greater, one-fourth of the limitation in section 415(b)(1) of the Code). If a short limitation year is created because of an amendment changing the limitation year to a different 12-consecutive-month period, the maximum permissible amount will not exceed the defined contribution dollar limitation multiplied by the following fraction:

(k) *Projected annual benefit:* The annual retirement benefit (adjusted to an actuarially equivalent straight life annuity if such benefit is expressed in a form other than a straight life annuity or qualified joint and survivor annuity) to which the participant would be entitled under the terms of the plan assuming:

(1) The participant will continue employment until normal retirement age under the plan (or current age, if later), and

(2) The participant's compensation for the current limitation year and all other relevant factors used to determine benefits under the plan will remain constant for all future limitation years.

DIVISION 9. INVESTMENTS

Back to Electronic Table of Contents

Sec. 9.1. Investment authority.

The plan administrator shall select suitable investments in which participant accounts may be invested. Investments shall be limited to those permitted by the law[s] of the state of the entity establishing the plan. Unless Nationwide permits in writing to the contrary, a portion of the assets of the employer's trust is required to be invested in contracts, mutual funds or other investment products of Nationwide Life Insurance Company, its affiliates, or subsidiaries. All plan assets not subject to investment direction by the employer, participant, or investment manager shall be invested by the trustee in accordance with article [division] XIII.

Sec. 9.2. Employer directed investments.

If the employer so elects in exhibit 4 of the adoption agreement, it shall direct the trustee in all investments of the trust. In this event, the trustee shall not be liable for the directions or omissions of the employer nor shall the trustee be under an obligation to invest or otherwise manage any plan assets that are subject to the direction of the employer. Nothing in this section shall relieve the trustee of any liability under the trust for any act or omission of the trustee.

Sec. 9.3. Participant directed investments.

If the employer so elects in exhibit 4 of the adoption agreement, each participant shall direct, in writing, the investment of his accrued benefit. However, a participant shall not be permitted to direct his accrued benefit if the participant has received the entire vested portion of his accrued benefit. The plan administrator may elect, on a nondiscriminatory basis and for all participants in the plan, to prohibit the participant from directing his account upon termination of employment or retirement. If the participant fails to direct in writing his investments, the trustee shall invest the participant's accrued benefit.

If participant directed investments are permitted, the valuation procedures specified in section 4.2 shall not apply. The plan administrator shall identify those assets being held in each participant's account and shall value them at their market value in determining the value of his accrued benefit, except that investments in annuity contracts shall be valued at the annuity contract value.

The plan administrator shall not permit a participant to direct that his accrued benefit, or any portion thereof, be invested in collectibles, unless such collectibles are specified in Code section 408(m)(3).

The employer, plan administrator, and trustee shall be under no duty to question any investment direction of a participant or to review any directed investments, or to make suggestions to the participant, nor shall they be held responsible in any manner for investment loss or depreciation in asset value of any directed investment.

Sec. 9.4. Investment manager.

The employer may appoint an investment manager in exhibit 4 of the adoption agreement to assume certain powers and responsibilities in the investment and management of plan assets. The investment manager shall assume full liability for all duties and powers assigned to him and shall be subject to the fiduciary responsibilities of the plan. The trustee shall not be liable for the acts or omissions of the investment manager nor shall the trustee be under an obligation to invest or otherwise manage any assets of the plan that are subject to the management of an investment manager. Nothing in this section shall relieve the trustee of any liability under the trust for any act or omission of the trustee.

[The term] "investment manager" means any fiduciary (other than a trustee or named fiduciary):

(a) Who has the power to manage, acquire, or dispose of any assets of a plan;

Back to Electronic Table of Contents

(b) Who is (i) registered as an investment adviser under the Investment Advisers Act of 1940; (ii) a bank, as defined in that Act; or (iii) an insurer qualified to perform services described in paragraph (a) under the laws of more than one state; and

(c) Who has acknowledged in writing that he is a fiduciary with respect to the plan.

DIVISION 10. INSURANCE POLICIES

Sec. 10.1. Purchase of insurance policies.

With the approval of the plan administrator, a participant may direct the trustee to apply a portion of each contribution to the purchase of an insurance policy. The fact that any insurance policy is issued on the life of a participant shall not vest any right, title, or interest in such policy in the participant except at the time and on the terms and conditions set forth in the plan. All insurance policies shall be issued and all premiums shall be payable as of the common due date.

The plan administrator may direct the trustee to invest a portion of the trust fund in an insurance policy on the life of any employee of a participating employer; in which case, the investment shall be deemed to be for the benefit of the trust fund as a whole.

Each insurance policy shall be issued by an insurer selected by the plan administrator. The trustee shall be the applicant, owner, and beneficiary of each insurance policy. As applicant, the trustee shall execute any and all applications and other documents required by the insurer in connection with the issuance of any insurance policy. The participating employer, plan administrator, and the trustee shall not be liable for any loss suffered by a participant or a beneficiary due to the participant's failure to supply any information or perform any other act required by the insurer in connection with issuance or maintenance of an insurance policy.

However, the trustee shall be required to pay over all proceeds of any insurance policies to the participant's designated beneficiary in accordance with the distribution provisions of this plan. A participant's spouse will be the designated beneficiary of the proceeds in all circumstances unless the participant has designated another beneficiary. Under no circumstances shall the trust retain any part of the proceeds.

Insurance policies may be held in the possession of the trustee, insurer, or participating employer.

Sec. 10.2. Limitations on insurance policies.

All insurance policy premiums shall be payable from participating employer contributions, except as provided below.

If ordinary life insurance is purchased, aggregate premiums must be less than 50 percent of the aggregate participating employer contributions and forfeitures allocated to the participant. If term or universal life insurance is purchased, aggregate premiums may not exceed 25 percent of aggregate participating employer contributions and forfeitures allocated to the participant. If both ordinary and term or universal life insurance are purchased, aggregate premiums for the term insurance plus one-half the aggregate premiums for the ordinary insurance may not exceed 25 percent of the aggregate participating employer contributions and forfeitures allocated to the participant. If retirement income or endowment policies are purchased on behalf of a participant, the death benefit under the policy shall not be greater than 100 times the anticipated monthly annuity provided under the policy. Ordinary life insurance is a policy that provides both non-decreasing death benefits and non-increasing premiums.

If the premium payable is more than the amount of participating employer contribution available for payment, the trustee shall, unless the participant elects otherwise, convert other assets held on the participant's behalf

Back to Electronic Table of Contents

into cash in the amount of the insufficiency, to the extent that the limitations of this section are not exceeded, and pay such amount to the insurer.

If a money purchase plan or target benefit plan is adopted, insurance policy dividends and credits will be applied to reduce the next premium due before any participating employer contributions are so applied.

Sec. 10.3. Disposition of insurance policies.

Upon the retirement, disability or other termination of employment of a participant, the participant shall instruct the trustee as to the disposition of the insurance policies on his life, including the surrender, conversion, or transfer of ownership of such policies to the participant, or placing them on a paid-up basis. The trustee shall dispose of the policies in accordance with these instructions and shall, in any event, prior to commencement of benefits under the plan, convert insurance policies to cash or an annuity contract or distribute such policies to the participant.

Sec. 10.4. Minimum purchase.

If the amount available for the purchase of an insurance policy is insufficient to provide the minimum purchase amount as specified by the insurer, no insurance policy shall be purchased until the common due date on which the amount available is sufficient.

Sec. 10.5. Validity of insurance policy.

Neither the employer, the plan administrator, nor the trustee shall be responsible for the validity of any insurance policy, nor for the failure on the part of the insurer to make payments provided by such policies, nor for the action of any person which may render an insurance policy null or void or unenforceable in whole or in part.

10.6. Subordination of insurance policy or annuity contract.

In the event of any conflict between the terms of the plan and the provisions of any insurance policy or annuity contract, the terms of the plan will control.

DIVISION 11. BENEFITS AND DISTRIBUTIONS

Sec. 11.1. Vesting.

Each participant shall at all times be 100 percent vested in his mandatory, employee and rollover sub accounts.

Each participant who is employed by a participating employer shall be 100 percent vested in his employer sub account in the event of his death. The participant's vested interest in his employer sub account at any other time, subject to article [division] XII, shall be determined by the vesting schedule elected in exhibit 5 of the adoption agreement.

Each participant shall be 100 percent vested in his insurance policy if (1) his premiums, originated from employee contributions, (2) the participant was 100 percent vested in such policy prior to contribution to the plan, or (3) the participant was 100 percent vested in such policy prior to adoption or restatement of this plan. Otherwise, the participant's vested interest in his insurance policy shall be determined according to the preceding paragraph.

Sec. 11.2. Forfeitures.

Back to Electronic Table of Contents

The employer shall elect in exhibit 3 of the adoption agreement when to forfeit the non-vested portion of a terminated participant's accrued benefit. If the participant's non-vested interest, pursuant to this plan, is forfeited immediately and the participant elects to have distributed less than the entire vested portion of the account derived from employer contributions, the part of the non-vested portion that will be treated as a forfeiture is the total non-vested portion multiplied by a fraction, the numerator of which is the amount of the distribution attributable to employer contributions and the denominator of which is the total value of the vested employer derived account. No forfeiture shall occur solely as a result of a participant's withdrawal of his mandatory employee contributions. If a participant terminates employment without a vested interest in his accrued benefit, the participant shall be deemed to have received his interest in his accrued benefit upon separation of service and a forfeiture of the participant's account shall occur at the time specified in exhibit 3 of the adoption agreement.

Forfeitures may be allocated to participants' accounts or applied to reduce the next participating employer contribution, as determined by exhibit 3 of the adoption agreement. However, forfeitures from a target benefit plan shall reduce the next participating employer's contribution. Notwithstanding anything in the plan to the contrary, forfeitures shall not be allocated to any eligible employee who, pursuant to section 4.2, waived participation in the plan.

If, at termination of the plan, forfeitures remain unallocated or unapplied, such forfeitures from a money purchase plan shall be allocated to each participant's account in accordance with the allocation formula specified in exhibit 3 of the adoption agreement. Forfeitures from a target benefit plan at plan termination shall be returned to the participating employer.

Sec. 11.3. Normal retirement benefit.

Each participant who retires at his normal retirement age shall be entitled to his accrued benefit on his normal retirement date.

Sec. 11.4. Early retirement benefit.

If the employer has elected in exhibit 5 of the adoption agreement to permit early retirement, a participant who terminates employment after meeting the early retirement requirements specified in exhibit 5 shall be entitled to his vested accrued benefit on his early retirement rate.

Sec. 11.5. Deferred retirement benefit.

If a participant shall continue in active employment following his normal retirement age, payment of his benefits shall be postponed until his actual retirement.

Sec. 11.6. [Reserved].

Sec. 11.7. Death benefit.

Notwithstanding any other provision of this plan, if a participant dies before his annuity starting date, the participant's beneficiary shall be entitled to a death benefit equal to the participant's accrued benefit. Such accrued benefit shall not include the value of any security interest in the participant's account held by the plan by reason of any loan under section 11.14. The participant's entire interest may be distributed as soon as administratively practical, but in any event no later than December 31 of the calendar year in which the fifth anniversary of the participant's death occurs unless the designated beneficiary or spouse elects one of the following forms of distributions:

Back to Electronic Table of Contents

(a) If any portion of the participant's interest is payable to a designated beneficiary, distributions may be made in substantially equal installments over the life or life expectancy of the designated beneficiary commencing no later than December 31 of the calendar year after the participant's death; or

(b) If the designated beneficiary is the participant's surviving spouse, the date distributions are required to begin shall not be earlier than the later of December 31 of the calendar year in which the participant would have attained age 70 1/2 or December 31 of the calendar year immediately following the calendar year in which the participant died. If the spouse dies before payments begin, such spouse shall be treated as the participant for the purpose of calculating future required distributions.

If the participant dies after distribution of his interest has begun, the remaining portion of such interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the participant's death.

If the participant dies before distribution of his interest begins, distribution of the participant's entire interest shall be completed by December 31 of the calendar year containing the fifth anniversary of the participant's death except to the extent that an election is made to receive distributions in accordance with (a) or (b) above.

If the participant has not made an election by the time of his or her death, the participant's designated beneficiary must elect the method of distribution no later than the earlier of (a) December 31 of the calendar year in which distributions would be required to begin under this section or (b) December 31 of the calendar year which contains the fifth anniversary of the date of death of the participant. If the participant has no designated beneficiary or if the designated beneficiary does not elect a method of distribution, distribution of the participant's entire interest must be completed by December 31 of the calendar year containing the fifth anniversary of the participant's death.

For purposes of this section, if the surviving spouse dies after the participant but before payments to such spouse begin, the provisions of this section, with the exception of paragraph (b) above, shall be applied as if the surviving spouse were the participant.

For purposes of this section, any amount paid to a child of the participant will be treated as if it has been paid to the surviving spouse if the amount becomes payable to the surviving spouse when the child reaches the age of majority.

For purposes of this section, distribution of a participant's interest is considered to begin on the participant's required beginning date (or the date distribution is required to begin to the surviving spouse pursuant to paragraph (b) above). If distribution in the form of an annuity irrevocably commences to the participant before the required beginning date, the date the distribution is considered to begin is the date distribution actually commences.

[The terms] "life expectancy" and "designated beneficiary" shall have the meaning as defined in section 11.16.

For purposes of the paragraphs above, payments will be calculated by use of the return multiples specified in Tables V and VI of section 1.72-9 of the regulations under the Code as of the date the distribution commences. Life expectancy of a surviving spouse may, at the spouse's election, be recalculated annually. In the absence of an election, life expectancy of a surviving spouse may not be recalculated. In the case of any other designated beneficiary, life expectancy will not be recalculated.

Sec. 11.8. Other termination of employment benefit.

Each participant whose service with the participating employer is terminated shall, if provided by exhibit 5 of the adoption agreement, be entitled to his vested accrued benefit at the time period specified in exhibit 5.

Back to Electronic Table of Contents

Sec. 11.9. Commencement of benefits.

A participant may elect to commence distribution of his benefit at any time on or after he meets the requirements for a distribution set forth in this article [division]. However, subject to the succeeding sentence, the plan administrator may elect to defer payment to a participant until all contributions and allocations have been made on behalf of any participant.

Notwithstanding the other requirements of this article [division], distribution on behalf of any employee may be made in accordance with all of the following requirements (regardless of when such distribution commences):

(a) The distribution by the trust is one which would not have disqualified such trust under section 401(a)(9) of the Internal Revenue Code as in effect prior to amendment by the Deficit Reduction Act of 1984;

(b) The distribution is in accordance with a method of distribution designated by the employee whose interest in the trust is being distributed or, if the employee is deceased, by a beneficiary of such employee;

(c) Such designation was in writing, was signed by the employee or the beneficiary, and was made before January 1, 1983;

(d) The employee had accrued a benefit under the plan as of December 31, 1983;

(e) The method of distribution designated by the employee or the beneficiary specifies the time at which distributions will be made and, in the case of any distribution upon the employee's death, the beneficiaries of the employee listed in order of priority.

A distribution upon death will not be covered by this transitional rule unless the information in the designation contains the required information described above with respect to the distributions to be made upon the death of the employee.

For any distribution which commences before January 1, 1984, but continues after December 31, 1983, the employee or the beneficiary to whom such distribution is being made will be presumed to have designated the method of distribution under which the distribution is being made if the method of distribution was specified in writing and the distribution satisfies the requirements of this section.

If a designation is revoked after December 31, 1983, any subsequent distribution must satisfy the requirements of section 401(a)(9) of the Code and the proposed regulations thereunder. If a designation is revoked subsequent to the date distributions are required to begin, the trust must distribute by the end of the calendar year following the calendar year in which the revocation occurs the total amount not yet distributed which would have been required to have been distributed to satisfy section 401(a)(9) of the Code and the proposed regulations thereunder, but for the section 242(b)(2) election. For calendar years beginning after December 31, 1988, such distributions must meet the minimum distribution incidental benefit requirements in section 1.401(a)(9)-2 of the proposed regulations. Any changes in the designation will be considered to be a revocation of the designation. However, the mere substitution or addition of another beneficiary (one not named in the designation) under the designation will not be considered to be a revocation of the designation, so long as such substitution or addition does not alter the period over which distributions are to be made under the designation, directly or indirectly (for example, by altering the relevant [sic] measuring life). In the case in which an amount is transferred or rolled over from one plan to another plan, the rules in Q&A J-2 and Q&A J-3 of such regulations shall apply.

Sec. 11.10. Form of distribution.

Back to Electronic Table of Contents

Participants shall elect among the forms of benefits specified in section 11.17.

Sec. 11.11. Distribution requirements.

(a) The requirements of this section shall apply to any distribution of a participant's interest and will take precedence over any inconsistent provisions of this plan. Unless otherwise specified, the provisions of this section apply to calendar years beginning after December 31, 1984.

(b) All distributions required under this section shall be determined and made in accordance with the proposed regulations under section 401(a)(9), including the minimum distribution incidental benefit requirement of section 1.401(a)(9)-2 of the proposed regulations.

(c) The entire interest of a participant must be distributed or begin to be distributed no later than the participant's required beginning date.

(d) Limits on distribution periods. As of the first distribution calendar year, distributions, if not made in a single-sum, may only be made over one of the following periods (or a combination thereof):

(1) The life of the participant;

(2) The life of the participant and a designated beneficiary;

(3) A period certain not extending beyond the life expectancy of the participant; or

(4) A period certain not extending beyond the joint and last survivor expectancy of the participant and a designated beneficiary.

(e) If the participant's interest is to be distributed in other than a single sum, the following minimum distribution rules shall apply on or after the required beginning date:

(1) *Individual account:*

(i) If a participant's benefit is to be distributed over (1) a period not extending beyond the life expectancy of the participant or the joint life and last survivor expectancy of the participant and the participant's designated beneficiary or (2) a period not extending beyond the life expectancy of the designated beneficiary, the amount required to be distributed for each calendar year, beginning with distributions for the first distribution calendar year, must at least equal the quotient obtained by dividing the participant's benefit by the applicable life expectancy.

(ii) For calendar years beginning before January 1, 1989, if the participant's spouse is not the designated beneficiary, the method of distribution selected must ensure that at least 50 percent of the present value of the amount available for distribution is paid within the life expectancy of the participant.

(iii) For calendar years beginning after December 31, 1988, the amount to be distributed each year, beginning with distributions for the first distribution calendar year, shall not be less than the quotient obtained by dividing the participant's benefit by the lesser of (1) the applicable life expectancy or (2) if the participant's spouse is not the designated beneficiary, the applicable divisor determined from the table set forth in O&A-4 of section 1.401(a)(9)-2 of the proposed regulations. Distributions after the death of the participant shall be distributed using the applicable life expectancy in (i) above as the relevant divisor without regard to regulations section 1.401(a)(9)-2.

(iv) The minimum distribution required for the participant's first distribution calendar year must be made on or before the participant's required beginning date. The minimum distribution for other

Back to Electronic Table of Contents

calendar years, including the minimum distribution for the distribution calendar year in which the employee's required beginning date occurs, must be made on or before December 31 of that distribution calendar year.

(2) *Other forms:*

(i) If the participant's benefit is distributed in the form of an annuity purchased from an insurance company, distributions thereunder shall be made in accordance with the requirements of section 401(a)(9) of the Code and the proposed regulations thereunder.

(f) Life expectancy, designated beneficiary, participant's benefit, distribution calendar year, and applicable life expectancy shall have the meanings as defined in section 11.16.

Sec. 11.12. Method of distribution.

For any distribution under this article [division], the participant or beneficiary may, providing such methods of distribution are offered under the plan, elect payment in (a) cash, (b) mutual fund shares, (c) annuity contracts, (d) an annuity under a group annuity contract, or (e) insurance policies.

Sec. 11.13. Withdrawals of employee contributions.

A participant may, upon written notice to the plan administrator, withdraw from the plan, in cash, all or a portion of the value of his employee contribution sub account.

Sec. 11.14. Loans to participants.

If the employer so elects in exhibit 5, the trustee may make a loan to any participant or beneficiary. Each loan shall be made upon the written application of the participant on a form acceptable to the plan administrator and shall be subject to the approval of the plan administrator. Loans shall:

(a) Be made available to participants and beneficiaries on a reasonably equivalent basis;

(b) Not be available to highly compensated employees (within the meaning of 414(q)) in an amount greater than the amount available to other employees;

(c) Be secured by the participant's vested accrued benefit and bear a reasonable rate of interest;

(d) By its terms[,] require that repayment (principal and interest) be amortized in level payments, not less frequently than quarterly, over a period not extending beyond five years from the date of the loan, unless the loan is for the sole purpose of buying the principal residence of the participant; and

(e) Not exceed $50,000.00 (reduced by the excess, if any, of the highest outstanding balance of loans made during the one-year period ending on the day before the loan is made, over the outstanding balance of loans from the plan on the date the loan is made) or 50 percent of the participant's vested accrued benefit (without regard to a participant's Keogh transfer sub account), whichever is less. For these purposes, all loans from all plans of the participating employer and other members of a group of employees described in Code sections 414(b), 414(c), and 414(m) are aggregated. Notwithstanding the above limitations, providing collateral other than the participant's account is used to secure a loan, and providing the participant's or beneficiary's vested accrued benefit is $10,000.00 or less, a loan of up to the participant's vested accrued benefit may be made.

All such loans shall be considered either a general investment of the trust fund or an asset of the participant's account, as elected in exhibit 5.

Back to Electronic Table of Contents

An assignment or pledge of any portion of a participant's interest in the plan and a loan, pledge, or assignment with respect to any annuity contract purchased under this plan will be treated as a loan under this section.

A participant shall not have more than one loan in effect at any time. The plan administrator, in a nondiscriminatory manner, may create other rules and regulations governing loans. Effective for any loan granted or renewed on or after the first plan year beginning on or after January 1, 1990, such rules and regulations must include a written document which is to be made part of this plan which, at a minimum, specifies:

(a) The identity of the person or positions authorized to administer the participant loan program;

(b) A procedure for applying for loans;

(c) The basis on which loans will be approved or denied;

(d) Limitations (if any) on the types and amounts of loans offered;

(e) The procedure under the program for determining a reasonable rate of interest;

(f) The types of collateral which may secure a participant loan; and

(g) The events constituting default and the steps that will be taken to preserve plan assets in the event of such default.

If loans are permitted in exhibit 5, effective for any loan granted or renewed on or after the first plan year beginning in 1989, the trustee is specifically authorized to establish and the plan administrator is authorized to maintain and administer a participant loan program.

An assignment or pledge of any portion of a participant's interest in the plan and a loan, pledge, or assignment with respect to any annuity contract purchased under this plan will be treated as a loan under this section.

If a participant shall default on any loan, the plan administrator shall deduct the unpaid principal and any unpaid interest from the participant's account at the time when the participant's account becomes distributable.

Sec. 11.15. Other provisions.

The plan administrator, on a nondiscriminatory basis, may promulgate other rules and regulations governing distributions from the plan including limiting the forms of benefits offered under this plan.

Sec. 11.16. Definitions.

For the purpose of sections 11.7 and 11.11, the following definitions shall apply:

(a) *Applicable life expectancy.* The life expectancy (or joint and last survivor expectancy) calculated using the attained age of the participant (or designated beneficiary) as of the participant's (or designated beneficiary's) birthday in the applicable calendar year reduced by one for each calendar year which has elapsed since the date life expectancy was first calculated. If life expectancy is being recalculated, the applicable life expectancy shall be the life expectancy as so recalculated. The applicable calendar year shall be the first distribution calendar year, and if life expectancy is being recalculated, such succeeding calendar year. If annuity payments commence before the required beginning date, the applicable calendar year is the year payments commence. If distribution is in the form of an immediate annuity purchased after the participant's death with the participant's remaining interest, the applicable calendar year is the

Back to Electronic Table of Contents

year of purchase.

(b) *Designated beneficiary.* The individual who is designated as the beneficiary under the plan in accordance with section 401(a)(9) and the regulations thereunder.

(c) *Distribution calendar year.* A calendar year for which a minimum distribution is required. For distributions beginning before the participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the participant's required beginning date. For distributions beginning after the participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to section 11.9 above.

(d) *Life expectancy.* Life expectancy and joint and last survivor expectancy are computed by use of the expected return multiples in Tables V and VI of section 1.72-9 of the Income Tax Regulations. Unless otherwise elected by the participant by the time distributions are required to begin, life expectancies shall not be recalculated annually. Such election shall be irrevocable as to the participant (or spouse) and shall apply to all subsequent years. The life expectancy of a non-spouse beneficiary may not be recalculated.

(e) *Participant's benefit.*

(1) The participant's account as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions or forfeitures allocated to the account as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date.

(2) Exception for second distribution calendar year. For purposes of paragraph (1) above, if any portion of the minimum distribution for the first distribution calendar year is made in the second distribution calendar year on or before the required beginning date, the amount of the minimum distribution made in the second distribution calendar year shall be treated as if it has been made in the immediately preceding distribution calendar year.

Sec. 11.17. Forms of benefits.

The normal form of benefit for a money purchase plan shall be a lump sum. The normal form of benefit for a target benefit plan shall be specified in exhibit 3. The plan administrator, in its discretion, shall select optional forms of benefits to be available to participants.

DIVISION 12. PLAN ADMINISTRATION

Sec. 12.1. Plan administrator.

The employer shall appoint a plan administrator in exhibit 6 of the adoption agreement. The plan administrator shall serve as the named fiduciary of the plan. If, at any time, there is no appointed plan administrator, the employer shall be the plan administrator.

Sec. 12.2. Duties.

The plan administrator shall have the general responsibility for the administration of the plan and carrying out its provisions, including, but not by way of limitation, the power to interpret and construe the plan and to determine the validity of any claim for benefits under the plan and may establish rules for the administration of the plan and the transaction of its business. Determinations on all questions arising out of or in conjunction with the provisions of the plan, not herein required to be determined by another party, shall be made by the plan administrator and any such determination shall be conclusive and binding upon all persons having an

Back to Electronic Table of Contents

interest in or under this plan.

The plan administrator shall maintain accounts reflecting the fiscal transactions of the plan. The plan administrator shall prepare annually a report showing in reasonable detail the assets and liabilities of the plan and setting forth a brief account of the operation of the plan for the preceding year.

The plan administrator may employ counsel and agents and such clerical, accounting and actuarial services as it may require in carrying out the provisions of the plan.

The plan administrator shall have the power to delegate specific fiduciary responsibilities to employees of the participating employer or to other individuals, all of whom shall serve at the pleasure of the plan administrator and, if full-time employees of the participating employer, without compensation. Any such person may resign by delivering written notice of such resignation to the plan administrator. Vacancies created by resignation, death or other cause may be filled by the plan administrator or the delegated responsibilities may be reabsorbed or re-delegated by the plan administrator.

Sec. 12.3. Claims procedure.

Any person who believes that he is entitled to a benefit under the plan shall have the right to file with the plan administrator a written notice of claim for such benefit.

Within 120 days after its receipt of such written notice of claim, the plan administrator shall either grant or deny such claim; provided, however, any delay on the part of the plan administrator in arriving at a decision shall not adversely affect benefits payable under a granted claim.

Sec. 12.4. Administration expenses.

All expenses incurred in establishing and maintaining the plan shall be paid from the trust fund, unless the employer or participating employer, in its discretion, elects to pay all or part of such expenses.

DIVISION 13. TRUSTEE

Sec. 13.1. Establishment and acceptance of trust.

By executing the adoption agreement, the members of the board of trustees accepts appointment as trustee hereunder. The trustee agrees to hold in trust, manage and administer contributions to the trust, and the income or gain or loss therefrom, for the purposes herein set forth.

The trust is established for the exclusive benefit of participants and their beneficiaries, and no part of the trust fund, except such part as may be needed for expenses and taxes, shall be used for, or diverted to, any other purpose prior to the satisfaction of all liabilities under the plan with respect to such person, except as provided in section 6.2. The trust year of the trust fund is the plan year.

Sec. 13.2. Contributions to the trust fund.

The trustee shall accept such contributions by and on behalf of participants as it may receive from time to time from the participating employer. All such contributions shall be in cash, except as otherwise approved by the trustee. The trustee shall have no duty to collect any contribution or other sum from the participating employer, plan administrator, participants, or any other person.

Sec. 13.3. Contribution of existing qualified plan.

Back to Electronic Table of Contents

If at the time the participating employer adopts the plan it specifies in the adoption agreement that the plan is to be substituted for an existing plan that is qualified under Code section 401(a), the trustee shall accept the assets of such plan from the trustee, custodian or insurer thereof in the form of cash, mutual funds shares, annuity contracts, policies or any other asset satisfactory to the trustee.

Sec. 13.4. Powers and duties.

Subject to the limitations of section 9.1, the trustee shall have all powers necessary for the performance of its duties, including the power to execute such instruments as may be deemed necessary or proper and including the following powers, all of which may be exercised without order of or report to any court:

(a) To invest in annuity contracts, mutual fund shares, insurance policies, stocks, bonds, securities, investment company or trust shares, mortgages, notes, accounts, deposits, or other investments offered by a bank, choses in action, real estate, improvements thereon, and other property, including any such property of the employer;

(b) To sell, exchange or otherwise dispose of any property at any time held or acquired under this trust, at public or private sale, for cash or on terms, without advertisement, including the right to lease for any term notwithstanding the period of this trust;

(c) To transfer, at any time and from time to time, such part or all of the trust fund as it shall deem advisable to any other trust which is qualified and exempt under Code section 401(a) and is maintained as a medium for the collective investment of funds of pension, profit-sharing or other employee or self-employed benefit trusts, and the trustee may, thereafter, withdraw any part or all of the trust fund so transferred to such other trust. The provisions of any such trust shall be deemed to be a part of this trust;

(d) To hold cash in such amounts as may be in its opinion reasonable for the proper operation of this trust and to deposit any portion of the trust funds in certificates of deposit, or in a bank account or accounts selected by the trustee, including those of the trustee, or a bank or similar financial institution related to the trustee. Any such account deposit shall bear a reasonable rate of interest;

(e) To make such investments as the trustee in its discretion shall deem best without regard to any law now or hereafter in force limiting the investments for trustees or other fiduciaries;

(f) To pay premiums, interest or other charges due and payable to acquire or maintain any annuity contract or insurance policy held under the trust, provided funds for such payments are then available in the trust; and to exercise all ownership rights under such annuity contracts or insurance policies in accordance with the terms of the plan;

(g) To vote in person or by proxy any corporate stock or other security and to agree to take any other action in regard to any reorganization, merger, consolidation, liquidation, bankruptcy or other procedure or proceeding affecting any stock, bond, note or other property;

(h) To compromise, settle and/or adjust any claim or demand by or against the trust and to agree to any rescission or modification of any contract or agreement affecting such trust;

(i) To borrow money and to secure the same by mortgaging, pledging and/or conveying any property of the trust;

(j) To register any stock, bond or other security in the name of a nominee without the addition of words indicating that such security is held in a fiduciary capacity; but accurate records shall be maintained showing that such security is a trust asset and the trustee shall be responsible for the acts of such nominee;

Back to Electronic Table of Contents

(k) To write covered call options on securities held in the trust fund and to engage in other transactions directly related to such covered call options outstanding in the trust fund; and

(l) To delegate any administrative duties assigned to it under the trust, with the consent of the plan administrator, to any third party which shall act as the agent of the trustee.

Sec. 13.5. Limited trustee responsibilities.

The employer may appoint an investment manager or itself to assume certain powers or responsibilities in the investment and management of the trust fund. The investment manager or employer shall assume full liability for all duties and powers assigned to it and shall be subject to the fiduciary responsibilities of this plan. The trustee shall not be liable for the acts or omissions of the investment manager or employer nor shall the trustee be under an obligation to manage any assets of the plan that are subject to the management of an investment manager or the employer.

Sec. 13.6. Authorized persons.

The employer shall certify in writing to the trustee the names and signatures of the persons who are or shall act for the plan administrator, investment manager, or employer and the trustee shall assume that such persons continue to hold office until a new certificate is received from the employer.

Sec. 13.7. Taxes and fees.

The trustee shall charge the trust fund for any taxes paid by it which may be imposed upon the trust.

The annual service fees (if any) of the trustee shall be fixed in advance by agreement with the employer, but such agreement may be changed prospectively from time to time during the year. However, no trustee who receives full-time pay from the employer shall be compensated for his services as a trustee except for reimbursement of expenses properly and actually incurred. The employer shall pay the trustee its fees and expenses. If not so paid, the trustee shall withdraw its fees and expenses from the trust fund.

Sec. 13.8. Distribution.

The trustee shall make distributions from the trust fund in accordance with written directions from the plan administrator. The trustee may make any payments or distributions required to be made by it hereunder by first class mail in a sealed envelope addressed to the person to whom such payment or distribution is to be made, according to the certification of the plan administrator. The trustee shall not be required to make any investigation to determine the identity or mailing address of any person entitled to benefits and shall be entitled to withhold making payments or giving directions to the insurer with respect to the payment of benefits until the identity and mailing addresses of persons entitled to benefits are properly certified to it, including the certification as to amount, payee and other terms of payments. The trustee or the plan administrator may direct the insurer to make distributions directly from plan assets held by the insurer.

Sec. 13.9. Trustee reports.

Within 60 days following the close of the plan year, or at such other time or times as may be agreed upon, the trustee will furnish the plan administrator a written statement and report setting forth all investments, all receipts and disbursements, and all other financial transactions affecting the trust fund since the date of the last such report. Upon expiration of 60 days from the date of mailing the written statement and report, the trustee shall be forever released and discharged from any liability or accountability to anyone as respects its transactions, except with respect to any transaction as to which the plan administrator shall, within the 60-day period, file its written disapproval, and neither the plan administrator nor any other person shall have the right to demand or be entitled to any further or different accounting by the trustee.

Back to Electronic Table of Contents

Sec. 13.10. Dealing with the insurer.

The trustee is hereby authorized to execute all necessary applications, receipts, and releases to the insurer. The insurer shall be fully discharged from any and all liability for any action taken by it upon the written direction of any one trustee. The trustee shall have no responsibility for the form, genuineness, validity, sufficiency or effect of any insurance policy or annuity contract at any time included in the trust, or for any action of the participating employer, plan administrator, employee, or other person which may render such policy or contract void, or for the failure of any insurer to pay the proceeds of any such policy or contract as and when the same shall become payable, or for any delay occasioned by reason of any provisions contained in any such policy or contract, or for the refusal of the insurer to take any action requested by the trustee, or if for any reason whatsoever (save for the misconduct or neglect of an employee of the trustee) any policy or contract shall lapse or otherwise become uncollectible.

Sec. 13.11. Limitation of liability.

The trustee shall use the care, skill, prudence and diligence in the exercise of its powers and the performance of its duties hereunder that a prudent person, who is familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims under the prevailing circumstances. The trustee may at any time request instruction of the employer, the plan administrator, participant or the investment manager, if any, as to any action relating to the trust. The trustee shall not be liable for any action taken or omitted on the instruction of the employer, participant, the plan administrator, or the investment manager or, in the absence of such instructions, for the omission of any actions to which the employer, participant, the plan administrator, or the investment manager are required or authorized to instruct it or for any failure of contributions to meet pension or other liabilities under this plan and trust. The trustee shall be protected in acting upon any notice, resolution, order, certificate, opinion, telegram, or letter or other document believed by the trustee to be genuine and to have been signed by the proper party or parties.

Sec. 13.12. Co-trustees.

A majority of trustees shall be necessary to conduct any business of the trust. Any one of the trustees may sign any application, report, check, other instrument or paper on behalf of all trustees. If one or more trustees die or resign, the remaining trustee or trustees shall continue to administer this trust until such time as the employer appoints an appropriate successor or successors and the plan administrator shall resolve any differences that may exist among an even number of trustees in the interim and its decision shall be binding on the trustees.

Sec. 13.13. Trustee removal or resignation.

The trustee may resign at any time upon delivering to the employer a written notice of its intention to resign. Such resignation shall be effective not less than 30 days after the delivery thereof, unless such notice is waived by the employer.

Any trustee appointed hereunder may be removed by the employer. Such removal shall be effective at a date specified in the written notice to the trustee, which shall not be less than 30 days after the delivery of such notice, unless such notice is waived by the trustee.

In case of the resignation or removal of the trustee, the trustee shall have the right to a settlement of its accounts, which may be made at its option either: (1) by agreement of settlement between the trustee, the employer and the plan administrator, or (2) by judicial settlement in an action instituted by it in a court of competent jurisdiction.

Upon such settlement, the trustee shall transfer to the successor trustee or to an insurer the trust fund as it may then be constituted and true copies of such of its records as relate to the trust and shall execute all documents

Back to Electronic Table of Contents

necessary for transferring the assets of the trust and the trustee shall thereupon be discharged from further accountability for all matters embraced in its settlement.

The employer agrees that it will, upon its receipt or giving of notice of the resignation or removal of a trustee, forthwith appoint a successor trustee. Any successor trustee so appointed may qualify as such by executing, acknowledging, and delivering to the employer and to the resigning or removed trustee any instrument accepting such appointment, and upon delivery of the trust assets, such successor, without further act, shall become vested with all the estate, right, powers, discretion and duties of its predecessor trustee with like effect as if originally named as trustee herein. If no trustee is appointed, the individual signing the most recent adoption agreement on behalf of the employer shall be the trustee.

DIVISION 14. AMENDMENT, MERGER, AND TERMINATION

Sec. 14.1. Amendment.

The employer may amend the adoption agreement or basic plan document. The employer shall promptly submit copies of the amendment to the trustee, plan administrator, and insurer. The trustee, plan administrator or insurer shall not be on notice of the contents thereof until a copy is actually received.

No amendment shall increase the duties or liabilities of the trustee or plan administrator without their written consent, provide that trust assets be used for purposes other than for the exclusive benefit of participants and their beneficiaries, or provide that trust assets ever revert to or be used or enjoyed by any participating employer prior to satisfaction of all liabilities under the plan.

Sec. 14.2. Termination.

The plan administrator will direct the trustee to distribute all assets to participants upon termination of the plan.

Upon termination or complete discontinuance of contributions under the plan, the rights of all employees to benefits accrued to the date of such termination of discontinuance, to the extent then funded, or the amounts credited to employee accounts are non-forfeitable. This paragraph does not apply to amounts that may not be applied pursuant to Code section 401(a)(4) as in effect on September 1, 1974.

DIVISION 15. DOMESTIC RELATIONS ORDER

Sec. 15.1. Definitions.

Domestic relations order or *DRO* means any judgment, decree, or order (including approval of a property settlement agreement) issued by a state court pursuant to a state domestic relations law, which provides for child support, alimony, or marital property rights to an alternate payee.

Alternate payee means a spouse, former spouse, child or other dependent of a participant who is recognized by a DRO as having a right to receive a benefit under the plan.

Qualified domestic relations order means a domestic relations order which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under this plan.

Sec. 15.2. Procedures.

Back to Electronic Table of Contents

The plan administrator shall establish procedures for determining whether a DRO is a qualified domestic relations order and in complying with its terms.

DIVISION 16. MISCELLANEOUS

Sec. 16.1. Employment rights.

No provision of this plan shall be deemed to give any employee the right to be retained in the service of his participating employer or to interfere with the right of the participating employer to discharge the employee at any time.

Sec. 16.2. Notices.

Whenever provision is made in the plan that a participant may exercise any option or election or designate any beneficiary, the action of such participant shall be evidenced by a written notice signed by the participant and delivered to the plan administrator in person or by mail. If a form is furnished by the plan administrator for such purpose, a participant shall give written notice of his exercise of any option or election or of his designation of any beneficiary on the form provided for such purpose. Written notice shall not be effective until received by the plan administrator.

Sec. 16.3. Competency.

If any person due a benefit hereunder is, in the judgment of the plan administrator, incapable of personally receiving or receipting for any payment due hereunder, payment may be made to the guardian or legal representative of such person, or to such other person or institution, who, in the opinion of the plan administrator, is then maintaining or has custody of such person. Such payment shall constitute a full discharge of the liability of the plan with respect to such person.

Sec. 16.4. Missing persons.

Notwithstanding any provision in this plan and trust to the contrary, if the plan administrator is unable to locate any former participant or beneficiary who is entitled to benefits under this plan within three years of the date he first becomes entitled to a distribution from the trust, any amounts being held on his behalf shall be forfeited and used to reduce the participating employer's current or next succeeding contribution. The plan administrator shall proceed with due diligence in attempting to locate any former participant or beneficiary. No forfeiture shall occur until the plan administrator has mailed the former participant or beneficiary a notice advising him of his benefits and the provisions of this section to his last known address, via U.S. mail, postage prepaid, return receipt requested. If the former participant is located subsequent to such forfeiture, the participating employer shall reinstate the forfeited amount to the former participant's or beneficiary's account and shall distribute the value of the account to him in accordance with the plan.

Sec. 16.5. Controlled groups and affiliated service groups.

Except as provided in article [division] VII, all employees of all corporations which are members of a controlled group of corporations (as defined in Code section 414(b)) and all employees of all trades or businesses (whether or not incorporated) which are under common control (as defined in Code section 414(c)) will be treated as employed by a single employer. All employees of all members of an affiliated service group (as defined in Code section 414(m)) will be treated as employed by a single employer.

Sec. 16.6. Leased employees.

The term "leased employee" means any person (other than an employee of the recipient) who pursuant to an

Back to Electronic Table of Contents

agreement between the recipient and any other person ("leasing organization") has performed services for the recipient (or for the recipient and related persons determined in accordance with section 414(n)(6) of the Code) on a substantially full-time basis for a period of at least one year and such services are of a type historically performed by employees in the business field of the recipient employer. Contributions or benefits provided a leased employee by the leasing organization, which are attributable to services performed for the recipient employer, shall be treated as provided by the recipient employer.

A leased employee shall not be considered an employee of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent of compensation, as defined in section 415(c)(3) of the Code, but including amounts contributed pursuant to a salary reduction agreement which are excludable from the employee's gross income under section 125, section 402(a)(8), section 402(h) or section 403(b) of the Code, (2) immediate participation, and (3) full and immediate vesting; and (ii) leased employees do not constitute more than 20 percent of the recipient's non-highly compensated workforce.

Sec. 16.7. Construction.

The plan and trust has been established with the intent that it shall be a qualified plan under Code section 401(a) and the trust tax-exempt under Code section 501(a). All terms and provisions contained herein shall be interpreted, wherever possible, so as to be in compliance with the requirements for such qualification and exemption.

In case any provisions of the plan and trust are determined to be illegal or invalid for any reason, such determination shall not affect the remaining provisions of the plan and trust and the plan and trust will be construed and enforced as if said illegal or invalid provision had never been included herein.

Sec. 16.8. Governing law.

This plan and trust shall be construed, administered, and enforced according to the laws of the state of the employer's principal place of business, except to the extent superseded by federal law.

Sec. 16.9. Gender and number.

The masculine gender shall include the feminine and the singular shall include the plural.

Sec. 16.10. Plan-to-plan transfers.

The trustee of this plan may receive from or transfer to another plan any or all assets of a participant. Effective on and after January 1, 1933, [sic] at such time as the participant is eligible to receive a distribution from the plan, the trustee(s) shall be required to transfer to the trustee(s) or custodian of an IRA or defined contribution plan all or a portion of the participant's account, providing [that]:

(a) The participant directs such account to transferred;

(b) The trustee(s) of the defined contribution plan (if applicable) accept such transfer; and

(c) The amount transferred is an "eligible rollover distribution" as defined by the Unemployment Compensation Amendments Act of 1992.

Sec. 16.11. Additional participation requirement.

Effective for the first plan year beginning on or after January 1, 1995, the participating employer's plan must benefit the lesser of 50 employees of the employer or 40 percent or more of all employees of the participating

Back to Electronic Table of Contents

employer. Such a determination shall be made in accordance with the requirements of Code section 401(a)(26) and the regulations thereunder.

Sec. 16.12. Spendthrift provision.

All benefits payable under the plan shall be exempt from the claims of and shall not be subject to attachment, garnishment or other legal process by any creditor of such participant, his beneficiary, or his spouse and shall not be subject to alienation, assignment, pledge or encumbrance either voluntarily or involuntarily by such person to the extent so provided by the state law governing the plan's qualified trust.

Sec. 16.13. Direct rollovers.

This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(a) *Definitions:*

(1) *Eligible rollover distribution.* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(2) *Eligible retirement plan.* An eligible retirement plan is an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, or a qualified trust described in section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(3) *Distributee.* A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.

(4) *Direct rollover.* A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

Sec. 16.14. Effective date.

If this plan is amended and restated to comply with the Tax Reform Act of 1986, any regulation thereunder, or any subsequent legislation or regulation, then no such provision set forth in this document shall be effective prior to the effective date set forth in such legislation or regulation. Notwithstanding the effective date of amendment set forth in the adoption agreement, if this plan is amended and restated to comply with the technical, clerical, and conforming amendments to the Tax Reform Act of 1984, the Retirement Equity Act, and the Deficit Reduction Act of 1984, the effective date(s) of such amendments shall be the date(s) set forth in such acts.

Back to Electronic Table of Contents

ARTICLE II. DISABILITY INCOME PLAN FOR GENERAL EMPLOYEES*

***Editor's note--**Printed herein is the disability income plan for general employees, as adopted by Ordinance No. 95-11 on December 6, 1994. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

ORDINANCE NO. 95-11

AN ORDINANCE OF THE CITY OF LARGO, TO ESTABLISH THE CITY OF LARGO DISABILITY INCOME PLAN FOR GENERAL EMPLOYEES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PARTICIPATION; PROVIDING FOR DISABILITY INCOME BENEFITS; PROVIDING FOR PLAN ADMINISTRATION; PROVIDING FOR TERMINATION AND AMENDMENT OF THE PLAN; PROVIDING FOR CLAIMS PROCEDURE; PROVIDING FOR MISCELLANEOUS ITEMS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city commission of the City of Largo, Florida, ("city commission") previously has provided disability income benefits under the Retirement Plan for General Employees of the City of Largo ("retirement plan"), and

WHEREAS, the city commission has amended the retirement plan to remove the provision for the payment of disability income benefits, and

WHEREAS, the city commission desires to continue to provide disability income benefits for its employees.

NOW, THEREFORE, THE CITY OF LARGO HEREBY ORDAINS THAT:

1. The City of Largo Disability Income Plan for General Employees be and the same is hereby established in the form attached hereto and made a part hereof.

2. All ordinances or parts of ordinances in conflict herewith be and the same are repealed.

3. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

4. The provisions of this ordinance shall take effect on December 18, 1994.

APPROVED ON FIRST READING, this 6th day of December, 1994.

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 20th day of December, 1994.

CITY OF LARGO

Back to Electronic Table of Contents

/s/ Thomas Feaster

Mayor-Commissioner

ATTEST:

/s/ Jean Scott

City Clerk

APPROVED AS TO FORM:

/s/ Gerald R. McClelland

City Attorney

CITY OF LARGO DISABILITY INCOME PLAN FOR GENERAL EMPLOYEES

City of Largo (the "city") establishes this disability income plan for the benefit of its eligible employees. The purpose of this disability income plan is to provide eligible employees of the city with disability income benefits in the event of disability.

DIVISION 1. DEFINITIONS

Section 1.01.

Average final compensation means 1/12 of the participant's average compensation of the three best years of the last ten years of credited service prior to the participant's termination of employment with the city or the career average as a full-time eligible employee, whichever is greater. For purposes of this section 1.01, [the term] "year" shall consist of 26 consecutive pay periods.

In computing average final compensation for a participant who returns to active employment with the city following a leave of absence granted by the city during which he did not receive regular compensation from the city or following a period of disability or termination of employment with the city, the period during which he was on leave of absence, or the period of disability or the period during which his employment was terminated, shall be excluded from the determination of the ten years preceding a subsequent date of termination of employment.

Section 1.02.

Board means the board of trustees that shall administer and manage the plan and serve as trustees of the fund.

Section 1.03.

Compensation means the total compensation actually paid to a participant by the city, including employee attributable tax-deferred and tax-exempt items of income and inclusive of pay for regular hours, sick hours, vacation hours, personal option hours, retroactive pay, and pay adjustments; provided, however, that compensation shall not include payment for accrued vacation pay, payment for accrued sick leave, severance pay, bonuses, expense allowances, overtime, stand-by pay, any payment made as a result of termination of employment, and all other forms of extraordinary compensation.

Back to Electronic Table of Contents

Section 1.04.

Credited service means the participant's total number of years and completed months of service as an eligible employee, excluding intervening years or completed months during which the participant was not an eligible employee. Except as otherwise provided in the plan, any absence of 31 days or more will be excluded from a participant's credited service unless he receives regular compensation from the city.

The years or completed months that a participant serves in the military service of the Armed Forces of the United States or the United States Merchant Marine[s], voluntarily or involuntarily, after separation from employment as an eligible employee for the purpose of going on active duty, shall be added to his years of credited service, provided that:

(A) The participant must return to his employment as an eligible employee within one year from the date of his military discharge or release from active service;

(B) The maximum credit for military service shall be four years, or for a longer period of up to one additional year if such additional time is at the request and convenience of the federal government; and

(C) The participant was discharged or released from military service under honorable conditions.

Section 1.05.

Disability means a medically determinable physical or mental impairment that renders a participant incapable of performing the regular duties of his usual course of employment for the city and each of the regular duties of such other position or job that the city makes available to him and for which he is qualified by reason of his training, education or experience. disability does not include any physical or mental impairment resulting from:

(A) Excessive or habitual use by the participant of drugs, intoxicants or alcohol;

(B) Injury or disease sustained by the participant while willfully and illegally participating in fights, riots, or civil insurrections;

(C) Injury or disease sustained while committing a crime;

(D) Injury or disease sustained by the participant while serving in any branch of the Armed Forces of the United States;

(E) Injury or disease sustained by the participant subsequent to the date on which his employment as an eligible employee with the city terminates;

(F) Willful, wanton or intentional conduct or gross negligence of the participant;

(G) Injury or disease sustained by the participant while working for any employer other than the city and arising out of such employment; or

(H) A condition pre-existing the participant's participation in the plan. No participant shall be entitled to disability income, whether in the line of duty or not in the line of duty, because of or due to the aggravation of a specific injury, impairment or other medical condition pre-existing at the time the participant's participation in the plan commences, provided that such pre-existing condition and its relationship to a later injury, impairment or other medical condition be established by competent substantial evidence. Nothing herein shall be construed to preclude the payment of disability income to a participant who, after becoming a participant in the plan, suffers an injury, impairment or other medical condition different from some other injury, impairment, or other medical condition existing at or prior to

Back to Electronic Table of Contents

the commencement of the participant's participation in the plan.

Disability of a participant shall be determined by a duly licensed physician or physicians selected by the board in its sole and absolute discretion. The board shall not select a participant's treating physician or physicians for this purpose except in an unusual case where the board determines in its sole and absolute discretion that it would be reasonable and prudent to do so. The cost of the physical examination of the participant claiming disability income shall be borne by the fund. All other reasonable costs as determined by the board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the fund. All questions relating to eligibility for payment of disability income shall be determined by the board, taking into consideration the recommendations or the opinions of the physician or physicians.

Section 1.06.

Effective date means December 18, 1994.

Section 1.07.

Eligible employee means any employee of the city other than:

(A) Police officers or firefighters who are participants in retirement plans as provided for in F.S. chs. 175 and 185, as amended or other applicable ordinances of the City of Largo;

(B) Employees who are participants in the City of Largo Executive Management Pay Plan;

(C) Elected officials of the City of Largo;

(D) Employees whose customary employment is for less than 30 hours in any one week or less than five months in any one calendar year.

Section 1.08.

Fund means the trust fund established herein.

Section 1.09.

Normal retirement date means the date on which the participant attains age 65.

Section 1.10.

Participant means an eligible employee of the city who has met the requirements for eligibility and is participating in the plan.

Section 1.11.

Plan means the City of Largo Disability Income Plan for General Employees as set forth herein, together with any amendments and supplements hereto.

Section 1.12.

Plan year means the fiscal year of the plan ending every September 30.

DIVISION 2. PARTICIPATION

Back to Electronic Table of Contents

Section 2.01. Date of participation.

Each eligible employee becomes a participant on the later of the effective date or his first day of employment with the city.

Section 2.02. Termination of participation.

A participant ceases to be a participant as of the earliest of:

(A) The date on which the participant terminates employment with the city, or

(B) The date the plan terminates.

Section 2.03. Re-employment of a participant.

A terminated eligible employee will become a participant in the plan on the day of his re-employment with the city.

DIVISION 3. DISABILITY INCOME BENEFITS

Sec. 3.01. Eligibility for disability income.

A participant with ten years or more of credited service and who, prior to his normal retirement date, incurs a disability while employed by the city is eligible to receive disability income from the plan.

Sec. 3.02. Amount of disability income.

The monthly amount of disability income payable to a participant described in section 3.01 of this plan shall be equal to (A) or (B), whichever applies:

(A) If the participant's disability was directly caused by the performance of his duty as an eligible employee, the participant shall be entitled to a monthly disability income equal to 2.4 percent of his average final compensation multiplied by his total years of credited service; provided, however, that in any event, the maximum amount paid to the participant shall be 50 percent of his average final compensation.

(B) If the participant's disability was not directly caused by the performance of his duty as an eligible employee, the participant shall be entitled to a monthly disability income equal to 2.4 percent of his average final compensation multiplied by his total years of credited service; provided, however, that in any event, the maximum amount paid to the participant shall be 25 percent of his average final compensation.

When a participant is receiving disability income under this plan and workers' compensation benefits pursuant to F.S. ch. 440, Social Security benefits, or any other salary continuation program provided by the city for the same disability and the total monthly benefits received from all sources exceeds 100 percent of the participant's final average compensation, the disability income paid under this plan shall be reduced so that the total monthly amount received by the participant does not exceed 100 percent of such final average compensation. The amount of any lump sum workers' compensation payment shall be converted to an equivalent monthly benefit payable for ten years certain by dividing the lump sum amount by 83.9692.

(Ord. No. 96-11, § 1, 2-20-1996)

Back to Electronic Table of Contents

Sec. 3.03. Payment of disability income.

The monthly disability income to which a participant described in section 3.01 of this plan is entitled shall be payable on the first day of the first month after the board determines such entitlement. However, the monthly disability income shall be payable as of the date the board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment of disability income shall be as follows:

(A) If the participant recovers from the disability prior to his normal retirement date, then the last payment will be the payment due next preceding the date of such recovery;

(B) If the participant dies prior to his normal retirement date, then the last payment will be the payment due next preceding the date of his death;

(C) If the participant neither recovers from the disability nor dies prior to his normal retirement date, then the last payment will be the payment due next preceding the participant's death.

Sec. 3.04. Continuing evidence of disability.

The board may require a participant who is receiving disability income to submit evidence of his continued eligibility for disability income at any time the participant is receiving disability income. Evidence of a participant's continuing eligibility to receive disability income shall be in the form of an opinion or opinions from a duly licensed physician or physicians selected by the board in its sole and absolute discretion. The cost of the physical examination of the participant receiving disability income shall be borne by the fund. All other reasonable costs as determined by the board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the fund. In the event a participant refuses or fails to submit evidence of his continued disability when requested by the board, the board will discontinue payment of the participant's disability income until the participant does submit satisfactory evidence of his continued disability. All questions relating to eligibility for continued payment of disability income shall be determined by the board, taking into consideration the recommendations or the opinions of the physician or physicians.

Sec. 3.05. Recovery from disability.

If the board finds that the participant receiving disability income is no longer disabled, the board shall recommend to the city that the participant be returned to performance of duty as an eligible employee, and the participant so returned shall enjoy the same rights that participant had at the time he began receiving disability income. In the event the participant so ordered shall refuse to comply with the order within 30 days from the issuance thereof, the participant shall forfeit the right to receive his disability income.

If the participant recovers from disability and re-enters the service of the city as an eligible employee, the period for which the participant received disability income shall not be credited service for purposes of this plan.

DIVISION 4. BOARD OF TRUSTEES AND FUND

Sec. 4.01. Board of trustees.

(A) The sole and exclusive administration of and responsibility for the proper operation of the plan and for making effective the provisions of this ordinance [article] are hereby vested in a board of trustees. The board of trustees is hereby designated as the plan administrator. The board of trustees shall consist of five

Back to Electronic Table of Contents

trustees, one of whom shall be the city manager, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Largo city commission, and two of whom shall be participants, who shall be elected by a majority of the participants. The city commission appointed trustees shall not be city employees or holders of any other elected or appointed city office. Each resident trustee shall serve as trustee for a period of three years, unless he sooner vacates the office or is sooner replaced by the Largo city commission at whose pleasure he shall serve. Each participant trustee shall serve as trustee for a period of three years, unless he sooner leaves the employment of the city as an eligible employee or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee shall be limited to serve a maximum of two consecutive terms. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(B) The city manager shall act as chairman of the board. The trustees shall, by a majority vote, elect a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(C) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall have the right to abstain from voting as the result of a conflict of interest, provided that trustee complies with the provisions of F.S. § 112.3143.

(D) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the plan. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the plan shall be paid from the fund at such rates and in such amounts as the board shall agree.

(E) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:

(1) To construe the provisions of the plan and determine all questions arising thereunder.

(2) To determine all questions relating to eligibility and membership.

(3) To determine and certify the amount of all benefits hereunder.

(4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the plan.

(5) To distribute to participants, at regular intervals, information concerning the plan.

(6) To receive and process all applications for benefits.

(7) To authorize all payments whatsoever from the fund and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the plan and fund.

(8) To have performed actuarial studies and at least biennial valuations and make recommendations regarding any and all changes in the provisions of the plan.

(9) To perform such other duties as are required to prudently administer the plan.

Sec. 4.02. Fund.

Back to Electronic Table of Contents

(A) As part of the plan, there is hereby established the fund into which shall be deposited all of the contributions and assets whatsoever attributable to the plan.

(B) The actual custody and supervision of the fund and the assets thereof shall be vested in the board. Payment of benefits and disbursements from the fund shall be made by the disbursing agent but only upon written authorization from the board.

(C) All funds and securities of the plan may be deposited by the board with the chief financial officer of the city, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safekeeping of funds for the city. However, any funds and securities so deposited with the chief financial officer of the city shall be kept in a separate fund by the chief financial officer or clearly identified as such funds and securities of the plan. In lieu thereof, the board shall deposit the funds and securities of the plan in a qualified public depository as defined in F.S. § 280.02, which depository with regard to such funds and securities shall conform to and be bound by all of the provisions of F.S. ch. 280. In order to fulfill its investment responsibilities as set forth herein, the board may retain the services of a custodian bank, an investment manager registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the board, in the investment of all fund assets.

(D) All funds and securities of the plan may be commingled in the fund, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate current accounts and entries as regards the following:

(1) Receipts and disbursements,

(2) Benefit payments,

(3) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the city,

(4) All interest, dividends and gains (or losses) whatsoever, and

(5) Such other entries as may be properly required so as to reflect a clear and complete financial report of the fund.

(E) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the city showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

(F) The board shall have the following investment powers and authority:

(1) The board shall be vested with full legal title to said fund; subject, however, and in any event, to the authority and power of the Largo city commission to amend or terminate this fund; provided, that no amendment or fund termination shall ever result in the use of any assets of this fund except for the payment of regular expenses and benefits under the plan, except as otherwise provided herein. All contributions from time to time paid into the fund, and the income thereof, without distinction between principal and income, shall be held and administered by the board or its agent in the fund and the board shall not be required to segregate or invest separately any portion of the fund.

(2) All monies paid into or held in the fund shall be invested and reinvested by the board and the

Back to Electronic Table of Contents

investment of all or any part of such funds shall be limited to:

(a) Annuity and life insurance contracts of life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the participants in the fund shall be entitled under the provisions of the plan and pay the initial and subsequent premium thereon.

(b) Time or savings accounts of a national bank, a state bank or a savings/building and loan association insured by the Federal Deposit Insurance Corporation.

(c) Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States.

(d) Bonds, stocks, commingled and mutual funds.

(e) American depository receipts and foreign securities.
(f) Such other investments as the board deems to be prudent.

(3) The board shall not invest more than five percent of its assets in the common stock, capital stock, or convertible securities of any one issuing company, nor shall the aggregate investment in any one issuing company exceed five percent of the outstanding capital stock of that company.

(4) The board may retain in cash and keep unproductive of income such amount of the fund as it may deem advisable, having regard for the cash requirements of the plan.

(5) The board may cause any investment in securities held by it to be registered in or transferred into its name as trustee or into the name of such nominee as it may direct or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the fund.

(6) The board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalization, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the fund which it may deem to be to the best interest of the fund to exercise.

(7) The board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.

(8) Where any action which the board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as trustee under this ordinance can reasonably be taken or performed only after receipt by it from a participant, the city, or any other entity of specific information, certification, direction or instructions, the board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.

(9) Any overpayments or underpayments from the fund to a participant caused by errors of computation shall be adjusted with interest at a rate per annum approved by the board in such a manner that the actuarial equivalent of the benefit to which the participant was correctly entitled to shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in

Back to Electronic Table of Contents

another manner if prudent. Underpayments shall be made up from the fund in a prudent manner.

(10)The board shall sustain no liability whatsoever for the sufficiency of the fund to meet the payments and benefits herein provided for.

(11)In any application to or proceeding or action in the courts, only the board shall be a necessary party and no participant or other person having an interest in the fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.

(12)Any of the foregoing powers and functions reposed in the board may be performed or carried out by the board through duly authorized agents, provided that the board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said fund shall always remain in the board.

Sec. 4.03. Plan must be nondiscriminatory.

The plan administrator will administer the plan in a nondiscriminatory manner so all participants similarly situated will receive substantially the same treatment.

DIVISION 5. TERMINATION AND AMENDMENT OF THE PLAN

Sec. 5.01. Amendment of plan.

The plan may be amended by the city from time to time, in any respect whatever, by ordinance of the city commission of Largo; provided, however, that any amendment to the plan shall comply with the provisions of the laws of the State of Florida, including F.S. § 112.63(3). Subject to the foregoing limitations, any amendment may be made retroactively which, in the judgment of the board, is necessary or advisable, provided that such retroactive amendment does not deprive a participant, without his consent, of a right to receive benefits hereunder to which he has already become entitled, except such modification or amendment as shall be necessary to comply with any laws or regulations of the United States or of the State of Florida.

Sec. 5.02. Termination of plan.

The plan may be terminated by the city at any time by delivering to the board in writing an ordinance of the city commission of Largo, duly certified by an official of the city, specifying that the plan is being terminated. The plan shall automatically terminate only upon adjudication by a court of competent jurisdiction that the city is bankrupt or insolvent (whether such proceedings be [are] voluntary or involuntary), upon dissolution of the city or upon its liquidation, merger or consolidation without provisions being made by its successor, if any, for the continuation of the plan.

DIVISION 6. CLAIMS PROCEDURES

Sec. 6.01. Claims of affected persons.

(A) The board shall grant an initial hearing upon receipt of a written request (a "claim") on matters that affect the substantial rights of any person (a "claimant") affected by a decision of the board.

(B) The board shall review the claim at an initial hearing and enter an order within 60 days from the date of receipt of the claim and receipt by the board of a written medical release authorization in a form approved by the board attorney and a completed set of interrogatories prepared by the board attorney and provided

Back to Electronic Table of Contents

to the claimant. The board may extend the time for entering the order at an initial hearing for an additional 45 days if it determines in its absolute and sole discretion that such time is necessary for full discovery and adequate review. The board attorney and the claimant may stipulate to further extensions of time.

(C) It shall be the function of the board attorney, throughout the claims procedure, to assist the board in the discovery and presentation of evidence in order to ensure that the board receives all relevant information prior to the board's decision.

(D) The claimant shall have the right to be represented by counsel at any or all times throughout the claims procedure.

Sec. 6.02. Initial hearing.

(A) At the initial hearing, the only evidence to be considered by the board shall be documentary evidence contained in the claim file, including, but not limited to, correspondence, medical records and reports of treating physicians and examining physicians and evidence received pursuant to paragraph (B) of this section 6.02.

(B) Other than questions from the board, there will be no taking of additional evidence at the initial hearing, except that the claimant will be afforded 15 minutes to make a presentation, which shall be limited to comments and arguments as to the evidence or information already contained in the claim file, including the report of the examining physician.

(C) Upon completion of the review of the claim at the initial hearing, the board shall enter a written order setting forth its findings and conclusions on the claim. The written order shall be provided to the claimant. The order shall include:

(1) The specific findings and conclusions of the board, including specific references to pertinent provisions of the plan on which such conclusions are based;

(2) A description of any additional material or information that the board may deem necessary for the claimant to perfect his claim, together with the reasons why such material or information is necessary; and

(3) An explanation of the right to a full hearing on the claim and the time limit in which a full hearing must be requested in writing.

(D) The decision of the board at the initial hearing shall not be final until after the time has expired to request a full hearing or, if a full hearing is requested, until the board makes a decision at the conclusion of the full hearing.

Sec. 6.03. Full hearing.

(A) Any claimant may request a full hearing on the issues presented to the board at an initial hearing and upon which the board has entered an order as provided in section 6.02(C) of this plan.

(B) A full hearing must be requested by the claimant within 90 days of the receipt of the board's order. The order will be deemed received three days following the date it is mailed to the claimant at the address provided to the board by the claimant.

(C) Upon receipt of the request for a full hearing and considering the amount of discovery that might be conducted, the board shall establish a date for the full hearing and cause notice to be given to the claimant.

Back to Electronic Table of Contents

The full hearing shall be held within 90 days from the receipt of the request from the claimant. The full hearing may be postponed, if necessary and with the consent of the claimant, to permit full discovery of the facts.

(D) Copies of all documents to be offered into evidence at the full hearing, including depositions, and a complete witness list with names and addresses of witnesses expected to be called, shall be furnished to the board by the claimant and the board attorney at least 20 days prior to the full hearing. Documents not furnished to the board within the prescribed time limit may be excluded from evidence at the full hearing if a reasonable explanation is not provided for the delay in providing the documents.

(E) A claimant or the board attorney may obtain discovery by deposition and/or interrogatories prior to the full hearing. Written notice of any depositions and/or interrogatories shall be given to the board attorney and the claimant.

(F) The costs of any discovery, except discovery requested by the board or the board attorney, the appearance of witnesses at the hearing, and the making of a verbatim record of the proceedings shall be the responsibility of the claimant.

(G) The claimant shall be responsible for the appearance of any witnesses at the hearing. The board shall, however, have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at the proceedings provided for herein. The claimant may request in writing the issuance of subpoenas by the board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in the Florida Statutes.

(H) Testimony at the full hearing may be submitted in the form of a deposition. Since it will give the board more time for review and consideration, the board prefers that testimony be submitted by deposition. Depositions timely submitted will be part of the record before the board at the full hearing and will not be read in totality at the full hearing; provided, however, that this does not preclude the claimant or the board attorney from reading parts of depositions in an opening or closing statement.

(I) Irrelevant and unduly repetitious evidence shall be excluded.

(J) Any person who knowingly gives false testimony is guilty of misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.

(K) The claim file maintained by the board, including, but not limited to, various medical reports therein, is part of the record before the board at the full hearing.

(L) All proceedings of the board shall be conducted in public.

(M) In cases concerning an application for payment of disability income, the burden of proof, except as provided by law, shall be on the participant seeking to show entitlement to such benefits.

(N) In cases concerning the termination of the payment of disability income and the re-examination of participants receiving disability income, the burden of proof shall be on the board.

(O) Except as to those records that are exempted from the provisions of F.S. ch. 119[,] Florida's Public Record Law, records maintained by the board are open for inspection and/or copying during normal business hours at a reasonable cost for the copying.

(P) Should a claimant requesting an initial or full hearing decide to appeal any decision made by the board with respect to any matter considered at such hearing, the claimant requesting an initial or full hearing will need a record of the proceedings and may need to ensure that a verbatim record of the proceeding is made.

Back to Electronic Table of Contents

The claimant requesting an initial or full hearing will be responsible for obtaining a court reporter or otherwise making a record of the proceedings before the board.

(Q) The decisions of the board after the requested full hearing shall be final and binding.

(R) Within 15 days after making a final decision at the full hearing, the board shall enter a final order setting forth its findings and conclusions and a copy of the order shall be provided to the claimant.

(S) Judicial review of decisions of the board shall be sought by the filing of a timely petition for writ of certiorari with the clerk of the circuit court, in the appropriate county.

Sec. 6.04. Conduct of the full hearing.

(A) The chairman shall preside over the hearing and shall rule on all evidentiary, procedural, and other legal questions that arise during the hearing. The chairman's rulings shall stand unless overruled by a majority of the trustees present. The chairman shall open the full hearing by explaining the procedures to be followed.

(B) The claimant shall have the right to be represented by counsel or be self-represented. The board attorney shall advise the board.

(C) The claimant shall be allowed to make an opening statement not to exceed ten minutes.

(D) Testimony of witnesses shall be under oath or affirmation. Depositions or affidavits shall be admissible.

(E) The chairman, any trustee, the board attorney, the claimant or the claimant's counsel, upon recognition by the chairman, may direct questions to any witness during the proceedings.

(F) Either the claimant or the board attorney shall have the right to present evidence relevant to the issues, to cross-examine witnesses, to impeach witnesses and to respond to the evidence presented.

(G) The claimant shall be permitted a closing argument not to exceed 15 minutes.

(H) The board shall deliberate and make a decision following closing argument and thereafter enter an order as provided herein.

Sec. 6.05. Additional procedures.

(A) All applications for disability income shall be in writing. Forms for such applications may be provided by the board.

(B) Upon receipt of the application for disability, the board attorney will provide the claimant with a set of interrogatories or questions to be answered under oath and a medical release authorization. Both documents will be completed by the claimant and returned to the board attorney.

(C) Upon receipt of the properly completed interrogatories and medical release authorization, the board attorney will request medical records from all relevant treating physicians, personnel records from the city, copies of relevant workers' compensation records, and copies of other records deemed to be relevant to the claim. The board shall pay from the fund the cost of any medical examinations required by the board and for copies of medical records.

(D) The board attorney will, if authorized by the board, upon receipt of the medical records from the treating physicians, schedule an independent medical examination with an appropriate independent examining

Back to Electronic Table of Contents

physician who will be asked to render an opinion about the claimant's physical condition as it relates to the claimed disability.

(E) Upon receipt of the independent medical examination from the examining physician, the board attorney will provide all records of treating physicians, relevant workers' compensation claims records, the independent medical evaluation, and all other relevant documents to the board for inclusion in the claim file and the board shall then schedule the initial hearing.

DIVISION 7. MISCELLANEOUS

Sec. 7.01. Information.

The board may require each participant to supply such information and sign such documents necessary to implement the plan.

Sec. 7.02. Limitation of rights.

The establishment and maintenance of the plan will not be construed as conferring any legal rights upon any participant with respect to the continuation of his employment with the city, nor will the plan interfere with the right of the city to discipline, layoff or discharge any participant. The adoption and maintenance of the plan shall not be deemed to constitute a contract between the city and any eligible employee or to be a consideration for, inducement to, or condition of employment of any person.

Sec. 7.03. Applicable law.

The plan will be construed and enforced according to the laws of the State of Florida and all provisions of the plan will be administered according to the laws of the State of Florida. Notwithstanding any provision to the contrary herein, where actuarial evaluation assumptions call for use of sex-distinct mortality tables, the mortality tables to be used for such purposes shall be unisex tables constructed by blending the tables used by the actuary, by using a weighing of 50 percent of the male table and 50 percent of the female table.

Sec. 7.04. Construction.

Words used in the masculine also apply to the feminine where applicable, and wherever the context of the plan dictates, the plural includes the singular and the singular includes the plural.

Sec. 7.05. Rights to city's assets.

No participant has any right to, or interest in, any assets of the city upon termination of employment or otherwise, except as provided from time to time under the plan, and then only to the extent of the benefits payable under the plan to such participant. The city will make all payments of benefits the plan provides solely from the assets of the city.

Sec. 7.06. Non-alienation of benefits.

Benefits payable under this plan are not subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, garnishment, execution, or levy of any kind, either voluntary or involuntary, including any such liability which is for alimony or other payments for the support of a spouse or former spouse, or for any other relative of the participant, unless pursuant to court order, prior to actual receipt by the person entitled to the benefit under the terms of the plan; and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge or otherwise dispose of any right to benefits payable under the plan is void. The city is not in any manner liable for, or subject to, the debts, contracts, liabilities, engagements or

Back to Electronic Table of Contents

torts of any person entitled to benefits under the plan.

Sec. 7.07. Written communications required.

Any notice, request, instruction, or other communication to be given or made hereunder shall be in writing and either personally delivered to the addressee or deposited in the United States mail fully postpaid and properly addressed to such addressee at his last address for notice shown on the records of the board.

Back to Electronic Table of Contents

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APPENDIX B FEE SCHEDULE*

***Editor's note--**Printed herein is the fee schedule for the city, as adopted by ordinance. Amendments to the schedule are indicated by parenthetical history notes following the schedule. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Sec. 1. In general.
Sec. 2. All departments.
Sec. 3. Administration department.
Sec. 4. Community development department.
Sec. 5. Fire department.
Sec. 6. Library department.
Sec. 7. Finance department.
Sec. 8. Police department.
Sec. 9. Public works department.
Sec. 10. Recreation, parks and arts department.

Fees for Departmentalized Services and Facilities

Sec. 1. In general.

The "Fees for Departmentalized Services and Facilities" schedule as hereinafter set forth be and the same is hereby adopted for implementation by the various City Departments.

The fees to be charged in order to recover direct costs associated therewith are as hereinafter set forth, and the proceeds from such fees shall be credited to the fund providing such service.

(Ord. No. 2000-32, § 1, 3-7-00)

Sec. 2. All departments.

Any charge established within this Fee Schedule (Ordinance No. 2000-32, as amended) may be waived or reduced by the City Commission upon a finding that extraordinary conditions warrant such a waiver or reduction, so long as said waiver or reduction is not prohibited or restricted by applicable federal, state or local law.

That the following fees are hereby authorized and established for certain services and facilities rental and are applicable to all City departments:

(a) Public Records Requests. Recognizing that all public records and documents subject under State law to inspection by members of the public at reasonable times and under reasonable circumstances, should be produced and made available to the public promptly, when the nature or volume of public records requested to

Back to Electronic Table of Contents

be inspected, examined, or copied is such as to require extensive use of technology resources or extensive clerical or supervisory assistance ("extensive use of information technology resources or extensive clerical or supervisory assistance" is defined as more than fifteen (15) minutes of staff time per request), a special service charge shall be imposed, in addition to the charge for copies. The party requesting such assistance or service shall be charged a fee that shall be equivalent to the hourly wage of the employee who renders such assistance, including in the hourly wage the cost to the City of all benefits paid to the employee. The special service charge will be computed to the nearest quarter of an hour exceeding the first fifteen (15) minutes. If the records requested are stored on computer and must be retrieved and reproduced from such storage, the charges for such reproduced copies shall be based on the time necessary to generate and reproduce such records. The City may require a deposit equal to the estimated amount for copies, any applicable service charges for extensive requests and, when applicable, the cost of mailing prior to gathering the records requested. If the City's cost to provide the records is less than that amount provided in the deposit, the remaining amount of the deposit shall be returned to the requesting party. In the event the City incurs charges in an amount greater than the deposit, the City shall issue an invoice to the requesting party for the additional charges which shall be payable prior to or upon receipt of the documents requested.

(b)	One-sided copies (up to legal size)	.15 per page
(c)	Two-sided copies (up to legal size)	.20 per page

(d) Except as otherwise provided in this Ordinance, maps, drawings, blueprints, photographs, microfilmed documents, plat sheets, audio tapes, video tapes, digital video discs, computer discs, computer tape, and all other public records not specifically delineated in this section shall be charged at the actual cost of duplication (actual cost of duplication is defined as the cost of the material and supplies used to duplicate the record, but does not include the cost of labor or overhead associated with such duplication).

(e)	Copies certified by the City Clerk	1.00 per copy

(f) Publications. For each printed publication for which a fee or charge is not otherwise prescribed herein, the City Manager is hereby authorized to establish a charge, which charge shall be based upon $.15 per page for one-sided copies (up to legal size) or $.20 per page for two-sided copies (up to legal size). If the publication requires copies in excess of legal size, then the City Manager shall establish a charge that shall be equivalent to the actual cost of duplication of the publication.

(g)	Notarization of non-City documents	10.00
(h)	Notarization of City documents	N/C
(i)	Mailing of documents	Actual Postage
(j)	Capital Improvement Program per page charge	.15/.20

(k) The City Manager is authorized to provide a copy of the proposed City budgets and significant proposed ordinances, free of charge, to local libraries, news media, incorporated civic organizations within the City, and to homeowners and condominium associations in the City having at least 50 members, so that these organizations can make the copies available to their members and to the public.

(l) City employees shall have the discretion to provide copies, free of charge, when the copies are minimal in number and the time and paper to provide a bill and receipt for the copying charges and the time to account for and transfer the payments to a cashier is not justified. City employees shall, also, have the discretion to provide copies, free of charge, to persons and agencies which the City frequently deals with on a professional basis, with whom copies of documents are frequently or commonly exchanged, and from whom copies of documents are received free of charge.

Back to Electronic Table of Contents

(m) If copies are prepared by a third party, the party requesting copies shall be charged the actual cost to the City of reproducing requested documents.

(n)	Copies of Audio Cassette Tapes (No charge if a blank tape is provided.)	5.00 per tape
(o)	Copies of Video Cassette Tapes (No charge if a blank tape is provided)	5.00 per tape
(p)	Copies of DVD's	5.00 per DVD

(Ord. No. 2000-32, § 2, 3-7-00; Ord. No. 2001-72, § 1, 7-10-01; Ord. No. 2002-71, § 1, 7-2-02; Ord. No. 2006-47, § 1, 8-1-06; Ord. No. 2008-49, § 1, 7-1-2008, Ord. No. 2011-25, § 1, 5-17-2011)

Sec. 3. Administration department.

That the following fees are hereby authorized and established for services provided by the City's Administration Department:

(a)	Indebtedness searches and updates after two weeks	35.00
	Rush searches less than 24 hours notice	50.00
(b)	Stake-out cemetery lots (minimum 24-hour notice), each	45.00
	Stake-out cemetery lots (less than 24-hour notice), each	90.00
(c)	Sale of cemetery lots, each	750.00
	For indigent and infants, each	25.00

(Ord. No. 2000-32, § 3, 3-7-00; Ord. No. 2001-72, § 2, 7-10-01; Ord. No. 2006-47, § 2, 8-1-06; Ord. No. 2008-49, § 2, 7-1-2008; Ord. No. 2010-04, § 1, 4-20-10)

Sec. 4. Community development department.

That the following fees are hereby authorized and established for services provided by the City's Community Development Department.

A. Development Review Phase

(1) Administrative Review:

(a) Small-scale additions	$200.00
(b) 10% Administrative Relief (Administrative Hearing)	$100.00
(c) Design Review Committee Review	$500.00
(d) Site plan for project sites up to (1) acre in size	$1,200.00

(e) Site plan for project sites equal to or greater than 1 acre in size: $1,200.00 for the first acre and $250.00 for each additional acre or portion thereof.

(i) After 40 working days following notice of conditional approval or denial of a development order,

Back to Electronic Table of Contents

any review of revised, amended, or resubmitted site plan, or preliminary plat, shall require payment of another fee equal to 50% of the applicable fee. A change in the intended use or design of the site will require 100% of the applicable fee to be repaid.

(f) Amendment to an approved Development Order $400.00

(g) Site plan resubmittal after 3rd round of comments 50% of original site plan review fee

(h) Future Land Use Map boundary change $200.00

(2) Planning Board Review (requires public hearing):

(a) Conditional Use Review Administrative Review Fee + 500.00

(b) Hardship Relief, and Appeals:

(i) Commercial/Multi-Family $500.00
(ii) Residential $300.00
(iii) Each additional separate variation of the Code $50.00

(3) Legislative Actions:

(a) Future Land Use Map Amendment $2,400.00

(b) Vacation of Right-of-Way $1,000.00

(c) Vacation of Easement $1,000.00

(d) Development Agreements $2,400.00

(e) Amendment to Development Agreement $1,200.00

(f) Transfer of Development Rights $2,400.00

(4) Development of Regional Impact (DRI) Review (new) $10,000.00

(5) DRI Notice of Proposed Change (NOPC) $2,600.00
(includes deviations, modifications or abandonment)

(6) Adult Uses

(a) Application Fee $250.00
(Non-refundable fee; if approved, application fee to be credited to Annual Adult Use License Fee)

(b) Application Fee for each additional Adult Use Classification $25.00

(c) Investigation Fee for each individual listed in the Application pursuant to Section 7-58(b)(1) in the Largo City Code of Ordinances $25.00

(d) License Fee for first Adult Use Classification $750.00

(e) For each additional Adult Use Classification $75.00

Back to Electronic Table of Contents

(f) Adult Use Permit $100.00

(7) Plat Review

(a) Up to three (3) plat pages $500.00

(b) Each additional page (per page) $50.00

(c) Additional Review upon third resubmittal $100.00

B. Permitting Phase

(1) The fees for building construction permits and inspections of real estate and construction shall be as follows:

(a) An inspection permit fee shall be charged and computed, based upon the following information:

Permit Fees Based on Project Construction Cost:

$0.00	to	$1,000.00	$35.00
$1,001.00	to	$5,000.00	$70.00
$5,001.00	to	$12,000.00	$152.00
$12,001.00	to	$100,000.00	$10.00 per $1,000.00 of construction value or fraction thereof
$100,001.00	to	$1,000,000.00	$9.00 per $1,000.00 of construction value or fraction thereof
$1,000,001.00	to	$20,000,000.00	$8.00 per $1,000.00 of construction value or fraction thereof
$20,000,001.00		and above	$7.00 per $1,000.00 of construction value or fraction thereof

For the purpose of determining the permit fee for non-infrastructure permits, building and structure valuation shall be determined by current International Code Council's Building Valuation Data (BVD).

(b) One and one half percent (1.5%) of all building permit fees is to be collected and allocated equally to fund the Florida Homeowners' Construction Recovery Fund, and the functions of the Building Code Administrators and Inspectors Board as provided in Section 468.631, Florida Statutes. The minimum amount collected on any permit issued shall be $2.00. Ten percent (10%) of this amount collected shall be retained in the Construction Services Fund for participation in the national and state building code adoption processes, and for providing education related to the enforcement of the Florida Building Code pursuant to state statute.

(c) One and one half percent (1.5%) of all building permit fees is to be collected and used exclusively for the duties of the Florida Building Commission and the Department of Economic Opportunity as provided in Section 553.721, Florida Statutes. The minimum amount collected on any permit shall be $2.00. Ten percent (10%) of this amount collected shall be retained in the Construction Services Fund for participation in the national and state building code adoption processes, and for providing education related to the enforcement of the Florida Building Code pursuant to state statute.

(d) Ten percent (10%) of the building permit fee shall be charged as an administrative fee and will be charged on all “permits by fax” deposits.

(e) For the moving of any building or structure, the fee shall be $108.00

Back to Electronic Table of Contents

(f) For the demolition of any building or structure, the fee shall be $108.00

(2) Building Plans Review Fees. When the valuation of the proposed construction exceeds $500 and a plan is required to be submitted by Section 104 of the Florida Building Code, a plan review fee shall be paid to the Building Official at the time of submitting plans and specifications for review or when the permit is issued by direction of the Building Official. Said plan review fee shall be calculated as follows:

(a) First Review: 30% of the permit fee

(b) Plan Revisions/Re-Stamping of Approved Plans: $25.00 per page of plans

(c) Administrative Fee for Review of Master Plans as defined below: one percent of the building permit fee (per additional, identical building)

The Building Official shall determine when a plan used for new construction of multiple identical buildings within a single parcel can be designated as a "Master Plan." Following the review and approval of plans intended to be used for the construction of multiple identical buildings and payment of the First Review plan fee as identified above, the Building Official will make his/her determination as to whether said plan constitutes a Master Plan. Projects constructed under a Master Plan designation shall be charged the above identified Administrative Fee only for plan review for each subsequent identical building to be constructed on the affected parcel. The Master Plan designation shall apply to new construction only and shall not apply to shell or existing building renovations. Developments comprised of multiple parcels may request a separate Master Plan designation on each parcel but shall be obligated to pay the First Review fee for each separate parcel and the Administrative Fee for each additional identical building located on each separate parcel.

(3) Threshold Building Fee. Where work involves a threshold building as defined in Section 553.71, Florida Statutes, a fee shall be assessed. Such fee shall be paid to defer costs of inspection and enforcement of the provisions of the threshold building law in accordance with the following fee schedule:

Valuation	Fee
Job value less than $499,999.00	$200.00
Job value greater than $500,000.00	$300.00

(4) The fees for infrastructure permits and inspections of site improvements and subsidiary development shall be as follows:

An inspection permit fee shall be charged and computed, based upon the following information:

Permit Fees Based on Project Construction Cost:

$0.00	to	$1,000.00	$35.00
$1,001.00	to	$5,000.00	$70.00
$5,001.00	to	$12,000.00	$152.00
$12,001.00	to	$100,000.00	$10.00 per $1,000.00 of construction value or fraction thereof
$100,001.00	to	$1,000,000.00	$9.00 per $1,000.00 of construction value or fraction thereof
$1,000,001.00	to	$20,000,000.00	$8.00 per $1,000.00 of construction value or fraction thereof
$20,000,001.00		and above	$7.00 per $1,000.00 of construction value or fraction thereof

Back to Electronic Table of Contents

For the purpose of determining permit fee for infrastructure permits:

The applicant's stated valuation shall be used if the valuation is under $5,000 and deemed acceptable by the City Engineer. If the valuation is $5,000 or more, the valuation shall be determined by the signed, sealed, engineer of record's estimate in a format and methodology deemed acceptable by the City Engineer.

(5) Use of Right-of-Way (ROW) or public easement permit application fee (commercial customers only)

(a) Driveway (except single family residential)	$100.00
(b) Utilities	$100.00
(c) Landscaping	$100.00
(d) Fee for failing to obtain a permit	Triple

(6) Engineering Plan Review and Inspection Fees. A plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fees shall be calculated as follows:

(a) Engineering Plan Review and Inspection Fee	5% of permit fee
(b) Plan Revisions/Re-stamping of Approved Plans	$25.00 per page of plans

(7) Sanitary Sewer Service Application/Special Inspection Fee

(a) Inside City Application Fee – Development Order required	(incl. in site plan fee)
(b) Inside City Application Fee – Development Order not required	$200.00*
(c) Outside City Application/Special Inspection Fee	$1,200.00*

*$1,000 of the fee is reimbursable after final inspection has been approved.

(8) Sidewalk Fee (in lieu of construction of sidewalk)	$4.00/sf.

(9) Fire Plan Review/Inspection Fees: The following plans review and inspection fees apply to all structures regulated under the Florida Fire Prevention Code.

(a) Standard Fees (non-High Hazard structures $100 minimum plan review fee):

(i) Building Plans Review and Inspection: $0.06/sq. ft*

*50% of balance due at plan submittal, 50% of balance due at permit issuance

(ii) Fire Alarm Plan Review & Inspection $0.06/sq. ft.
(due at permit issuance)

(iii) Fire Sprinkler Plan Review & Inspection
$0.06/sq. ft.
(due at permit issuance)

(b) High Hazard Facilities (per Florida Statute 633): 150% of Applicable Standard Fees

Back to Electronic Table of Contents

(c) Additional Charges

(i) Additional Review (first and second review are no extra charge): $.03/sq. ft.

(ii) Resubmitted plans due to structure alterations shall repay full cost of applicable Standard Fees and/or High Hazard Facility review and inspection fees.

(d) Fire Prevention Service Fees (Payable Prior to Inspection or Permit Issuance):

(i) Fireworks Display Review Fee $100.00
(Site plan review, permit, and site inspection)

(ii) Fire Watch Fee $62.50/Hour
(2 Hour Minimum)

(10) Planning Permit Review Fee $20.00

(11) Tree Removal Permit: $20.00 per permit/per property

(12) Tree Removal Fee: $25.00 per caliper inch of tree to be removed

(13) Temporary Events Permit:

(a) Commercial/Multi-Family $75.00

(b) Temporary Events Permit-Residential No Fee

No more than three (3) garage sales per tenant, per year shall be permitted.

(14) Tent installation fee: $50.00 per tent, per event

(15) Temporary Sign $50.00 per sign

C. Construction/Inspection Phase

(1) The basic non-permit related single trade inspection fee shall be $41.00

(2) Re-inspection (recall inspection) fee $41.00

(3) Where work for which a permit is required by this Code is started prior to obtaining said permit, the fees herein shall be tripled, but the payment of such triple fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed.

(4) Construction inspections required during department off hours including evenings, weekends and holidays:

(a) City inspector per one-half day (0-4 hours) $200.00

(b) City inspector per day (4-8 hours) $400.00

(c) City inspector each additional hour or fraction thereof exceeding 8 hours $75.00

(d) City contractual inspection shall be paid based upon the actual cost to the City for the service per the

Back to Electronic Table of Contents

invoiced amount from the City's contractual inspection(s) provider.

(5) Certificate of Occupancy/Certificate of Completion Fee: $50.00 per certificate

(6) Temporary Certificate of Occupancy Fee:

(a) $250 for the first 30 days

(b) Extensions: The Temporary Certificate of Occupancy Fee will double every thirty days after the first thirty days.

(c) A timely request must be made in writing from the applicant to the Building Official for a Temporary Certificate of Occupancy or an extension thereof. The Building Official has the discretion whether to grant a Temporary Certificate of Occupancy depending on the conditions of the site/building. The Building Official may place conditions on the grant of a Temporary Certificate of Occupancy.

(d) Temporary Certificates of Occupancy will be granted for no longer than 90 days.

(10) Engineering Re-inspection (recall inspection) $41.00

D. Information Requests and Other Fees

(1) Code Enforcement Property Clearing $250.00 per lot, per citation

(2) Minimum Code Violation Fine $250.00 plus direct administrative costs

(3) Code Enforcement/Building Permit/Assessment Search $35.00
Rush Search $ 50.00

(4) Information Request Letter $25.00
(Land Use, allowable uses and setbacks only)

(5) Information Request Letter $50.00
(letters requiring other property information)

(6) Expedited Information Request Letter Additional $50.00
(max. 2-5 days)

(7) Large format (2' x 3') plain copies $2.50 per page

(8) Color Prints

(a) 8 ½" x 11 $0.50

(b) 11" x 17" $2.50

(c) "C" size media (18" x 24") $3.75

(d) "D" size media (2' x 3') $5.00

(e) "E" size media (3' x 4') $6.00

(9) Alcohol License Approval (for new, renewal, and amendments) $75.00

Back to Electronic Table of Contents

(Ord. No. 2000-32, § 4, 3-7-2000; Ord. No. 2008-49, § 3, 7-1-2008; Ord. No. 2009-06, § 1, 12-2-2008; Ord. No. 2010-04, § 2, 4-20-10; Ord. No. 2013-45, § 1, 7-16-13; Ord. No. 2015-44, § 2, 8-4-2015)

Sec. 5. Fire department.

That the following fees are hereby authorized and established for services provided by the City's Fire Department:

(a) CPR Certification $40.00

(b) Periodic Fire Prevention Inspection Fees for Existing Occupancies within the City of Largo including unincorporated Pinellas County and contractual fire districts where applicable

(1) High Hazard Occupancies: Pursuant to the Florida Fire Prevention Code, defined as occupancies (1) that contain combustible or explosive matter or flammable conditions dangerous to the safety of life or property; (2) in which persons receive educational instruction; (3) in which persons reside, excluding private dwellings; (4) containing three or more floor levels; (5) greater than 80,000 square feet; and/or, (6) that are determined to be high hazard by the Fire Marshal using applicable fire prevention codes.

Square Feet	Initial Inspection	Second Re-Inspection: Violations Existing	Third Re-Inspection: Violations Existing
Up to 30,000	100	150	200
30,001 & Up	150 + an additional 20 per ea. 10,000 sq ft over 40,000 sq. ft.	1.5 times the initial fee	2 times the initial fee

(i) Failed High-Hazard Fire Prevention Inspections

(a) First Failed Inspection: If fire code violations are found during the initial inspection, there will be no charge for the re-inspection if the violations are resolved.

(b) Second Failed Inspection: If a facility requires a follow-up inspection because violations have not been resolved, the fee is 1.5 times the initial inspection fee.

(c) Third Failed Inspection: On the third re-inspection of that facility, if fire code violations exist, the fee is 2 times the initial inspection fee. If conditions are considered to be too hazardous for occupancy, the facility may be ordered to close until the violation(s) is/are corrected and deemed safe by the Fire Marshal or his designee.

(2) Low Hazard Occupancies: Occupancies that include, but are not limited to, places of assembly, business offices, department stores, markets, and all other occupancies not designated as high hazard by the Fire Marshal.

Low Hazard Occupancy Inspection Fees:

(a) Low hazard occupancy facilities located in the City of Largo will be assessed a fee equal to 10% of the annual Business Tax Receipt (BTR) for the facility which shall be due on or before September 30th.

Back to Electronic Table of Contents

Initial Inspection	Second Re-Inspection: Violations Existing	Third Re-Inspection: Violations Existing
10% of BTR	1.5 times the initial fee	2 times the initial fee

(b) Low hazard occupancy facilities located in unincorporated Pinellas County or within fire districts contracting with the City of Largo for fire (inspection) services will be assessed a fee at the time of the inspection as provided below.

Inspection Fees for unincorporated Pinellas County and contractual fire districts

Square Feet	Initial Inspection	Second Re-Inspection: Violations Existing	Third Re-Inspection: Violations Existing
Up to 30,000	100.00	150.00	200.00
30,001-80,000	100.00 + an additional 20.00 per each 10,000 sq ft (or portion thereof) over 30,000	1.5 times the initial fee	2 times the initial fee

(i) Failed Low-Hazard Fire Prevention Inspections

(a) First Failed Inspection: If fire code violations are found during the initial inspection, there will be no charge for the re-inspection if the violations are resolved.

(b) Second Failed Inspection: If a facility requires a follow-up inspection because violations have not been resolved, an additional fee will be charged in accordance with the above fee schedule.

(c) Third Failed Inspection: On the third re-inspection of that facility, if fire code violations exist, an additional fee will be charged in accordance with the above fee schedule. If conditions are considered to be too hazardous for occupancy, the facility may be ordered to close until the violation(s) is/are corrected and deemed safe by the Fire Marshal or his designee.

(Ord. No. 2000-32, § 5, 3-7-00; Ord. No. 2001-72, § 3, 7-10-01; Ord. No. 2008-49, § 4, 7-1-2008, Ord. No. 2009-06, § 2, 12-2-2008; Ord. No. 2013-45, § 2, 7-16-13; Ord. No. 2015-26, § 1, 4-21-15)

Sec. 6. Library department.

That the following fees are hereby authorized and established for services provided by the City's Library:

(a) Pinellas Public Library Cooperative, Inc., participant areas user card N/C

(b) Single-family card, residents of communities not participating in the Pinellas Public Library Cooperative, Inc. 100.00

(c) Single family visitor's card:

Back to Electronic Table of Contents

Residents outside Pinellas County temporarily residing in a community participating in the PPLC

Less than three months	25.00
Between three and six months	50.00

Computer Use Only Card (Individuals who do not qualify for a free Library card or do not want the services associated with the other card options)

Per day (2-hour maximum)	1.00
Per year	25.00

(d) Fines:

Library materials in general, per day	.20
Inter-library loan/special collection materials, per day	.20
DVD's per item/per day	.50
Kits	2.00
Maximum fine, per item	5.00

(e) Lost patron card/computer use card 1.00

(f) Lost or damaged library materials:

In-print	List price
Out-of-print	List price
Processing Fee	5.00 per item
(If patron purchases replacement item, processing fee will still be assessed)	

Lost or minor damage based on cost to replace or repair.

Audio CD	8.00
DVD Box	2.00
Nature Explorer Packs	
Set	20.00
Book (each)	6.00
Bag	10.00
Items such as: bug catcher, etc.	N/C
Plastic Cover	2.50
Security RFID Tag	2.00
Media Box	2.00
Lost or damaged Interlibrary Loan Materials	List price + $5.00 processing fee

(g) Public use copiers and printers:

Black and white, per page	.10
Color, per page	.50

Back to Electronic Table of Contents

(h) Fax (sent only) per page 1.00

(i) Shopping Bags 1.75

(j) **John A. Jenkins Community Room Rental Fee: Two-hour block minimum**

Category I: No Charge
Non-profit groups registered as 501(c)(3) or 501(c)(4) entities pursuant to the United States Internal Revenue Code for public education purposes with proof of non-profit status, inclusive of 501(c)(3) or 501(c)(4) Largo resident groups formed for civic, cultural, or educational purposes, Co-sponsored library programs, Public education agencies for community attendance, Library Support Groups fund-raising events

Category II: See Fee Schedule
Any business

Any non-profit charitable, civic group or public education agency for private functions or fund-raising events
Any private groups, churches or individuals

Weekday Morning or Afternoon - Up to 5:00 pm	Full Room	Partial Room
Monday – Friday (Two-hour block minimum)	$200 + tax	$100 + tax
Saturday	$250 + tax	$125 + tax
Sunday	$250 + tax	$125 + tax

Evening - After 5:00 pm

	Full Room	Partial Room
Monday – Thursday (Two-hour block minimum)	$200 + tax	$100 + tax
Friday	$350 + tax	$175 + tax
Saturday	$350 + tax	$175 + tax
Sunday	$300 + tax	$150 + tax

Gazebo & Courtyard: Two-hour minimum

Weekday Mornings or Afternoons	Not available due to Library Operations
Weekday Evenings – Except Friday	Not available due to Library Operations
Friday Evening	$ 350 + tax
Saturday Morning or Afternoon	Not available due to Library Operations
Saturday Evening	$ 350 + tax
Sunday Morning – Until 1:00 pm	$ 350 + tax
Sunday Afternoon	Not available due to Library Operations
Sunday Evening – After 5:00 pm	$ 350 + tax

Gallery & Patio: Four hour maximum (Contingent on the restrictions of gallery exhibitions and security requirements.)

Weekday Mornings or Afternoons	Not available due to Library Operations
Weekday Evenings – Except Friday	Not available due to Library Operations
Friday Evenings (5:00 pm – 11:00 pm)	$ 350 + tax
Saturday Morning or Afternoon	Not available due to Library Operations
Saturday Evenings (5:00 pm – 11:00 pm)	$ 350 + tax

Back to Electronic Table of Contents

Sunday Afternoon	Not available due to Library Operations
Sunday Morning (8:00 am – 12:00 pm)	$ 350 + tax
Sunday Evenings (5:00 pm – 11:00 pm)	$ 350 + tax

Entire Facility: Four-hour block (after hours only) $ 2,000 + tax

Catering: The Bookmark Cafe provides catering services for events held at the Library. If use of another catering service provider is approved by the Library Director, proof of liability insurance (including, but not limited to, general and liquor liability), a copy of the approved caterer's business and liquor licenses, and a signed copy of the catering invoice for the event is required.

Security: Security personnel may be required at the discretion of the Library Director or designee due to the size, nature and time of the rental.

Deposits: Deposit is due simultaneously with delivery of an executed rental contract and said deposit shall equal no less than half of the total estimated cost of the rental. The full remaining balance of the rental fee shall be paid no less than thirty (30) days prior to the event.

Cancellations: Notices of cancellation shall be made in writing and addressed to the Library Director or his/her designee. If written notice is received no less than thirty (30) calendar days prior to the scheduled event, the full deposit will be refunded. Persons canceling an event less than thirty (30) calendar days before the event will be refunded 50% of the deposit.

Set-up Time: All rentals include one hour of setup time scheduled prior to the event. Additional set-up time will be billed at $75 to $150 per hour, depending on setup requirements which covers overhead costs and one staff member to open the building, any necessary technical staff assistance is billed as an additional charge. If the scheduled event occurs during the normal hours of operation of the library and the building is properly staffed, there will be no charge for staff assistance. There will be no items mounted, hung or installed on the walls, doors or hanging from the ceiling. A setup layout will be signed by the renter. Any changes to floor plans or setup requirements within two weeks of the event will be subject to additional charges.

Tear-down time: All items brought into the meeting rooms, such as food and beverage, linens, decorations, and any accumulated trash must be removed within one hour of the end of rental time period. If more than one hour for tear-down is needed, a janitorial fee of $100 per hour will be assessed. Items specific to a rental left in the building upon completion of event, will become property of the Library unless arrangements are made with and approved by the Library Director or his/her designee.

Sales Tax: Sales tax is added on all rental and services, unless proof is provided that the renter is tax exempt at the time of contract signing.

Equipment available for rent / usage: Prior arrangements must be made.

Power Point Projector	$ 25 + tax
Opaque Projector	$ 20 + tax
TV / VCR / DSS / DVD	$ 50 + tax
LED Street Sign Slide (day of event)	$ 25 + tax
Staff Hourly Rates	$ 25 + tax

Technician charge will be based on individual needs of each contract and its requirements.

Back to Electronic Table of Contents

Clubs and Organizations: One to two-hour block

One meeting per month – annual contract / annual fee:	$300 + tax
Two meeting per month – annual contract / annual fee:	$600 + tax

Non-Profit Organizations (proof of status is required): The Library may allow reduced rental rates, not to exceed 50% of the applicable total rental fee, for Largo-based, organizations registered as 501(c)(3) or 501(c)(4) entities pursuant to the United States Internal Revenue Code that contribute to the City in some manner within the same fiscal year. The Largo-based, 501(c)(3) or 501(c)(4) organizations must have contributed either financially or the financial equivalent to the City within the preceding twelve (12) month period, at least the same amount as the rate reduction, not to exceed 50% of the total rental amount. An organization must provide documentation of its contribution to the City within the preceding twelve (12) month period to be considered for a rental rate reduction. The rental rate reduction will be limited to one per Largo-based 501(c)(3) or 501(c)(4) organization per year. Facility rental fees will be waived for the Greater Largo Library Foundation and Friends of the Largo Library which are recognized for their continuing contribution to the Largo Public Library and the City. Facility rental fees will be waived, in full, for other non-profit organizations created for the sole purpose of supporting the City of Largo and its programs. Rentals will be on a first-come, first-serve basis.

Proof of non-profit status, as defined by the United States Internal Revenue Code and/or Florida Statutes, must be presented at the time of contract signing to receive reduced rental rates.

Multiple Day Rentals: A discount for rentals exceeding a four-hour time block or a rental that spans multiple days, may be negotiated by library staff with approval of the Library Director or designee.

Library Second Floor Meeting Rooms (available during library hours only)

Room 1 – 17 x 14	$ 25 per hour + tax
Room 2 – 17 x 14	$ 25 per hour + tax
Room 3 – 13 ½ x 13 ½	$ 20 per hour + tax
Room 4 – 10 x 11$ 15 per hour + tax	

(Ord. No. 2000-32, § 6, 3-7-00; Ord. No. 2000-83, § 1; 7-18-00; Ord. No. 2002-71, § 2, 7-2-02; Ord. No. 2002-96, § 1, 8-6-02; Ord. No. 2005-06, § 1, 12-7-04; Ord. No. 2008-49, § 5, 7-1-2008; Ord. No. 2010-04, § 3, 4-20-10; Ord. No. 2011-04, § 1, 3-1-2011, Ord. No. 2011-25, § 3, 5-17-2011; Ord. No. 2013-45, § 3, 7-2-2013; Ord. No. 2015-119, § 1, 8-4-2015)

Sec. 7. Finance department.

That the following fees are hereby authorized and established for services provided by the City's Finance Department:

Certificate cost on all special assessment or sewer agreement with liens and satisfactions	$25
Indebtedness searches and updates after two weeks	35.00
Rush searches less than 24 hours notice	50.00

Pursuant to Florida Statutes Sections 832.07 and 832.08, the City may charge the following fees for all dishonored or returned checks, drafts, orders or other means of payment for services:

If face value does not exceed $50	$25
If face value exceeds $50 but does not exceed $300	$30
If face value exceeds $300	$40 or an amount of up to five percent

Back to Electronic Table of Contents

	(5%) of the face amount, whichever is greater

(Ord. No. 2000-32, § 7, 3-7-00; Ord. No. 2008-49, § 6, 7-1-2008; Ord. No. 2010-04, § 4, 4-20-10)

Sec. 8. Police department.

That the following fees are hereby authorized and established for services provided by the City's Police Department:

Property & Evidence:

Photo Prints	
3 x 5	.35
5 x 7	2.25
8 x 10	4.49

Records:

Fingerprinting	10.00
Report Copies	
1 - 4 pages	No Charge
5 or more	.15 per single sided page .20 per double sided page
Certified Copies of Records	1.00 per copy
Letters of Good Conduct	5.00
Special Services Charge	
Labor & Research	Actual hourly wage of personnel performing search
Notary	10.00

Patrol Operations:

Police Officer Extra Duty (traffic, special events, private functions)	44.00 per hour (2 Hour min.)
School Crossing Guard per hour (traffic, special events, private functions)	14.00

(Ord. No. 2000-32, § 8, 3-7-00; Ord. No. 2001-44, § 1, 04-03-01; Ord. No. 2002-71, § 3, 7-2-02; Ord. No. 2008-49, § 7, 7-1-2008; Ord. No. 2010-04; § 5; 4-20-10)

Sec. 9. Reserved

(Editor's Note - Ordinance No. 2004-81, adopted on October 5, 2004 moved Public Works Department (Engineering Division) fees to the Community Development Department)

Back to Electronic Table of Contents

Sec. 10. Recreation, Parks and Arts Department

That the following fees are hereby authorized and established for services provided by the City's Recreation, Parks and Arts Department:

(a) For the purpose of imposing the hereinafter schedule of charges, the definition of "resident" shall include persons who, though residing outside the City, can demonstrate the ownership of land within the City and consequent payment of ad valorem taxes thereon, or who have signed an annexation agreement, as well as those persons who actually reside within the City.

(b) All individuals wishing to participate in Recreation, Parks and Arts Programs, excluding the Largo Golf Course and the Largo Cultural Center, must own a recreation card or purchase a daily visitor's pass.

(c) Largo residents may register in advance for summer camps and summer swim lessons.

(d) The department is authorized to establish promotional and/or discount rates at recreation sites for the purpose of increasing play or attendance during traditionally slow times or for new programs.

(e) The Department is authorized to establish a scholarship fund by deferring a portion of each membership fee to the trust fund.

(f) Memberships

City resident	10.00 per person per year
Non-resident	39.00 per year, per person 24.00 per six months
Duplicate card	5.00
Visitor Pass	3.00 per day, person
Workshops	10.00 Surcharge - 1 - 3 day
Business Memberships	Business Memberships are available to Businesses that register with the Recreation, Parks and Arts Department to receive the benefits of a Largo recreation membership. Employees of a registered Business and family members residing in the same household would receive the benefit of purchasing recreation memberships at the same rate as Largo residents.
The business registration fees are based on the number of full and part time employees for each business.	

Back to Electronic Table of Contents

Largo Businesses		Businesses outside Largo city limits	
1-15	50.00 annual fee	1-15	62.50 annual fee
16-50	100.00 annual fee	16-50	125.00 annual fee
51-100	150.00 annual fee	51-100	187.50 annual fee
101-200	200.00 annual fee	101- 200	250.00 annual fee
201-350	250.00 annual fee	201- 350	312.50 annual fee
351-500	350.00 annual fee	351-500	437.50 annual fee
501+	500.00 annual fee	501+	625.00 annual fee

(g) Aquatics

Southwest Swimming Pool Fees (Including Tax)	**Patrons with Recreation Membership**	**Patrons Without Recreation Membership**
Adult Recreational swimming - daily fee (per person, per swim)	3.00	6.00
Youth Recreation swimming - daily fee (per person, per swim)	2.00	4.00
Monthly swimming pass - members only (per person, per calendar month)		
Adult	28.00 November - March 30.00 April - October	56.00 November – March 60.00 April - October
Youth	17.00 November - March 18.00 April - October	34.00 November - March 36.00 April – October
7-Day Southwest Pool Membership		35.00 per week
Youth Team Aquatic Fee (must have valid Recreation Card)		
Resident	6.00 per month, and a $10 Improvement Fee due at registration and annually thereafter	
Non-resident	30.00 per month, and a $10 Improvement Fee due at registration and annually thereafter	
Master Swim Team Fee (must have valid Recreation Card)		
Resident	6.00 per month, and a $10 Improvement Fee due at registration and annually thereafter	
Non-Resident	30.00 per month, and a $10 Improvement Fee due at registration and annually thereafter	

Back to Electronic Table of Contents

Instructional scuba rental fee	50.00 per rental. Additional staff charges if pool is closed. Renter will provide proof of certifications and insurance.	
All groups (except WFLA) will be charged a cooling/heating maintenance surcharge	10.00 per person, per month. (5.00 for maintenance to the City, 5.00 for utilities to WFLA)	
Southwest Pool Rental		
Competitive Team Practice Rental	10.00 per lane for two (2) hour workouts (short course) 15.00 per lane for two (2) hour workouts (long course)	
Category I (Non-Largo business, group, individual)	150.00 per hour, 2 hour minimum, plus staffing and tax	
Category II (Largo business, group, individual)	110.00 per hour, 2 hour minimum, plus staffing and tax	
Category III (Non-profit organization with proof of status)	70.00 per hour, 2 hour minimum, plus staffing and tax	
Pool Facility Improvement Fee (for competitions)	40.00 per rental	
Pool Maintenance Surcharge (for Teams)	5.00 per hour	
Public or Private school team rental or practice	15.00 per athlete per month 225.00 + staffing charges for Dual Meets	
Staffing Charges	See charges under section (w) Building Rental Fees	
Highland Family Aquatic Center	**With Recreation Membership**	**Without Recreation Membership**
Admission Fee per session with Recreation Card	Mon - Fri 5.00 Sat – Sun 6.00	Mon – Fri 8.00 Sat – Sun 9.00
Family Special (up to 5 people)	12.00	24.00
Session Party Rentals	Regular Admission Rate Per person	
	25.00 Fee for Shade Structure (Includes 2 tables & 12 chairs)	
Private Groups After Hours		
Group Size (Minimum 2 Hour Rental)	**Fee per Hour**	
up to 50	195.00 + tax	
51-100	235.00 + tax	

Back to Electronic Table of Contents

101-200	265.00 + tax	
201 – 300	295.00 + tax	
$25.00 fee assessed if contract is not paid in full prior to rental dates Cancellation fee of $100 will be applied if the event is canceled less than 30 days prior to event		

(h) Tennis (Per person, per hour and a half, per court, including tax)

	Patrons with Recreation Membership	**Patrons Without Recreation Membership**
Hard Court Fee (drop in)	No Charge	No Charge
Clay Court Fee	6.00	12.00
Tennis players may be given a discount of 2.00 per session during the hours of 12:00 – 3:00 pm Monday – Friday		
League Play, Hard Courts (including tax)		
With 100% of players with card	6.00 per court	N/A
With less than 100% of players with card	9.00 per court	N/A
League Play, Clay Courts (including tax)		
With 100% of players with card	20.00 per court (minimum two courts per league)	N/A
With less than 100% of players with card	40.00 per court (minimum two courts per league)	N/A

(i) Fitness Center (Including Tax)

Adult	**Patrons With Recreation Membership**	**Patrons Without Recreation Membership**
Daily	2.00 per visit	4.00 per visit
Monthly (per calendar month)	15.00 per person	30.00 per person
Yearly (for one year from purchase)	99.00 per person	198.00 per person
Youth (12-15 years old with adult)		
Daily	1.00 per visit	2.00

Back to Electronic Table of Contents

Monthly (per calendar month)	10.00 per person	20.00
Yearly (for one year from purchase)	40.00 per person	80.00

(j) Payment Schedule

Dance	
Late charge for missed payment, if paid on or after the 10th of the month	10.00 per class
Before Care and After Care School Programs and Summer Camp	
Late charge for missed payment, if paid on or after the 10th of the month	20.00
Program Cancellation (For Annual Programs):	30 days after missed payment, membership also suspended until $20 late fee and program fee is paid.

(k) Program Fees

Before School Program		
6:45 - 7:50 a.m.	720.00 per school year	
6:45 - 8:45 a.m.	810.00 per school year	
6:45 - 9:30 a.m.	1,040.00 per school year	
After Care Program		
1:45 - 6:00 p.m.	2,135.00 per school year (includes schools out days)	
2:45 - 6:00 p.m.	2,025.00 per school year (includes schools out days)	
3:30 - 6:00 p.m.	1,930.00 per school year (includes schools out days)	
Summer Camp (full day camps)	**Residents**	**Non-Residents**
Highland Complex (7:30 a.m. - 4:00 p.m.)	65.00 to 82.00 per wk	81.25 to 102.50 per wk
7:00 a.m – 7:30 a.m.	5.00 – 10.00 per week	6.25 – 12.50 per week
4:00 p.m - 6:00 p.m.	12.00 – 20.00 per week	15.00 – 25.00 per week
Southwest Complex (7:30 a.m. - 4:00 p.m.)	65.00 to 82.00 per wk	81.25 to 102.50 per wk
7:00 a.m – 7:30 a.m.	5.00 – 10.00 per week	6.25 – 12.50 per week
4:00 p.m - 6:00 p.m.	10.00 – 20.00 per week	12.50 – 25.00 per week

Back to Electronic Table of Contents

Full-Day Off-site Camps	78.00 to 99.00 per wk	97.50 to 123.00 per wk
Theatre Camp	Fee based on show selection, royalties, and contracts, Non-Residents will pay an additional $50.	
Sports and Specialty Camps	Fee based on type of camp, equipment, and facility. Non-Residents pay a 25% premium.	
Registration Change Fee Childcare Registration Fee (Non-refundable)	25.00 per registrant 25.00 per family	
Highland, Southwest, Community Center, Nature	14.00 - 18.00 per day (Pre-registered)	28.00-36.00 per day (Pre-registered)
	20.00 - 24.00 per day (On day of program)	40.00-48.00 per day (On day of program)
Classes, Recreation Programs, Material Fees	Variable, at discretion of department director, according to course duration, contract costs or direct program costs.	
Late charge fee for After School and Summer Camp pick up	First Time Second Time and beyond	Verbal warning 1.00 per minute
Trips	**Patrons With Recreation Membership**	**Patrons Without Recreation Membership**
	0.00 - 19.99	Add 5.00
	20.00 - 39.99	Add 6.00
	40.00 - 59.99	Add 7.00
	60.00 - 99.99	Add 9.00
	Extended Trips	Add 10.00 per day
Athletic Leagues Fees	Variable at discretion of department director, depending upon league duration, contract costs, and direct program costs.	
Adult Football Leagues		
League Fee (per season) (for 7 on 7)	370.00 per team	
Team Surcharge, Football	25.00 per team	
Improvement Fee, Football	15.00 per team	

Back to Electronic Table of Contents

Adult Softball Leagues		
League Fee (per season)	370.00 per team	
Team Surcharge, Softball	25.00 per team	
Improvement Fee, Softball	15.00 per team	
Youth Athletic Fee		
City resident	15.00 per player (with recreation card), per season, affiliated sports program (5.00 funds improvement fee, 10.00 General Fund for maintenance)	
Non-Resident	35.00 with Non-Resident Recreation Card, per player, per season, affiliated youth sports program. (5.00 funds improvement fee, 30.00 General Fund for maintenance)	
Athletic Maintenance Staff Cost	22.00 per hour during normal operating hours 33.00 per hour for Over Time 44.00 per hour for City Holiday	

(l) Athletic Rentals and Reservations

Field Reservations – Individual Practices (per field) [softball field, multi-purpose field, or sand volleyball court]	**Patrons With Recreation Membership**	**Patrons Without Recreation Membership**
Without lights	16.00 per hour + tax	32.00 per hour + tax
With lights	21.00 per hour + tax	42.00 per hour + tax
Field preparations for tournaments	40.00 per field	
Portable Baseball Pitching Mounds	50.00 per mound installed	
Reservations do not include field prep or staff	50.00 damage deposit for equipment only.	
Hockey Court at Northeast Park		
Without lights	35.00 per hour + tax	
With lights	45.00 per hour + tax	
Tournament Reservations Athletic Program Manager may negotiate a rental package on league rentals/tournaments with Director Approval		
League Rentals (Which do not compete with City Programs)		

Back to Electronic Table of Contents

Field Reservation without Lights	25.00 per hour per field
Field Reservation with Lights	35.00 per hour per field
Improvement Fee for Softball fields	15.00 per team
Improvement Fee for Football, soccer, multipurpose fields	40.00 per team
Field Preparation for games (if necessary)	40.00 per field
Tournament Reservations	200.00 per field up to 8 hours 300.00 per field over 8 hours includes initial field prep
Reservations do not include staff	

(m) Golf Course Fees

Fees determined by market rates

(n) Co-sponsorship/Advertisement Fees:

The department is authorized to establish an advertising rate or a co-sponsorship fee that will defray the cost to the City of printing the program brochures and/or program cost. The advertisements will be offered to interested businesses on a first come, first served basis.

(o) Facility and Park Rentals:

The following administrative policy regarding public rental or use of recreation rooms or facilities, where and when available for such rental use, is hereby adopted for implementation by the Recreation Department:

The Recreation, Parks and Arts Department facilities will be used primarily for recreation and social activities for youth and adult directly conducted by the Recreation, Parks and Arts Department.

To ensure all groups pay a uniform rate for the use of recreation facilities, four group categories are determined by the intent and nature of the group.

Rental rates are then determined for each group with a rate for the facility when open or closed to the public. The rental rates are to incorporate a percentage of the operating budget including utilities, staff, maintenance, and other operational costs.

Requests to use Recreation, Parks and Arts facilities will be made to the appropriate facility manager or supervisor and he/she will determine what charges, if any, will be levied. In accordance with the foregoing policy, the Recreation, Parks and Arts Director or his/her designee in the Director's absence is hereby authorized to enter into and execute agreements such as land, building, or premises use agreements and other rental agreements, including but not limited to, shelter rental agreements, athletic field rental agreements, sponsorship agreements, equipment rental agreements, facility rental agreements, and permits as are necessary. The Recreation, Parks and Arts Director or his/her designee is further authorized to enter into and execute professional service agreements and other service agreements, including but not limited to, instructor agreements and entertainment agreements. The Recreation, Parks and Arts Director's authority to enter into

Back to Electronic Table of Contents

and execute agreements as provided herein is limited to agreements for two (2) years or less and agreements in a purchase amount not to exceed twenty-five thousand dollars ($25,000) and not in conflict with the City charter or Chapter 2 of the City of Largo Code of Ordinances.

(p) Security

Security personnel may be required at the discretion of the Recreation, Parks and Arts Director due to the size and nature of the rental.

(q) Intoxicating Liquors, Beer, Wine, and Narcotics

(i) No person shall sell, consume, or have in his possession any alcoholic liquors, beer, wine, and illegal drugs, or narcotics of any form within any park property, public property, or facility; except, as regards to alcoholic liquors, beer, and wine, as otherwise provided hereinafter.

(ii) Paragraph (i) above to the contrary notwithstanding, the City Manager, in appropriate circumstances and for certain scheduled events and uses, shall have discretion to authorize the sale, possession, and/or consumption of otherwise lawful alcoholic beverages on public property within the City.

(iii) Paragraph (i) above to the contrary notwithstanding, the Recreation, Parks and Arts Director or his/her designee in appropriate circumstances and for certain scheduled events and uses at the Largo Cultural Center and the Largo Community Center shall have discretion to authorize the sale, possession, and/or consumption of otherwise lawful alcoholic beverages.

(iv) No person shall conduct himself by improper or immoral actions or dress, or use profane language on City property. Such conduct shall subject the violator or violators to refusal of the park or facility privileges in addition to any penalty opposed herein, or by other laws.

(r) Rental Waiver Policy

Waiver of up to 50% of the applicable facility use or rental fee is available for organizations registered as 501(c)(3) or 501(c)(4) entities pursuant to the United States Internal Revenue Code which have contributed to the City of Largo within the past 12 months (either financially or the financial equivalent) at least the same amount as the rate reduction. Facility rental fees will be waived for the Friends of the Largo Nature Parks who are recognized for their continuing contribution to the Recreation, Parks and Arts Department and the City. Facility rental fees will be waived, in full, for non-profit organizations created for the sole purpose of supporting the City of Largo and its programs. Proof of non-profit status is required. Any organization renting a Recreation, Parks and Arts facility pursuant to this section will be responsible for payment for 100% of staff costs, equipment costs, utilities, set-up, tear-down charges associated with rental of the facility, and any costs for damages to the facility. Fee waivers in an amount not to exceed 50% of the Recreation, Parks and Arts facility use or rental fee may be negotiated by the appropriate facility Recreation Program Manager with approval of the Recreation, Parks and Arts Director or his/her designee. Fee waivers up to 50% of the applicable facility use or rental fee are intended for groups who rent on a weekly or monthly basis during non-prime hours. Rental waivers for the Cultural Center are specified in the Cultural Center section of this Ordinance.

(s) Building Rental Fees (Does not include the Cultural Center)

Deposit due with signed contract will be half of the total estimated cost of the rental. Full balance to be paid thirty (30) days prior to event.

Multiple day rentals: To be negotiated with the Recreation Program Manager for approval by the Recreation, Parks and Arts Director. Intended for groups that rent on a weekly or monthly basis (minimum of 12 rentals

Back to Electronic Table of Contents

per year). Discount not to exceed 25%.

Cancellation: If written notice is received at least 90 days before the scheduled event, the full deposit minus a $25 processing fee will be refunded. If written notice is received 89-61 days before the scheduled event, 50% of the deposit minus the $25 processing fee will be refunded. Any event canceled 60 days or less before the scheduled event will receive no refund.

Category I: Any non-Largo business, group, or individual	
Gymnasium – Wood Floor	75.00 per hour + tax (minimum 2 hours)
Gymnasium – Multipurpose Floor	65.00 per hour + tax (minimum 2 hours)
Large Room (2,000 sq. feet and greater)	40.00 per hour + tax (minimum 2 hours)
Medium Room (1,000 – 2,000 sq. feet)	35.00 per hour + tax (minimum 2 hours)
Small Room (under 1,000 sq. feet)	30.00 per hour + tax (minimum 2 hours)
Picnic/playground/open space	40.00 per hour + tax (shelter reservation extra)
Staff (building closed)	22.00 per hour
Overtime	33.00 per hour
City Holiday overtime	44.00 per hour
Utilities (building closed)	20.00 per hour
Utilities (park)	20.00 per hour
Janitorial service (food or refreshments served)	22.00 per hour (minimum 2 hours)
Largo Central Park (+ tax)	100 people or less 150.00 101-250 people 250.00 251 – 500 people, 350.00 501 – 999 people, 650.00 1,000 and more, 1,500.00 each additional day is ½ of 1st day cost
Damage Deposit (refundable)	50.00 to 500.00
Category II: Any Largo business, group, or individual	
Gymnasium – Wood Floor	65.00 per hour + tax (minimum 2 hours)
Gymnasium – Multipurpose Floor	55.00 per hour + tax (minimum 2 hours)
Large Room (2,000 sq. feet and greater)	35.00 per hour + tax (minimum 2 hours)
Medium Room (1,000 – 2,000 sq. feet)	30.00 per hour + tax (minimum 2 hours)
Small Room (under 1,000 sq. feet)	25.00 per hour + tax (minimum 2 hours)

Back to Electronic Table of Contents

Picnic/playground/open space	20.00 per hour + tax (shelter reservation extra)
Staff (building closed)	22.00 per hour
Overtime	33.00 per hour
City Holiday overtime	44.00 per hour
Utilities (building closed)	20.00 per hour
Utilities (park)	20.00 per hour
Janitorial Service (food or refreshments served)	22.00 per hour (minimum 2 hours)
Largo Central Park (+tax)	(No Charge for Co-Sponsored Events) 100 people or less 125.00 per day 101-250 people 200.00 per day 251-500 people, 250.00 501-999, 550.000 1,000 and over, 1,300.00 each additional day is ½ of 1st day cost
Damage Deposit (refundable)	50.00 to 500.00
Category III: Any non-profit Organization with proof of non-profit status	
Gymnasium – Wood Floor	45.00 per hour + tax (minimum 2 hours)
Gymnasium – Multipurpose Floor	40.00 per hour + tax (minimum 2 hours)
Large Room (2,000 sq. feet and greater)	30.00 per hour + tax (minimum 2 hours)
Medium Room (1,000 – 2,000 sq. feet)	25.00 per hour + tax (minimum 2 hours)
Small Room (under 1,000 sq. feet)	20.00 per hour + tax (minimum 2 hours)
Picnic/playground/open space	15.00 per hour + tax (shelter reservation extra)
Staff (building closed)	22.00 per hour
Overtime	33.00 per hour
City Holiday overtime	44.00 per hour
Utilities (building closed)	20.00 per hour
Utilities (park)	20.00 per hour
Janitorial Service (food or refreshments served)	22.00 per hour (minimum 2 hours)
Largo Central Park (+tax)	(No Charge for Co-Sponsored Events)

Back to Electronic Table of Contents

	100 people or less 100.00 101-250 people 175.00 251-500 people, 250.00 501-999 people, 450.00 1,000 and over, 1,200.00 each additional day is ½ of 1st day cost	
Damage Deposit (refundable)	50.00 to 1,000.00	
Category IV: Largo Homeowners/Neighborhood Associations		
Largo homeowners/neighborhood associations may rent a meeting room on a quarterly basis, based on space availability. Reservation no more than 30 days in advance, $30.00 for a two hour block.		
Other Facility Rentals (Community Center)		
Ballroom at the Largo Community Center (2 hour minimum, Saturday evening is 4 hour minimum). All charges are plus tax, other fees may apply	Monday – Thursday Friday (up to 5 pm) Friday (after 5 pm) Saturday (up to 5 pm) Saturday (after 5pm) Sunday (before 5pm) Sunday (after 5 pm)	125.00 per hour 125.00 per hour 200.00 per hour 150.00 per hour 200 per hour, 4 hr min. 125.00 per hour 175.00 per hour
Damage Deposit (refundable)	50.00 to 1,000.00	
Park area at the Largo Community Center	200.00 if rented separately, per 4 hour session 100.00 if rented in conjunction with another room, per 4 hour session	
Kitchen at the Largo Community Center – Kitchen may not be rented without rental of the ballroom	50.00 per hour up to 150 guests 75.00 per hour for over 150 guests Includes warmers, refrigeration, and ice maker	
Studio A at the Largo Community Center (2 hour minimum, plus tax, other charges may apply)	50.00 per hour Monday – Friday 100.00 per hour Weekends, Evenings	
Custodial fees	22.00 per hour per custodian, 4 hour minimum. Over 150 people at an event requires a second custodian. Includes floors, restrooms, and removal of trash from building. Caterer remains responsible for removal of food related trash from the building.	
Consecutive multi-day discounts may be negotiated for up to 25%		

Back to Electronic Table of Contents

Other City of Largo Park Rentals (i.e. Datkso, Northeast, Lake Villa, etc.):	
Park Rental (2 hour minimum)	40.00 per hour, with Rec Card
	55.00 per hour, without Rec Card
Largo Central Park Rentals:	
Weddings in Largo Central Park	150.00 (1.5 hour rental) 100.00 if a room in the Largo Cultural Center is also rented for the function
Donation to the Largo Central Railroad from private groups renting Largo Central Park during train weekends (the donation allows for free train rides)	100.00 for up to 200 people 200.00 for 201 to 400 people 300.00 for over 400 people
Additional Staff (may be required for parking or technical support)	22.00 per hour, per staff member 31.00 per hour, per staff member, overtime rate 25.00 per hour, per staff for technical staff 37.50 per hour, per staff for technical staff, overtime rate
Application fee for Largo Central Park Rental and Ulmer Park Rental	25.00 non-refundable or applied to park rental fee
The Recreation, Parks and Arts Director has discretion to assess a percentage of the Largo Central Park rental fee based upon the percentage of the park being utilized.	
Rental Rates for existing Clubs and organizations (previously grandfathered clubs utilize these rates. New clubs will utilize building room rental rates.)	
Meeting Room Rental Rates (1-3 Hours)	
One meeting/month annual contract	210.00 + tax
Two meetings/month annual contract	390.00 + tax
Three meetings/month annual contract	570.00 + tax
Four meetings/month annual contract	750.00 + tax
Additional Meeting Time	35.00 + tax per hour
Picnic Shelters: (3 hour block per session) (includes tax)	
Large Shelters Park	
Per session, per shelter	Co-sponsored Non-Train Train Weekends 25.00 50.00 60.00 (with Rec Card) 25.00 55.00 65.00 (w/o Rec Card)

Back to Electronic Table of Contents

Small Shelters	
Per session, per shelter	Co-sponsored Non-Train Train Weekends 15.00 30.00 40.00 (with Rec Card) 15.00 35.00 45.00 (w/o Rec Card)

(t) Equipment Rental does not include applicable sales tax **(Available for Use on City Property Only)**:

Tables	8.00 per day (each), 5.00 per Table one time charge for Co-Sponsored Events
	1.00 per additional day for weekend rental
	2.00 per table set-up fee 1.00 per table set-up fee (Co-Sponsored events)
Chairs	1.00 per day (each) .75 per day (each), Co-sponsored Events
	.25 per additional day for weekend rental
	.50 per chair set-up fee
Sound System	100.00 + Technical Service Staff
Video projection system	75.00 per event and technician charge
Screen	50.00
Overhead projector	50.00
Portable sound system set up	30.00
Portable stage system set up - per section	30.00
Small Tents (10' x 10')	100.00 per event (available for use on City property only)
	50.00 per event (Co-Sponsored Events)
Event/Sport Fencing	5.00 per panel of Fencing
Showmobile Rental *Showmobile is only used for City events and park rentals in Largo Central Park	750.00 per day + set-up/850.00 weekend rental Co-Sponsored Events pay the set-up fee only
	100.00 per set-up fee for co-sponsored event
	200.00 damage deposit

Back to Electronic Table of Contents

	75.00 stage extensions per 8'x4' section

(u) Parks Service Charges

Parks Delivery Charges	22.00 per hour, per person
	33.00 per hour, per staff overtime rate
Park Clean-Up Fees	33.00 per hour, per staff
Installation and Removal of Banners	20.00 per banner

(v) Concession Wagon

City department function	N/C
Co-Sponsored group	50.00 per event
Private Rental	100.00 per event (available for use on City property only)
Cleaning Fee - refundable	50.00 per event
Delivery Fee	25.00 per event

(w) Vendor Fees for Largo Central Park

Vendor fees will be based on expected attendance and the number of items sold, with fees ranging from 100.00 to 500.00 per day, as established by the Director or designee.

A fee for on-site parking may be charged during large events held at Largo Central Park. The fee ranges from $5 to $10 per vehicle, as established by the Director or designee.

(x) Cultural Center

Tonne Playhouse	Proof of insurance for all rental performances is required. "City of Largo" must be named as additional insured with appropriate endorsements.
up to 5:00 pm (4-hour block)	
Monday - Friday	450.00 + tax 4 hour minimum 125.00 per hour each additional hour
Saturday - Sunday	650.00 + tax 4 hour minimum 125.00 per hour each additional hour
After 5:00 pm (4-hour block)	

Back to Electronic Table of Contents

Monday - Thursday	500.00 + tax 125.00 per hour each additional hour
Friday, Saturday	1,000.00 + tax 125.00 per hour each additional hour
Sunday	700.00 + tax 125.00 per hour each additional hour

Parkview Room - (plus tax)	
Monday - Friday before 5pm	100.00 per hour
Monday – Friday after 5pm	175.00 per hour
Saturday (before 5pm, 4 hour minimum)	150.00 per hour
Saturday (after 5pm, 4 hour minimum)	200.00 per hour
Sunday (before 5pm, 4 hour minimum)	125.00 per hour
Sunday (after 5pm, 4 hour minimum)	175.00 per hour
Multiple Day Rentals	Consecutive multi-day rental discounts may be negotiated for up to 25%.
	Special Rates to Promote rentals during slow season or non-peak times to be approved by Cultural Center Manager with approval of Recreation, Parks and Arts Director or his/her designee.
Patio Rental Event (Parkview Portico)	The rental fee is $100.00 in addition to the rental of the Parkview Room. The rental fee is $200.00 for a four-hour block of time if rented separately. Additional Set-up fees and equipment rental are applied.
Cultural Center Lobby	The lobby area is available for rental at $100 per rental.
Historic Largo Feed Store	
Before 5:00 pm (2 hr minimum)	
Monday - Friday	75.00 per hour plus tax (2 hour minimum)
After 5:00 pm (4 hr block)	
Monday – Sunday	125.00 + tax (4 hr minimum)

Back to Electronic Table of Contents

Non-Profit Organizations (Proof of status as defined by Florida Statutes must be presented at the time of contract signing to receive non-profit rates)	The Largo Cultural Center will allow facility rentals for certain non-profit organizations not in competition with Largo Cultural Center programs and events. Organizations registered as 501(c)(3) or 501(c)(4) entities pursuant to the United States Internal Revenue Code that are not Largo-based may be granted a reduced rental rate, not to exceed 25%, and will be accepted on a first-come, first-served basis.

The Largo Cultural Center will allow reduced rental rates, not to exceed 50%, for Largo-based organizations registered as 501(c)(3) or 501(c)(4) entities pursuant to the United States Internal Revenue Code that support the City in some manner within the same year. The Largo-based, 501(c)(3) or 501(c)(4) organization must have contributed to the City within the preceding twelve (12) months (either financially or the financial equivalent), an amount at least equal to at least the amount of the rate reduction and provide documentation of its contribution to the City within the preceding twelve (12) months to be considered for a rental rate reduction. The rental rate reduction will be limited to one per Largo-based, 501(c)(3) or 501(c)(4) organization per year. Rentals will be on a first-come, first-served basis. Facility rental fees will be waived for the Suncoast Performing Arts Foundation which is recognized for its continuing contribution to the Largo Cultural Center and the City. Facility rental fees will be waived, in full, for non-profit organizations created for the sole purpose of supporting the City of Largo and its programs. Organizations receiving a reduced rental rate will be responsible for payment of 100% of the staff costs, equipment costs, utilities, marketing, set-up and tear-down charges associated with rental of the facility, and any costs for damages to the facility.

(y) Additional Charges

Damage Deposit: A refundable damage deposit ranging from $100-$1,000 per rental will be assessed.

Contract Deposit: Is due with executed contract, and will equal half of the total estimated cost of the rental. Full balance to be paid sixty days prior to event.

Alcohol: Mandatory bartender @ $125 for four hours or $85 for two hours, per bartender (includes setup time.) Each additional hour $35 per bartender. Gratuity not included. Number of bartenders required will vary depending on size and type of gathering. All bartenders and beverages must be purchased from the Largo Cultural Center (LCC.) A rate schedule will be provided for beverages.

Cancellation: If written notice is received at least 90 days before the scheduled event, the full deposit minus the $100 application fee will be refunded. If written notice is received 89-61 days before the scheduled event, 50% of the deposit minus the $100 application fee will be refunded. Any event canceled 60 days or less before the scheduled event will receive no refund.

Catering: All Renters will pay a catering usage fee based upon the anticipated number of guests. Up to 50 people: $50, 51-100 people: $100, 101-150: $150. If guests exceed 150: an additional $1 per person will be assessed. Renter must provide the following from their caterer: Proof of liability insurance, including liquor liability (if applicable), and a copy of their business license and liquor license (if applicable). Fee(s) should be made payable to the City of Largo. This information must be provided a minimum of one month prior to event. If caterer's information is not provided by renter or caterer, the caterer will not be permitted to cater the event.

Set-up and Tear-down Time – All rentals include one hour of set-up time scheduled prior to the event and one hour of clean up time after the event. Additional time will be billed at the hourly rate in subsection (x). Should lessee wish to mount, hang, or install items for their event, they must follow City of Largo policies and procedures to prevent possible damage to the building structure. Fees will be determined on an individual

Back to Electronic Table of Contents

basis. Items specific to rental left in the building upon completion of event, will become the property of the Largo Cultural Center unless arrangements are made with and approved by the Cultural Center Manager.

Items specific to rental left in the building upon completion of event, will become the property of the Largo Cultural Center unless arrangements are made with and approved by the Cultural Center Manager.

Sales tax is added on all rentals and services, unless lessee is tax exempt (with proof of status at time of contract signing).

Box Office Services outside of normal business hours	50.00 per performance
Basic Sound System	250.00 + Technical Service Staff
Basic Stage Lighting system	200.00 + Technical Service Staff
Basic Stage Monitoring System	150.00 + Technical Service Staff
LED Sign (Rental Performances)	50.00 per week
Inclusion in the e-News	50.00 per occurrence
Website (Rental Performances)	50.00 per week
Retract seating system/banquet set-up	300.00 per event
Stage extension set-up	300.00 per event
Orchestra Pit set-up	800.00 per event
Ticket handling fee (to be paid by patron) – Sold through the Box Office	For tickets costing 10.00 or more, a 3.50 handling fee per ticket will be charged on all tickets For tickets costing 9.99 or less, a 1.50 handling fee per ticket will be charged on all tickets
Ticket handling fee (to be paid by patron) – Sold through an on-line service	For tickets costing 10.00 or more, a 5.00 handling fee per ticket will be charged on all tickets For tickets costing 9.99 or less, a 3.00 handling fee per ticket will be charged on all tickets A 2.00 per order processing fee in addition to the per ticket handling fee will be charged for on-line purchases/services
Ticket handling fee (to be paid by renter)	1.50 per ticket sold through the box office
Phone order charges for mailing tickets	3.00 per order
Video projection system (Room Rental)	100.00 per event and technician charge
Video Projection Screen	50.00
Projection System (Tonne Playhouse)	200.00

Back to Electronic Table of Contents

Portable sound system set up (Room Rental)	50.00
Portable stage system set up – per section	30.00
Grand or Upright Piano Rental	150.00
Piano Tuning	150.00
Staff hourly rates	22.00 per hour 33.00 per hour Overtime Rate 44.00 per hour during City Holiday
Technical Services	25.00 per hour charge with minimum of four-hour blocks to hang lights, operate lights, sound, spotlights, etc. Technical services required beyond contracted time will incur overtime rates of 37.50 per hour and City Holiday rates of 50.00 per hour.

Note: Multiple rental date contract rates will be negotiated for equipment usage.

Cultural Center Manager or designee may negotiate one-half of building rental fee for non-prime time that does not interfere with prime time four-hour rental blocks.

Room set-up and tear-down may be negotiated for banquet style functions. This includes set-up and tear-down of tables and chairs and removal of all trash from the building (excluding caterer's trash). The proposed charge is $100.00 - $300.00 based on the size of the event.

If alcohol is served, a minimum of one City of Largo staff person is required at a rate of 22.00 per hour. Bartender, liquor and beverages must be also be purchased from Largo Cultural Center. Requirements will vary depending upon the size of the group or event.

City non-profit waiver policy will apply. Additional staff charges may apply.

Proof of non-profit status as defined by Florida statutes must be presented at the time of contract signing to receive non-profit rates.

(Ord. No. 2000-32, § 10, 3-7-00; Ord. No. 2000-83, § 2, 7-18-00; Ord. No. 2001-44, § 2, 4-3-01; Ord. No. 2001-72, § 4, 7-10-01; Ord. No. 2002-09, § 1, 11-20-01; Ord. No. 2002-71, § 4, 7-2-02; Ord. No. 2003-71, § 8-19-03; Ord. No. 2004-14 § 1, 12-2-03; Ord. No. 2004-48, § 1; 5-4-04; Ord. 2004-80; Ord. No. 2005-37, § 1; 4-19-05; Ord. No. 2008-49, § 7, 7-1-2008; Ord. No. 2009-04, § 1, 11-5-2008; Ord. No. 2009-47, § 1, 8-4-2009; Ord. No. 2010-04, § 7, 4-20-10; Ord. No. 2010-44, § 1, 6-15-10, Ord. No. 2011-25, § 4, 5-17-2011; Ord. No. 2012-46, § 1, 6-19-2012; Ord. No. 2013-45, § 4, 7-2-2013; Ord. No. 2015-119, § 2, 8-4-2015)

Back to Electronic Table of Contents

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CODE COMPARATIVE TABLE, 1967 CODE

This table gives the location within this Code of those sections of the 1967 Code which are included herein. Sections of the 1967 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the ordinance table following this table.

Code Section	Section this Code
1-2	1-2
2-1	2-48
2-6	2-49
3-5--3-7	3-1--3-3
5-1--5-4	5-1--5-4
5-6	5-5
5-8	5-6
10-4.1, 10-4.2	13-23, 13-24
10-5, 10-6	13-52, 13-53
10-9	22-78
11-3, 11-4	11-19

Back to Electronic Table of Contents

11-6	11-20
12A-1	21-52
12A-3	21-53
14-70	16-62
14-73	16-63
14-77	16-65
14-79, 14-80	16-66, 16-67
14-82	16-68
20-14, 20-15	11-46, 11-47
20-15.1	11-48
20-16, 20-17	11-49, 11-50
21-1, 21-2	7-215, 7-216
21-4--21-7	7-218--7-221
24-1, 24-2	23-1, 23-2
24-17	23-52
24-19, 24-20	23-53, 23-54
24-21	23-84

Back to Electronic Table of Contents

24-21.1	23-85
24-22--24-25	23-86--23-89
24-26	23-24

Back to Electronic Table of Contents

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CODE COMPARATIVE TABLE, 1978 CODE

This table gives the location within this Code of those sections of the 1978 Code, as updated through September 9, 2003, which are included herein. Sections of the 1978 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1978 Code Section	Section this Code
1-1--1-6	1-1--1-6
1-7	1-14
1-8(a), (b)	9-134
1-8(b)(1), (2)	9-135
1-8(b)(3)	9-100
1-8(b)(3), 1-8(b)(4)	9-136, 9-137
1-8(b)(4), (5)	9-106
1-8(b)(5)	9-138
1-8(b)(6)	9-107
	9-139
1-8(b)(7)	9-108

Back to Electronic Table of Contents

1-8(b)(7), 1-8(b)(8)	9-140, 9-141
1-8(c)	9-142
1-8(c), (d)	9-109
1-8(d)	9-143
1-8(e)	9-110
	9-144
2-1	2-48
2-6	2-49
2-7, 2-8	2-21, 2-22
2-10	2-50
2-76	2-51
2-79.1, 2-79.2	22-78, 22-79
2-97--2-102	2-94--2-99
2-108--2-116	2-127--2-135
2-128--2-130	2-154--2-156
2-130.1	2-157

Back to Electronic Table of Contents

2-136	2-158
2-139.8	2-185
2-139.10	2-187
2-139.12, 2-139.13	2-189, 2-190
2-139.15	2-192
2-139.27-- 2-139.29	2-224--2-226
2-139.40-- 2-139.43	2-246--2-249
2-139.53-- 2-139.63	2-277--2-287
2-157	2-308
2-167	2-337
3-5	3-1
3-5.1(a), (b)	4-1
3-6, 3-7	3-2, 3-3
3.5-2	4-2
4-1--4-4	5-1--5-4
4-6	5-5

Back to Electronic Table of Contents

4-8, 4-9	5-6, 5-7
4-15--4-17	5-33--5-35
6-1	13-19
6-1.1, 6-1.2	13-20, 13-21
6-2--6-4	13-22--13-24
6-16, 6-17	13-52, 13-53
6-23--6-25	13-54--13-56
7-1--7-4	20-1--20-4
7-5(a)--(c)	20-29
7-5(c)(1)	20-30
7-5(c)(2),(3)	20-31
7-5(c)(4)-- 7-5(c)(10)	20-32--20-38
7-6(a)--7-6(f)	20-67--20-72
7-7(a), 7-7(b)	20-103, 20-104
7-8(a), 7-8(b)	20-122, 20-123
7-24--7-28	11-46--11-50
8-21--8-26	14-19--14-24

Back to Electronic Table of Contents

8-28	14-25
9-1--9-3	11-73--11-75
9-4	11-77
9-5	11-79
9-8	11-80
9-8.1	11-81
9-9, 9-10	11-82, 11-83
10-1	21-52
10-3	21-53
11-1--11-7	22-103--22-109
11-9--11-12	22-111--22-114
11-35--11-43	7-214--7-222
12-2(a)-- 12-2(e)	16-40--16-44
12-16	16-62
12-18	16-63
12-22, 12-23	16-64, 16-65
12-25, 12-26	16-66, 16-67

Back to Electronic Table of Contents

12-28	16-68
12-41, 12-42	16-69, 16-70
12-51	16-99
12-62(b), 12-62(c)	16-127, 16-128
12-71--12-76	16-155--16-160
13-1, 13-2	11-19
13-3	11-20
13-7	2-1
13-9	11-78
13-10	23-251
13-23.1--13-23.8	7-19--7-26
13-24.1--13-24.12	7-56--7-67
13-25.1	7-93
13-26.1-- 13-26.3	7-115--7-117
13-27.2--13-27.4	7-148--7-150
13-27.5	7-169

Back to Electronic Table of Contents

13-27.7	7-170
13-27.8, 13-27.9	7-194, 7-195
13-33	11-110
13-33.1-- 13-33.11	11-111--11-121
13-47--13-58	10-20--10-31
14-1--14-36	17-1--17-36
14-37, 14-38	17-38, 17-39
14-39	17-37
15-1, 15-2	19-1, 19-2
15-5	19-3
17-1	21-1
17-4, 17-5	21-21, 21-22
17-9	21-23
17-11	21-24
19-16--19-18	22-19--22-21
19-30--19-36	22-46--22-52
20-1--20-12	25-19--25-30

Back to Electronic Table of Contents

20-22--20-27	25-49--25-54
20-38, 20-39	25-82, 25-83
20-50--20-53	25-110--25-113
20-64--20-67	25-140--25-143
21-1	19-25
22-1, 22-2	23-1, 23-2
22-16, 22-17	23-23, 23-24
22-26	23-52
22-28--22-30	23-53--23-55
22-35--22-45	23-84--23-94
22-52--22-61	23-117--23-126
22-68--22-74	23-151--23-157
22-75--22-83	23-159--23-167
22-90--22-98	23-186--23-194
22-101--22-103	23-212--23-214
22-104	23-218
22-105, 22-106	23-215, 23-216

Back to Electronic Table of Contents

22-107--22-109	23-219--23-221
23-1	9-19
	9-42
23-3(a), (b), (d)	9-43
23-4, 23-5	9-44, 9-45
23-6(1)--(3)	9-68
23-6(3)(a)	9-70
23-7(b), (c)	9-71
23-7(b)--(d)	9-47
23-8	9-46
23-9	9-72
23-9(d)	9-73
23-10, 23-11	9-74, 9-75
25-1--25-14	21-102--21-115
26-1--26-7	8-19--8-25
139.9	2-186
139.11	2-188

Back to Electronic Table of Contents

139.14	2-191
139.26	2-223

Back to Electronic Table of Contents

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CODE COMPARATIVE TABLE, ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1978 Code and ordinances subsequently adopted by the city commission. Ordinances adopted prior to such date were incorporated into the 1978 Code. This table contains some ordinances which precede 1978 Code, but which were never included in the 1978 Code, for various reasons. Ordinances adopted since 1976 Code, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance/Resolution Number	Date	Section	Section this Code
75-765	6- 3-75	1	7-216
		2	7-217
467(Res)	7-15-75	1	22-20, 22-21
469(Res)	7-15-75	1	22-19
75-787	10- 7-75	1	2-21
		2	2-22
75-789	10- 7-75	1, 2	19-1
75-791	10- 7-75	1	23-84
		2	23-85
		3	23-87
76-817	3- 2-76	2	5-7
			11-110--11-121
76-818	3- 2-76	2	16-64
			16-99
			16-128
76-819	3- 2-76	2	21-1
			21-21, 21-22
76-840	7- 6-76	1--6	2-94--2-99
76-902	11- 2-76	1	23-84
76-905	12- 7-76	1	23-88
76-930	1- 4-77	1	23-84, 23-85
			23-87, 23-88
		2	23-23

77-954	9- 6-77	2, 3	2-21, 2-22
78-983	3-21-78	1	11-48
		2	11-49
78-984	3-21-78	2	23-84
		3	23-87
78-45	11-21-78	1	23-84
79-08	2- 6-79	1	23-55
79-51	9-18-79	1	23-85
79-72	10-16-79	1a	2-21
		1b	2-22
79-80	12-11-79	1	23-90
79-81	12-11-79	1	2-50
80-17	4-15-80	1	11-49
80-33	9- 2-80	1	19-2
81-21	5-19-81	1--6	16-41--16-44
		8	16-41--16-44
81-48	10-6-81	1	2-21, 2-22
81-55	11-17-81	1	11-47
82-1	1-19-82	1	19-2
82-32	8- 3-82	1	23-85
82-52	10-19-82	1	2-22
		1, 2	2-21
82-64	10-19-82	1--6	14-19--14-24
		8	14-25
82-65	11-16-82	1--6	16-155--16-160
82-71	12-14-82	1	11-46--11-48
			11-50
82-1971	12-14-82	1	11-49
82-72	1- 4-83	1	19-2
83-17	4-19-83	11	19-25
83-18	4-19-83	1	21-23
83-19	4-19-83	1	22-21
83-22	4-19-83	1	4-1
83-36	5- 3-83	1	11-49
		2	11-50

83-64	12-20-83	1	16-69, 16-70
83-66	1- 3-84	14--18	17-13--17-17
84-59	10- 2-84	1	11-46--11-50
84-60	10- 2-84	1, 2	2-21, 2-22
85-15	3- 5-85	1	2-1
85-24	4-16-85	1	7-215--7-221
85-20	8-6-85	1	19-2
85-45	8- 6-85	1	7-215--7-221
85-55	10- 1-85	1(a)	2-21
		1(b)	2-22
85-56	10- 1-85	1(20-1)--1(20-11)	25-19--25-29
		1(20-12)--1(20-17)	25-49--25-54
		1(20-18), 1(20-19)	25-82, 25-83
		1(20-20)	25-110
		1(20-22),1(20-23)	25-112, 25-113
		1(20-24)--1(20-27)	25-140--25-143
		1(20-28)	25-30
		1(20-51)	25-111
85-71	11- 5-85	1	19-2
86-17	4- 1-86	1	16-70
86-46	9-16-86	1, 2	2-51
86-49	9-16-86	1(a)	2-21
		1(b)	2-22
87-18	6-16-87	1	11-110--11-121
87-37	10-20-87	1(a)	2-21
		1(b)	2-22
87-41	11-17-87	1	23-84
88-05	2-16-88	1	10-19--10-31
88-18	3-15-88	1	23-24
88-23	5-17-88	1	4-1
88-49	9-20-88	1	7-218
			22-103--22-113
89-01	10-18-88	1	22-78
		3	22-79

89-24	4-18-89	2	11-78
89-21	5-16-89		9-75
		1	9-19
			9-42--9-46
			9-68
			9-70
			9-72--9-74
89-43	9- 5-89	1	11-49
89-40	9-15-89	1(22-58(1))--1(22-58(15))	23-151--23-165
90-02	10-17-89	1(a), 1(b)	2-21, 2-22
90-32	4-17-90	1	16-155
90-38	5-15-90	1--6	23-251
90-47	9- 4-90	1	7-214--7-216
			7-218--7-222
90-49	9-18-90	1	23-84, 23-85
90-51	9-18-90	1(a), 1(b)	2-21, 2-22
91-02	11-20-90	1	19-2
91-12	2- 5-91	1	2-308
91-25	3- 5-91	1	21-22
91-37	7- 2-91	1	9-72
92-17	3- 3-92	1	11-49
92-31	7-21-92	1	4-1
92-41	10- 6-92	1(a)	2-21
		1(b)	2-22
93-03	12- 8-92	1(1-1)--1(1-5)	2-127--2-131
		1(2-1), 1(2-2)	2-132, 2-133
		1(3-1)	2-154
		1(3-3), 1(3-4)	2-155, 2-156
		1(3-10)	2-158
		1(4-1)	2-134
		1(5-1)	2-135
		1(6-1)--1(6-8)	2-185--2-192
		1(7-1)--1(7-4)	2-223--2-226
		1(8-1)--1(8-3)	2-246--2-248

		1(9-1)--1(9-9)	2-277--2-285
93-44	6- 1-93	1	7-19--7-25
			7-148--7-150
			7-170
93-58	8-17-93	1	23-84
93-60	9- 7-93	1(a)	2-21
		1(b)	2-22
93-62	9- 7-93	1	23-212--23-216
			23-218--23-221
93-69	10- 5-93	1	7-20
		2	7-24
		3--5	7-25
		6	7-26
		7	7-56--7-67
		8	7-93
		9	7-115--7-117
		10, 11	7-148, 7-149
		12	7-169
		14, 15	7-170
		16	7-194, 7-195
93-73	10- 5-93		2-51
94-05	12- 7-93	1, 2	19-2
94-24	2-15-94	1--7	8-19--8-25
94-63	9-20-94	1(a)	2-21
		1(b)	2-22
95-27	4- 4-95	1	22-103--22-105
		2	22-108--22-109
95-35	6- 6-95	1	22-47--22-51
95-47	9-19-95		2-51
95-48	9-19-95	1	23-84
95-50	10- 3-95	1	23-155
96-11	2-20-96	1	App. A, Art.II, § 3.02
96-24	6- 4-96	1	App. A, Art. I

96-42	9-17-96	1(a)	2-21
		1(b)	2-22
96-45	9-17-96	1	4-1
97-10	1- 7-97	1	17-1--17-34
			17-36
			17-38, 17-39
97-27	6-17-97	1	23-117--23-126
97-28	7- 1-97	1	20-1--20-4
			20-29--20-38
			20-67--20-72
			20-103, 20-104
			20-122, 20-123
97-29	7- 1-97	2	11-74, 11-75
			11-77
			11-79, 11-80
			11-82, 11-83
97-39	9- 2-97	1	22-104, 22-105
97-43	9-16-97	1(a)	2-21, 2-22
98-13	2-17-98	1	9-72
98-82	7-21-98		23-84
98-86	8-4-98	2--6	22-46--22-50
		6	22-51, 22-52
98-96	9-15-98	1(a)	2-21, 2-22
99-14	11-17-98	1	7-195
		2	7-117
		3-6	7-169
99-25	1-19-99	1, 2	19-2
99-37	2-2-99	1	2-337
		2	20-4
		3	22-112
		4	17-35, 17-36
			17-38, 17-39
		5	19-3
		6	21-24

		7	23-52
		8, 9	23-84, 23-85
		10	23-89
99-18	4-6-99	1	9-106--9-110
			9-134--9-144
			9-100
99-40	5-18-99	2	11-81
99-55	6-1-99	1, 2	8-24, 8-25
99-70	7-20-99	1	23-154, 23-155
99-87	9-21-99	1(a), 1(b)	2-21, 2-22
99-91	10-5-99	1	22-103
2000-09	11-2-99	1	14-19
		2--6	14-21--14-25
2000-32	3-7-00	1	App. B, § 1
		2	App. B, § 2
		3	App. B, § 3
		4	App. B, § 4
		5	App. B, § 5
		6	App. B, § 6
		7	App. B, § 7
		8	App. B, § 8
		9	App. B, § 9
		10	App. B, § 10
2000-50	3-7-00	1	16-70
2000-38	4-18-00	1	11-110--11-121
2000-56	4-18-00	3	7-66
		4	7-116
		5	7-150
		6	7-170
		7	19-2
2000-79	7-11-00	1	5-33--5-35
2000-81	7-11-00		2-51
2000-71	7-18-00	1	11-78

2000-83	7-18-00	1	App. B, § 6
		2	App. B
2000-77	8-1-00	1	19-3
		2, 3	23-84, 23-85
		6	23-52
2000-106	9-19-00	1(a), 1(b)	2-21, 2-22
2000-109	9-19-00	1	17-37
2001-19	12-19-00		2-51
2001-22	12-19-00	1	23-186--23-194
2001-32	2-6-01	1	21-102--21-113
2001-37	3-13-01	1	23-52
2001-44	4-3-01		App. B, §
		2	App. B
2001-48	5-1-01	1	23-153
		2	23-155
		3	23-166
2001-57	5-15-01		23-94
2001-60	7-10-01	1	23-117--23-126
2001-72	7-10-01	1	App. B, § 2
		2	App. B, § 3
		3	App. B, § 5
		4	App. B
2001-56	7-17-01	1, 2	23-84, 23-85
2001-85	09-18-01	1(a), 1(b)	2-21, 2-22
2002-04	11-06-01		2-51
2002-03	11-20-01	1--7	22-46--22-52
		8-21	21-102--21-115
2002-09	11-20-01	1	App. B
2002-18	1-08-02	1, 2	2-128, 2-129
		3	2-131
		4	2-134
		5	2-154
		7--9	2-155--2-157
		15	2-158

		16	2-188
		17	2-223
		18	2-246
		19	2-249
		20, 21	2-286, 2-287
2002-22	2-5-02	1	23-126
2002-27	2-19-02	1	4-2
2002-71	7-2-02	1	App. B, § 2
		3	App. B, § 8
		4	App. B
2002-65	8-6-02	1	22-48
2002-101	9-17-02		2-21, 2-22
2003-72	7-1-03	1--3	2-156--2-158
		4	2-225
		5	2-249
2003-74	7-15-03	1 (22-43), 1(22-44)	23-92, 23-93
2003-75	7-15-03	1	23-91
2003-86	9-2-03	1	4-1
2004-07	11-4-03	1	4-1
2004-13	11-4-03	1--4	13-19--13-22
		5	13-52
		9--11	13-54--13-56
2004-08	12-2-03	1	11-73
2004-09	12-2-03	1--3	11-78
		4	11-21
2004-55	6-15-04	1	23-155
2004-56	6-15-04	1	20-30--20-32
2004-57	6-15-04	1, 2	23-84
		3, 4	23-91
2004-64	8-17-04	1	23-93
2004-77	9-21-04	1	2-21, 2-22
2005-01	10-19-04	1	23-1
		2	23-24
		3	23-52
		4	23-84

		5	23-88
		6--8	23-91--23-93
		9, 10, 12	23-120
		11	23-117
			23-121
		12	23-126
		13, 14	23-186, 23-187
		15, 16	23-190, 23-191
		17, 18	23-213, 23-214
		20--26	23-215--23-221
2005-02	11-2-04	1	2-309
2005-33	5-17-05	1	11-73
		2	11-76
2005-45	6-7-05	1	21-52
2005-46	7-5-05	1	23-93
2005-65	8-2-05	1	4-1
2005-66	10-4-05	2	23-122
2006-06	1-3-06	1	2-307
2006-60	9-21-06	1	2-21, 2-22
2007-02	11-7-06	1(7-1), 1(7-2)	20-1, 20-2
		1(7-4)	20-4
		1(7-5(c)(1))--1(7-5(c)(6))	20-30--20-35
		1(7-5(c)(9))	20-38
		1(7-6(a))--1(7-6(c))	20-67--20-69
		1(7-6(e)), 1(7-6(f))	20-71, 20-72
2007-03	4-17-07	1(22-42)	23-91
2007-04	4-17-07	1(22-35)	23-84
2007-37	6-19-07	1, 2	2-307
		3	2-308
2007-40	6-19-07	1	16-40
2008-15	2-5-08	1(22-68)--1(22-84)	23-151--23-167
2008-25	4-15-08	1, 2	4-1, 4-2
2008-40	5-20-08	1, 2	2-307
2008-45	6-3-08	2(11-1)--2(11-12)	22-103--22-114
2008-49	7-1-08	1--7(8)	App. B, 2--App. B, 8
		7(10)	App. B, 10

2008-72	9-16-08	1(a), 1(b)	2-21, 2-22
2009-02	11-5-08	1	7-215
		2	7-220
2009-47	8-4-09	1	App. B, 10
2010-11	1-19-10	1	13-19
2010-20	2-2-10	1	4-1(a)
2010-33	4-20-10	1	7-147 (created)
		2	7-150
		3	7-170(a)
2010-83	9-7-10	1	4-1(c)(1)
		2	4-1(c)(2)
2011-05	1-4-11	1	23-91(c)
		2	23-91(f)
		3	23-92
		4	23-93(e)
2011-06	11-3-10	1	4-1(a)(4)
2011-11	12-7-10	1	20-32(a) - eff. 10-1-11
		2	20-32(e) - eff. 10-1-11
2011-14	2-1-11	1	4-1
		2	4-3 (created)
2011-26	5-17-11	1	2-307
2011-42	9-20-11	1	5-6
		2	17-13
		3	17-14
2012-21	12-6-11	1	17-18
2012-29	8-21-12	1	23-117
		2	23-118(b)(2)
		3	23-119
		4	23-120
2012-32	4-17-12	1	15-2 (created)
		2	15-3 (created)
2012-35	8-21-12	1	4-1(b)
2012-47	6-19-12	1	22-114
2012-49	7-3-12	1	23-155
		2	23-158
2013-41	4-16-13	1	15-4 (created)

		2	15-5 (created)
2013-51	7-2-13	1	23-120(c)(3)
2013-60	9-3-2013	3	22-120, 22-121, 22-122, 22-123, 22-124, 22-125, 22-126, 22-127, 128, 22-129 (created)
2014-36	3-18-2014	1	17-37
2014-68	8-5-2014	1	23-90 (repealed)
		2	23-117, 23-118, 23-119, 23-120, 23-121, 23-122, 23-123, 23-124, 23-125, 23-126
2014-69	7-1-2014	1	2-307
2015-25	3-3-2015	1	11-22 (created)
2015-35	6-16-2015	1	7-25
		2	7-56(f)
		3	7-150(c)
2015-36	6-16-2015	1	9-19 (b) (created)
2015-37	6-16-2015	1	19-2(d) (repealed)
2015-38	6-16-2015	1	22-104(b)(11)
2015-47	7-7-2015	1	7-7-2015
2016-26	11-17-2016	2	22-123(b)vii
2016-29	12-1-2015	1	23-93(a)
2016-45	2-16-2016	1	9-19
		2	9-72(b)
		3	Article V (created) 9-145, 9-146
2016-48	4-5-2016	2	22-121
		3	22-122(b)
		4	22-122(c)
		5	22-122(e)
		6	22-124(d)
		7	22-124(e)
2016-67	7-5-2016	1	2-133

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STATE LAW REFERENCE TABLE

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to state law.

F.S. Section	Section this Code
1.01	1-2
7.52	1-2
11.45	2-155
ch. 50	9-75
50.041	9-75
50.051	9-75
ch. 60	11-19
chs. 97--106	Ch. 2, Art. VI
	Char. Art. VII
111.06--111.072	2-50
112.60 et seq.	App. A, Art. I
112.63(3)	App. A, Art. II, Div. 5, § 5.01

Back to Electronic Table of Contents

112.311 et seq.	Char. Art. II
	Ch. 2, Art. II, Ch. 2, Art. III
112.3143	App. A, Art. II, Div. 4, § 4.01
ch. 119	Ch. 2, Art. IV
	Ch. 2, Art. IV, Div. 2
	2-130
	23-124
	App. A, Art. II, Div. 6, § 6.03
119.01	Char. § 5.04
119.07(1)	22-51
159.18	23-88
ch. 162	Ch. 9
	21-113
	23-52
ch. 162(1985)	9-43
162.01 et seq.	Ch. 9, Art. II

Back to Electronic Table of Contents

162.05	9-42
162.05(2), (3)(d), (e)	9-43
162.05(3)(e), (f)	9-44
162.05(4), (5)	9-45
162.06(1)--(4)	9-68
162.06(5)	9-69
162.07	9-71
162.07(2)	9-70
162.08	9-46
162.09, 162.10	9-72, 9-73
162.10	9-74
162.12	9-75
162.13	9-77
162.21	Ch. 9, Art. III
	9-110
	9-144
162.21(1), (2), (3)(a)	9-98

Back to Electronic Table of Contents

162.21(3)(b)	9-99, 9-100
162.21(4)--162.21(8)	9-101--9-105
162.22	1-15
162.23	Ch. 9, Art. IV
	9-134, 9-135
162.125	9-76
ch. 163, pt. II	19-2
163.3161 et seq.	Char. Art. VI
	Ch. 19
163.3184 et seq.	19-2
163.3194	19-2
ch. 166	Char. Art. I
	Char. Arts. I--X
	7-20
	23-221
166.021	21-102
166.031	Char. § 9.02

Back to Electronic Table of Contents

166.031(6)	2-308
166.041	Char. § 2.12
166.201 et seq.	Char. Art. V
	Ch. 22
166.231	22-46
	22-51
166.231(4), (5)	22-48
166.231(9)(c)	22-51
166.231(9)(f)	22-46
166.231--166.236	Ch. 22, Art. III
166.232	22-46
	22-51
166.233	22-46
166.233(3)	22-51
166.234	22-51
170.01 et seq.	Ch. 22, Art. II
ch. 171	Char. § 9.09

Back to Electronic Table of Contents

chs. 175, 185	App. A, Art. II, Div. 1, § 16.14
175.101	Ch. 22, Art. IV
	22-78
185.08	Ch. 22, Art. IV
	22-79
chs. 192--205	Ch. 22
202.11(2)(2000)	21-103
203.012	22-46
ch. 205	22-105
205.053	22-107, 22-108
206.86(1)	22-48
ch. 218	Char. Art. V
	Ch. 22
252.38(6)(e)	8-24
ch. 280	App. A, Art. II, Div. 4, § 4.02
280.02	App. A, Art. II, Div. 4, § 4.02

Back to Electronic Table of Contents

286.011	Char. Art. II
	Char. § 2.11
287.055	2-154, 2-155
ch. 307	23-117
ch. 316	Ch. 16
	16-99
	25-24
316.008(5)	16-70
316.189	Ch. 16, Art. II, Div. 2
316.195	16-63
316.1945(1)(2)(5), (6)	16-70
318.21(12)(a)	16-70
322.14	25-111
324.031	25-82
337.401	21-102
337.401(2000)	21-115
337.402(2000)	21-111

Back to Electronic Table of Contents

337.403	21-111
337.404(2000)	21-111
381.0065	23-52
381.00655	23-52
386.01 et seq.	11-19
ch. 403	23-117
403.111	23-124
403.161	23-121
ch. 418	Ch. 17
ch. 440	App. A, Art. II, Div. 3, § 3.02
440.11	21-112
ch. 480	7-26
553.71	App. B, § 4
553.73	9-104
553.79, 553.80	9-104
ch. 556	21-111
chs. 561--569	Ch. 4

Back to Electronic Table of Contents

561.20(2)(a)(2), (2)(a)(3)	4-2
561.20(2)(a)(3), 561.20(2)(a)(4)	4-1, 4-2
562.14	4-1
562.45	4-1
563.02(1)(a)	4-1
564.02(1)(a)	4-1
565.02(1)(a)	4-1
ch. 633	Ch. 13
	App. B, § 4
633.15	13-19
633.081(2)	13-22
633.0215	13-19
768.28	21-112
ch. 775	10-23
775.062	15-1
775.082	9-103
	App. A, Art. II, Div. 6, § 6.03

Back to Electronic Table of Contents

775.083	9-103
	15-1
	App. A, Art. II, Div. 6, § 6.03
ch. 794	7-25
ch. 796	7-25
ch. 800	7-25
ch. 826	7-25
828.13	5-5
832.07, 832.08	App. B, § 7
ch. 847	7-25
865.09(1990)	7-58
	7-65
876.05	2-48
ch. 893	25-54
	25-111
	25-113
943.085--943.255	9-98

Back to Electronic Table of Contents

Back to Electronic Table of Contents

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CHARTER INDEX

Section

ACTING CITY MANAGER
City manager
Assistant city manager and acting city manager . . . 3.03

ADMINISTRATIVE DEPARTMENTS
City clerk . . . 4.03
General provisions
Creation of departments . . . 4.01(a)
Direction by the city manager . . . 4.01(b)
Legal officer . . . 4.04
Personnel system
Appeal procedure . . . 4.02(e)
Merit principle . . . 4.02(a)
Personnel advisory board . . . 4.02(d)
Personnel director . . . 4.02(b)
Personnel rules and regulations . . . 4.02(c)

AFFIRMATION. See: OATH, AFFIRMATION, SWEAR OR SWORN

AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES OF CITY

AGREEMENTS. See: CONTRACTS AND AGREEMENTS

AMENDMENTS
Charter amendment . . . 9.03
City commission
Emergency ordinances . . . 2.14
Financial procedures
Amendments after adoption . . . 5.09
City commission action on budget
Amendment before adoption . . . 5.06(b)
Nominations and elections
Regular elections
Ballots for ordinances and charter amendments . . . 7.03(g)
Planning and zoning
Amendments and changes of zoning . . . 6.06

APPEALS
Administrative departments
Personnel system
Appeal procedure . . . 4.02(e)

APPROPRIATIONS. See: FINANCIAL PROCEDURES

ARCHITECTS
City commission

Back to Electronic Table of Contents

Appointments; empowered to appoint. . . . 2.08

ASSESSMENTS
City commission
General powers and duties . . . 2.05

ASSISTANT CITY MANAGER
City manager
Assistant city manager and acting city manager. . . . 3.03

AUDITORS
City commission
Appointments; empowered to appoint. . . . 2.08

AUDITS
City commission
Independent audit. . . . 2.10

BOARD OF ADJUSTMENT
Planning and zoning. . . . 6.05

BOARDS, COMMITTEES AND COMMISSIONS
Administrative departments
Personnel system
Personnel advisory board. . . . 4.02(d)
City commission. . . . 2.01 et seq.
See: CITY COMMISSION
Nominations and elections
Regular elections
Canvassing board. . . . 7.03(e)
Planning and zoning
Board of adjustment. . . . 6.05
Planning and zoning board. . . . 6.02
Powers of the city
Intergovernmental relations . . . 1.03

BONDS
Financial procedures. . . . 5.12

BOUNDARIES
City boundaries. . . . 9.09

BUDGET. See: FINANCIAL PROCEDURES

BUILDINGS AND BUILDING REGULATIONS
Planning and zoning . . . 6.01 et seq.
See: PLANNING AND ZONING

CAPITAL PROGRAM
City manager
Powers and duties of the city manager . . . 3.04(5)
Financial procedures
City commission action on capital program . . . 5.07

Back to Electronic Table of Contents

Generally . . . 5.05
Initiative and referendum
General authority
Initiative; qualified voters shall have power except . . . 8.01(a)
Referendum; qualified voters shall have power except . . . 8.01(b)

CERTIFICATES/CERTIFICATION
Financial procedures
Bonds; city commission shall have power to . . . 5.12

CHARTER
Appointments . . . 9.07
Charter amendment . . . 9.03
City boundaries . . . 9.09
Employee election provision . . . 9.08
Headings and subheadings . . . 9.06
Nominations and elections
Regular elections
Ballots for ordinances and charter amendments . . . 7.03(g)
Personal financial interest . . . 9.01
Prohibitions
Activities prohibited . . . 9.02(a)
Penalties . . . 9.02(b)
Requirements for publication . . . 9.04
Separability . . . 9.05

CHIEF ADMINISTRATIVE OFFICER
City manager
Powers and duties of the city manager . . . 3.04

CITY CLERK
Administrative departments . . . 4.03
City manager
Assistant city manager and acting city manager; powers of mayor in his absence or disability . . . 3.03
Nominations and elections
Recall elections; powers and duties of city clerk . . . 7.04

CITY COMMISSION
Action requiring an ordinance or an ordinance and referendum . . . 2.12
Appointments . . . 2.08
Authentication and recording, codification, printing
Authentication and recording . . . 2.16(a)
Codification . . . 2.16(b)
Printing of ordinances and resolution . . . 2.16(c)
City manager
Assistant city manager and acting city manager; powers of mayor in his absence or disability . . . 3.03
Powers and duties of the city manager . . . 3.04
Codes of technical regulations . . . 2.15
Eligibility . . . 2.02
Emergency ordinances . . . 2.14
Financial procedures . . . 5.05 et seq.

Back to Electronic Table of Contents

See: FINANCIAL PROCEDURES
General powers and duties . . . 2.05
Generally . . . 2.01
Independent audit . . . 2.10
Initiative and referendum
General authority
Initiative; qualified voters shall have power . . . 8.01(a)
Referendum; voters shall have power to require consideration by city commission . . . 8.01(b)
Investigations . . . 2.09
Mayor . . . 2.03
Nominations and elections
Regular elections
Commission ballots . . . 7.03(b)
Composition of city commission . . . 7.03(a)
Ordinances in general
Effective date . . . 2.13(c)
Form . . . 2.13(a)
Procedure . . . 2.13(b)
Publication . . . 2.13(d)
Ordinances, resolutions, etc.
Action requiring an ordinance or an ordinance and referendum . . . 2.12
Authentication and recording, codification, printing
Printing of ordinances and resolution . . . 2.16(c)
Emergency ordinances . . . 2.14
Ordinances in general . . . 2.13
Powers . . . 2.03.1 et seq.
See: POWERS
Procedure
Meetings . . . 2.11(a)
Rules and journal . . . 2.11(b)
Voting . . . 2.11(c)
Prohibitions
Appointments and removals . . . 2.06(a)
Interference with administration . . . 2.06(b)
Salaries and expenses . . . 2.04
Transitional provisions . . . 10.05
Departments, offices and agencies
Property and records shall be transferred to department, office or agency assuming its powers . . . 10.02(b)
Transfer of powers . . . 10.02(a)
Vacancies, forfeitures of office, filling of vacancies
Filling of vacancies . . . 2.07(b)
Judge of qualifications . . . 2.07(c)
Vacancies . . . 2.07(a)
Vice-mayor . . . 2.03.1

CITY MANAGER
Administrative departments
General provisions
Direction by the city manager . . . 4.01(b)
Appointment, qualifications, compensation . . . 3.01
Assistant city manager and acting city manager . . . 3.03
City commission

Back to Electronic Table of Contents

Prohibitions . . . 2.06(a)
Powers and duties of the city manager . . . 3.04
Removal . . . 3.02

CLERKS
Administrative departments
City clerk . . . 4.03
Nominations and elections
Recall elections; powers and duties of city clerk . . . 7.04

CODES (Generally)
City commission
Codes of technical regulations . . . 2.15

CODIFICATION
City commission
Authentication and recording, codification, printing . . . 2.16

COMMISSION. See: CITY COMMISSION

COMMITTEES AND COMMISSIONS. See: BOARDS, COMMITTEES AND COMMISSIONS

COMPENSATION, SALARIES, ETC. See: OFFICERS AND EMPLOYEES

COMPREHENSIVE PLAN
Planning and zoning . . . 6.03, 6.04

CONFLICTS OF INTEREST
Personal financial interest . . . 9.01

CONSTRUCTION (Generally). See: BUILDINGS AND BUILDING REGULATIONS

CONSULTANTS
City commission
Appointments; empowered to appoint . . . 2.08

CONTRACTS AND AGREEMENTS
Powers of the city
Intergovernmental relations . . . 1.03

DEPARTMENTS AND OTHER AGENCIES OF CITY
Administrative departments . . . 4.01 et seq.
See: ADMINISTRATIVE DEPARTMENTS
City commission . . . 2.01 et seq.
See: CITY COMMISSION
City manager
Powers and duties of the city manager . . . 3.04(2)
Powers of the city
Intergovernmental relations . . . 1.03
Transitional provisions . . . 10.02

DISABILITY
City commission

Back to Electronic Table of Contents

Vice-mayor 2.03.1
City manager
Assistant city manager and acting city manager; powers of mayor in his absence or disability..... 3.03

ELECTIONS
Employee election provision..... 9.08
Nominations and elections..... 7.01 et seq.
See: NOMINATIONS AND ELECTIONS
Transitional provisions
City commission
First election ..... 10.05(c)

EMERGENCIES
City commission
Emergency ordinances..... 2.14
Financial procedures
Amendments after adoption
Emergency appropriations..... 5.09(b)
Limitations; effective date..... 5.09(e)
Initiative and referendum
General authority
Referendum; shall not extend to the budget or capital program or any emergency ordinance ..... 8.01(b)

EMPLOYEES. See: OFFICERS AND EMPLOYEES

EVIDENCE
City commission
Vacancies, forfeitures of office, filling of vacancies
Judge of qualifications; power to require production of evidence ..... 2.07(c)

FINANCIAL PROCEDURES
Administration of budget
Payments and obligations prohibited ..... 5.11(b)
Work programs..... 5.11(a)
Amendments after adoption
Emergency appropriations ..... 5.09(b)
Limitations; effective date..... 5.09(e)
Reduction of appropriations ..... 5.09(c)
Supplemental appropriations..... 5.09(a)
Transfer of appropriations..... 5.09(d)
Appropriations
Amendments after adoption 5.09
Initiative and referendum
General authority
Initiative; qualified voters shall have power except..... 8.01(a)
Lapse of appropriations 5.10
Bonds 5.12
Budget 5.04
Administration of budget..... 5.11
Budget message..... 5.03
City commission action on budget 5.06

Back to Electronic Table of Contents

City manager
Powers and duties of the city manager . . . 3.04(5)
Generally . . . 5.04
Initiative and referendum
General authority
Initiative; qualified voters shall have power except . . . 8.01(a)
Referendum; qualified voters shall have power except . . . 8.01(b)
Submission of budget and budget message . . . 5.02
Budget message . . . 5.03
Capital program
Contents . . . 5.05(b)
Submission to city commission . . . 5.05(a)
City commission
Action on budget . . . 5.06
Action on capital program . . . 5.07
Amendments after adoption
Emergency appropriations . . . 5.09(b)
Capital program
Submission to city commission . . . 5.05(a)
City commission action on budget
Adoption . . . 5.06(c)
Amendment before adoption . . . 5.06(b)
Notice and hearing . . . 5.06(a)
City commission action on capital program
Adoption . . . 5.07(b)
Notice and hearing . . . 5.07(a)
City manager
Powers and duties of the city manager . . . 3.04(6)
Compensation, salaries, etc. See: OFFICERS AND EMPLOYEES
Fiscal year . . . 5.01
Lapse of appropriations . . . 5.10
Powers of the city
Intergovernmental relations . . . 1.03
Public records . . . 5.08
Submission of budget and budget message . . . 5.02

FISCAL YEAR
Financial procedures
Amendments after adoption
Emergency appropriations . . . 5.09(b)
Generally . . . 5.01

FRANCHISES
City commission
Emergency ordinances . . . 2.14

FUNDS (Generally). See: FINANCIAL PROCEDURES

HEALTH AND SANITATION
City commission
Emergency ordinances . . . 2.14
General powers and duties . . . 2.05
Financial procedures

Back to Electronic Table of Contents

Amendments after adoption
Emergency appropriations . . . 5.09(b)
Planning and zoning . . . 6.01 et seq.
See: PLANNING AND ZONING

HEARINGS. See specific subjects as indexed

HIGHWAYS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

HOUSING
Planning and zoning . . . 6.01 et seq.
See: PLANNING AND ZONING

INDEBTEDNESS (Generally). See: BONDS; See also: FINANCIAL PROCEDURES

INITIATIVE AND REFERENDUM
Action on petitions
Action by commission . . . 8.06(a)
Submission to voters . . . 8.06(b)
Withdrawal of petitions . . . 8.06(c)
Commencement of proceedings; petitioners' committee . . . 8.02
General authority
Initiative . . . 8.01(a)
Referendum . . . 8.01(b)
Petitions
Affidavit of circulator . . . 8.03(c)
Form and content . . . 8.03(b)
Number of signatures . . . 8.03(a)
Time for filing referendum petitions . . . 8.03(d)
Procedure for verification
Court review; new petition . . . 8.04(b)
Verification . . . 8.04(a)
Referendum petitions; suspension of effect of ordinance . . . 8.05
Results of election
Initiative . . . 8.07(a)
Referendum . . . 8.07(b)

INTERFERENCE (Generally). See: OBSTRUCTIONS

INTERGOVERNMENTAL RELATIONS
Powers of the city . . . 1.03

INVESTIGATIONS
City commission . . . 2.09

LAW
City commission
General powers and duties; except as provided by law . . . 2.05
City manager
Powers and duties of the city manager . . . 3.04
Financial procedures
Bonds; city commission shall have power to . . . 5.12
Powers of the city

Back to Electronic Table of Contents

Generally 1.01
Transitional provisions
Ordinances and other laws 10.04

LEGAL OFFICER
Administrative departments 4.04

LIENS
City commission
General powers and duties 2.05

MAYOR
City commission 2.03
City manager
Powers and duties of the city manager ..... 3.04(1)

MEETING. See specific subjects as indexed

MILITARY LAW
City commission
Mayor 2.03

MISDEMEANORS
City commission
Investigations; failure to obey these powers shall be guilty of 2.09

MONIES (Generally). See: FINANCIAL PROCEDURES

NAMES AND NAMING
Nominations and elections
Recall elections
Verification of names ..... 7.04(c)

NOMINATIONS AND ELECTIONS
City elections
Conduct of elections ..... 7.01(c)
Qualified voters ..... 7.01(b)
Regular election ..... 7.01(a)
Nominations
Filing ..... 7.02(b)
Petitions ..... 7.02(a)
Procedure after filing ..... 7.02(c)
Recall elections
Canvass of vote ..... 7.04(g)
Election for recall ..... 7.04(d)
Election of successor ..... 7.04(h)
Form of ballot ..... 7.04(f)
Petition for recall ..... 7.04(a)
Publication ..... 7.04(e)
Signatures to petition ..... 7.04(b)
Validated petitions ..... 7.04(i)
Verification of names ..... 7.04(c)
Regular elections

Back to Electronic Table of Contents

Ballots for ordinances and charter amendments . . . 7.03(g)
Canvassing board . . . 7.03(e)
Commencement of term of officer . . . 7.03(f)
Commission ballots . . . 7.03(b)
Composition of city commission . . . 7.03(a)
Determination of election results . . . 7.03(d)
Voting machines . . . 7.03(c)
Votes and voting
City elections
Qualified voters . . . 7.01(b)
Recall elections
Canvass of vote . . . 7.04(g)
Regular elections
Voting machines . . . 7.03(c)

NOTICES. See specific subjects as indexed

OATH, AFFIRMATION, SWEAR OR SWORN
City commission
Vacancies, forfeitures of office, filling of vacancies
Judge of qualifications; power to administer oaths . . . 2.07(c)

OBLIGATIONS (Generally). See: BONDS; See also: FINANCIAL PROCEDURES

OBSTRUCTIONS
City commission
Prohibitions
Interference with administration . . . 2.06(b)

OFFICERS AND EMPLOYEES
Administrative departments . . . 4.01 et seq.
See: ADMINISTRATIVE DEPARTMENTS
Appointments . . . 9.07
City commission . . . 2.01 et seq.
See: CITY COMMISSION
City manager . . . 3.01 et seq.
See: CITY MANAGER
Compensation, salaries, etc.
City commission
Salaries and expenses . . . 2.04
City manager
Appointment, qualifications, compensation . . . 3.01
Initiative and referendum
General authority
Initiative; qualified voters shall have power except . . . 8.01(a)
Employee election provision . . . 9.08
Nominations and elections . . . 7.01 et seq.
See: NOMINATIONS AND ELECTIONS
Personal financial interest . . . 9.01
Planning and zoning
Board of adjustment . . . 6.05
Planning and zoning board . . . 6.02
Planning and zoning director . . . 6.01

Back to Electronic Table of Contents

Powers of the city
Intergovernmental relations . . . 1.03
Salaries. See herein: Compensation, Salaries, Etc.
Transitional provisions . . . 10.01

ORDINANCES, RESOLUTIONS, ETC.
City commission . . . 2.12 et seq.
See: CITY COMMISSION
Nominations and elections
Regular elections
Ballots for ordinances and charter amendments . . . 7.03(g)
Transitional provisions
Ordinances and other laws . . . 10.04

PERSONNEL SYSTEM
Administrative departments . . . 4.02
Transitional provisions
Officers and employees . . . 10.01(c)

PETITIONS
Nominations and elections
Nominations
Petitions . . . 7.02(a)
Recall elections . . . 7.04

PLANNING AND ZONING
Amendments and changes of zoning . . . 6.06
Board of adjustment . . . 6.05
Comprehensive plan
Adoption . . . 6.03(b)
Content . . . 6.03(a)
Effect . . . 6.03(c)
Review . . . 6.03(d)
Implementation of the comprehensive plan . . . 6.04
Planning and zoning board . . . 6.02
Planning and zoning director . . . 6.01

POWERS
City commission
Action requiring an ordinance or an ordinance and referendum . . . 2.12
Appointments . . . 2.08
General powers and duties . . . 2.05
Investigations . . . 2.09
Prohibitions . . . 2.06(a)
Vacancies, forfeitures of office, filling of vacancies
Judge of qualifications; power to subpoena witnesses . . . 2.07(c)
Vice-mayor . . . 2.03.1
City manager
Assistant city manager and acting city manager . . . 3.03
Powers and duties of the city manager . . . 3.04
Financial procedures
Bonds; city commission shall have power to . . . 5.12
Initiative and referendum

Back to Electronic Table of Contents

General authority
Initiative; qualified voters shall have power . . . 8.01(a)
Referendum; voters shall have power to require consideration by city commission . . . 8.01(b)
Nominations and elections
Recall elections; powers and duties of city clerk . . . 7.04
Powers of the city . . . 1.01 et seq.
See: POWERS OF THE CITY
Transitional provisions
Departments, offices and agencies
Property and records shall be transferred to department, office or agency assuming its powers . . . 10.02(b)
Transfer of powers . . . 10.02(a)

POWERS OF THE CITY
Construction . . . 1.02
Generally . . . 1.01
Intergovernmental relations . . . 1.03

PRINTING
City commission
Authentication and recording, codification, printing . . . 2.16
Emergency ordinances . . . 2.14

PRISONS AND PRISONERS
City commission
Investigations; failure to obey these powers shall be guilty of . . . 2.09

PROCESSES. See: WRITS, WARRANTS AND OTHER PROCESSES

PROPERTY
City commission
Emergency ordinances . . . 2.14
General powers and duties . . . 2.05
Planning and zoning . . . 6.01 et seq.
See: PLANNING AND ZONING
Transitional provisions
Departments, offices and agencies
Property and records . . . 10.02(b)

PUBLIC PLACES. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

PUBLIC RECORDS
Financial procedures . . . 5.08

PUBLICATION
City commission
Emergency ordinances . . . 2.14
Ordinances in general . . . 2.13(d)
City manager
Powers and duties of the city manager . . . 3.04(6)
Nominations and elections
Recall elections . . . 7.04(e)
Requirements for publication . . . 9.04

Back to Electronic Table of Contents

REAL ESTATE
City commission
Action requiring an ordinance or an ordinance and referendum; powers..... . . . 2.12(3)

RECALL ELECTIONS
Nominations and elections 7.04

RECORDS AND REPORTS
City commission
Authentication and recording, codification, printing 2.16
Procedure
Rules and journal .... 2.11(b)
City manager
Powers and duties of the city manager . . . 3.04(6), (7)
Financial procedures
Public records 5.08
Transitional provisions
Departments, offices and agencies
Property and records .... 10.02(b)

RECORDS, PUBLIC. See: PUBLIC RECORDS

REPORTS. See: RECORDS AND REPORTS

RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.

REVENUES (Generally). See: FINANCIAL PROCEDURES

RIGHTS (Generally)
City manager
Powers and duties of the city manager..... . . . 3.04(3)
Transitional provisions
Officers and employees
Rights and privileges preserved .... 10.01(a)

ROADS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

SALARIES
Compensation, salaries, etc. See: OFFICERS AND EMPLOYEES

SANITATION. See: HEALTH AND SANITATION

SIDEWALKS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

SIGNATURES
Nominations and elections
Recall elections
Signatures to petition .... 7.04(b)

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Planning and zoning .... 6.01 et seq.
See: PLANNING AND ZONING

Back to Electronic Table of Contents

STRUCTURES (Generally). See: BUILDINGS AND BUILDING REGULATIONS

SUBDIVISIONS
Planning and zoning ..... 6.01 et seq.
See: PLANNING AND ZONING

SWEAR OR SWORN. See: OATH, AFFIRMATION, SWEAR OR SWORN

TAXATION (Generally)
City commission
Action requiring an ordinance or an ordinance and referendum; powers..... 2.12(3)
Emergency ordinances; may not levy taxes 2.14
General powers and duties..... 2.05
Financial procedures ..... 5.01 et seq.
See: FINANCIAL PROCEDURES
Initiative and referendum
General authority
Initiative; qualified voters shall have power except ..... 8.01(a)
Referendum; qualified voters shall have power except..... 8.01(b)

TRANSITIONAL PROVISIONS
City commission
Designation of members of city commission ..... 10.05(b)
First election ..... 10.05(c)
Terms of present elected officials..... 10.05(a)
Departments, offices and agencies
Property and records ..... 10.02(b)
Transfer of powers ..... 10.02(a)
Effective date..... 10.07
Officers and employees
Continuance of office or employment ..... 10.01(b)
Personnel system..... 10.01(c)
Rights and privileges preserved ..... 10.01(a)
Ordinances and other laws
Conflicting ordinances and other laws..... 10.04(b)
In general..... 10.04(a)
Pending matters 10.03

UNITED STATES
Powers of the city
Intergovernmental relations 1.03

UTILITIES
City commission
Emergency ordinances 2.14

VICE-MAYOR
City commission 2.03.1

VOTES AND VOTING
City commission
Emergency ordinances 2.14

Back to Electronic Table of Contents

Procedure
Voting .... 2.11(c)
City manager
Powers and duties of the city manager .... 3.04(3)
Nominations and elections .... 7.01 et seq.
See: NOMINATIONS AND ELECTIONS

WARRANTS. See: WRITS, WARRANTS AND OTHER PROCESSES

WITNESSES
City commission
Vacancies, forfeitures of office, filling of vacancies
Judge of qualifications; power to subpoena witnesses .... 2.07(c)

WRITS, WARRANTS AND OTHER PROCESSES
City commission
Vacancies, forfeitures of office, filling of vacancies
Judge of qualifications; power to subpoena witnesses .... 2.07(c)

ZONING (Generally)
Planning and zoning..... . . . 6.01 et seq.
See: PLANNING AND ZONING

Back to Electronic Table of Contents

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CODE INDEX

Section

ABANDONMENT
Abandoning of animals . . . 5-5
Adult entertainment
Licensing provisions
Transfer of license
Attempted improper transfer void; license abandoned . . . 7-64(d)
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Abandonment of a communications facility . . . 21-111(p)

ABATEMENTS
Nuisances
Public health nuisances . . . 11-19(b)
Outside storage and parking of certain vehicles
Penalties
Administrative abatement . . . 11-83(1)
Utilities
Municipal separate storm sewer system (MS4) regulations
Penalties . . . 23-221(b)

ACCESS
Procurements
Public access to procurement information . . . 2-130
Solid waste
Placement of waste
Placement of containers
Accessibility to city staff and equipment . . . 20-71(a)
Utilities
Sewers
Industrial pretreatment program
Compliance monitoring
Inspection and sampling access . . . 23-122(b)

ACCIDENTS
Utilities
Sewers
Industrial pretreatment program
Regulations
Accidental discharges . . . 23-118(i)

ACCUMULATIONS (Generally). See: SOLID WASTE

Back to Electronic Table of Contents

ACTIONS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS

ADMINISTRATION (Chapter 2)
City commission . . . 2-21, 2-22
Elections . . . 2-307 et seq.
See: ELECTIONS
Miscellaneous ordinances not affected by Code . . . 1-12(14)
Officers and employees . . . 2-48 et seq.
See: OFFICERS AND EMPLOYEES
Official flower and tree of city established . . . 2-1
Procurements . . . 2-127 et seq.
See: PROCUREMENTS
Programs and services . . . 2-337
Public records . . . 2-94 et seq.
See: PUBLIC RECORDS

ADMINISTRATION DEPARTMENT
Fee schedule. See Appendix B

ADULT ENTERTAINMENT
Authority . . . 7-20
Construction . . . 7-22
Definitions . . . 7-25
Employee provisions
Records for employees . . . 7-93
Fees
Licensing provisions
Annual licensing regulatory fees; levy of; regulatory in nature . . . 7-62
Application required for adult use license; contents of; application fee; rejection of incomplete application; consent by applicant . . . 7-58
Legislative findings . . . 7-24
Licenses and permits
Location provisions
Adult use permits . . . 7-148
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments. See herein that subheading
Licensing provisions
Adult use license required; classification
Classifications . . . 7-57(b)
Requirement . . . 7-57(a)
Single classification of license . . . 7-57(c)
Annual licensing regulatory fees; levy of; regulatory in nature
Levy of license fees . . . 7-62(a)
License fees are regulatory in nature . . . 7-62(b)
Application required for adult use license; contents of; application fee; rejection of incomplete application; consent by applicant
Application fee . . . 7-58(c)
Contents of application . . . 7-58(b)
Incomplete application . . . 7-58(d)

Required . . . 7-58(a)

Back to Electronic Table of Contents

Cancellation or revocation of license
Convictions for violations of division 6 of this article . . . 7-67(b)
Effect of revocation . . . 7-67(c)
Effective date of revocation . . . 7-67(d)
False information . . . 7-67(a)
Changing name of establishment . . . 7-65
Contents of license; term of license; renewals; expiration; cancellation
Cancellation . . . 7-61(e)
Contents . . . 7-61(a)
Expiration . . . 7-61(d)
Renewals . . . 7-61(c)
Term . . . 7-61(b)
Grant; denial
Denial of application for license . . . 7-60(c)
Grant of application for license . . . 7-60(b)
Time period for granting or denying . . . 7-60(a)
Investigation of application . . . 7-59
Records and reports; consent by licensee
Consent . . . 7-63(b)
Records and reports . . . 7-63(a)
Responsibilities of commission, community development department, and police department .. 7-56
Suspension of license
Convictions for violations of division 6 of this article . . . 7-66(c)
Effective date of suspension . . . 7-66(d)
Illegal transfer . . . 7-66(b)
Violation of general provisions . . . 7-66(a)
Transfer of license
Attempted improper transfer void; license abandoned . . . 7-64(d)
Effect of suspension or revocation procedures . . . 7-64(b)
No transfer to different location . . . 7-64(c)
Requirements for transfer . . . 7-64(a)
Location
Licensing provisions
Transfer of license
No transfer to different location . . . 7-64(c)
Location provisions. See herein that subject
Location provisions
Adult use permits
Continuing validity of the adult use permit . . . 7-148(d)
Inspection and issuance of certificate
Certification of compliance . . . 7-148(c)(2)
Certification of noncompliance . . . 7-148(c)(1)
Conflicting applications . . . 7-148(c)(3)
Permits required . . . 7-148(a)
Required information . . . 7-148(b)
Hardship relief
Applicant's authority to file for hardship relief . . . 7-150(a)
Findings for grant of relief . . . 7-150(c)
Grant of relief not to exempt from other regulations . . . 7-150(f)
Hearing before planning board . . . 7-150(b)

Majority vote required . . . 7-150(d)
Reapplication . . . 7-150(e)

Back to Electronic Table of Contents

Nonconforming adult uses . . . 7-149
Miscellaneous provisions
Effective date . . . 7-195
Notice . . . 7-194
Operational provisions for adult uses
Adult theater . . . 7-116
General requirements . . . 7-115
Special cabarets, adult photographic or modeling studios, and adult theaters . . . 7-117
Permits. See herein: Licenses and Permits
Prohibitions
Appeals . . . 7-170
Circuit court review . . . 7-170(c)
City commission to hear . . . 7-170(a)
Immunity for prosecution . . . 7-170(d)
Powers of commission . . . 7-170(e)
Submission of application . . . 7-170(b)
Permits. See herein: Licenses and Permits
Prohibited operations, acts, advertisements, and actions of adult use establishments
Advertising prohibited activity . . . 7-169(d)
Allowing employee(s) to engage in prohibited acts . . . 7-169(c)
Alteration of license or permit . . . 7-169(n)
Engaging in prohibited activity . . . 7-169(h)
Exceeding occupancy limit of adult booth . . . 7-169(j)
False statement or false information in applying for license . . . 7-169(o)
Hours of operation . . . 7-169(l)
Licenses and permits
Alteration of license or permit . . . 7-169(n)
Operation of adult use without valid adult use license . . . 7-169(a)
Working at establishment which does not have valid adult entertainment license . . . 7-169(f)
Minors prohibited . . . 7-169(e)
Operation of adult use without valid adult use license . . . 7-169(a)
Prohibited adult use operations . . . 7-169(b)
Records for employees required . . . 7-169(g)
Solicitation or personal advertising . . . 7-169(m)
Touching of employee by person . . . 7-169(i)
Use of restrooms or dressing rooms . . . 7-169(k)
Working at establishment which does not have valid adult entertainment license . . . 7-169(f)
Purpose of article . . . 7-23
Records and reports
Employee provisions
Records for employees . . . 7-93
Licensing provisions
Records and reports; consent by licensee . . . 7-63
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments
Records for employees required . . . 7-169(g)
Regulation of obscenity subject to state law . . . 7-26
Reports. See herein: Records and Reports
Territory embraced . . . 7-21
Title . . . 7-19

ADULT USES
Location of adult uses . . . 7-147

Back to Electronic Table of Contents

ADVERTISING
Adult entertainment
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments . . . 7-169
Advertising causing obstruction of streets or sidewalks . . . 3-3
Distributing or throwing handbills, dodgers or advertising notices . . . 3-1
Parks and recreation
Advertising, publicity and signs . . . 17-26
Pasting advertising matter on vehicle of another . . . 3-2
Taxation and finance
Business tax receipts
Requirements for advertisers for "off-premises" billboard signs . . . 22-112

AFFIRMATION. See: OATH, AFFIRMATION, SWEAR OR SWORN

AGE CONCERNS
Minors. See that subject

AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES OF CITY

AGREEMENTS. See: CONTRACTS AND AGREEMENTS

AIR RIFLES
Animals
Shooting at animals with air rifles or similar weapons . . . 5-6

AIRPORTS AND AIRCRAFT
Parks and recreation
Aircraft . . . 17-21

ALARM SYSTEMS
Alarm monitoring . . . 10-21
Alarm user permits required; fee; renewal . . . 10-23
Appeals . . . 10-28
Application for alarm permit; emergency notification and reporting service information
Alarm user response to police call-out . . . 10-24(d)
Applications . . . 10-24(a)
Emergency notification . . . 10-24(b)
Reporting service information . . . 10-24(c)
Automatic telephone dialing alarm systems . . . 10-22
Definitions . . . 10-20
Fee assessment for alarm user permits . . . 10-29
Fees
Alarm user permits required; fee; renewal . . . 10-23
Fee assessment for alarm user permits . . . 10-29
Interpretation . . . 10-31
Issuance of permit decals . . . 10-25
Liability . . . 10-30
Licenses and permits
Alarm user permits required; fee; renewal . . . 10-23
Fee assessment for alarm user permits . . . 10-29
Issuance of permit decals . . . 10-25

Back to Electronic Table of Contents

Necessary items for alarm systems to qualify for an alarm user permit 10-26
Permits. See herein: Licenses and Permits
Purpose of article 10-19
Response to alarm; determination of validity 10-27

ALCOHOLIC BEVERAGES
Adult entertainment .... 7-19 et seq.
See: ADULT ENTERTAINMENT
Consumption or Possession of Open Container in Public.....4-3
Parks and recreation
Drunkenness and use of narcotics 17-28
Intoxicating liquors, beer, wine and narcotics..... . . . 17-29
Sale of alcoholic beverages for on-premises consumption; location
Compliance required; duty of city manager..... . . . 4-1(b)
Hours of sale; closing hours..... . . . 4-1(c)
Sale permitted; locational criteria .... 4-1(a)
Sale of alcoholic beverages within the community redevelopment districts 4-2

ALLEYS
Motor vehicles and traffic
Stopping, standing and parking
Stopping, standing or parking in alleys 16-68

ALMS
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances 17-25

AMENDMENTS
Amendments to Code 1-6
Miscellaneous ordinances not affected by Code .... 1-12(4)
Retirement plan and disability plan for general employees. See Appendix A

AMUSEMENTS AND AMUSEMENT PLACES
Adult entertainment .... 7-19 et seq.
See: ADULT ENTERTAINMENT
Alcoholic beverages 4-1, 4-2
Motor vehicles and traffic .... 16-99 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Parks and recreation .... 17-1 et seq.
See: PARKS AND RECREATION
Solicitors, peddlers and transient merchants .... 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

AND
Definitions and rules of construction
Or, and..... . . . 1-2
ANIMALS
Abandoning of animals 5-5
Allowing trespass 5-2
Birds; city designated as sanctuary; prohibited acts..... . . . 5-7
Dogs
Dogs constituting a nuisance 5-35

Back to Electronic Table of Contents

Removal of dog excreta from certain public and private property . . . 5-34
Running at large upon premises of another
Dogs in parks. . . . 5-33(c)
Limitation on prohibition . . . 5-33(b)
Prohibited . . . 5-33(a)
Fowl running at large; requirements for keeping . . . 5-4
Parks and recreation . . . 17-8 et seq.
See: PARKS AND RECREATION
Requirements for keeping horses, cows, hogs, and other livestock . . . 5-3
Running at large . . . 5-1
Dogs
Running at large upon premises of another . . . 5-33
Fowl running at large; requirements for keeping . . . 5-4
Generally . . . 5-1
Shooting at animals with air rifles or similar weapons. . . . 5-6
Solid waste
Collection regulations, fees and charges
Dead animals. . . . 20-35

ANNEXATIONS
Planning and development. . . . 19-3 et seq.
See: PLANNING AND DEVELOPMENT
Programs and services
Assessing the impact of programs and services on annexation . . . 2-337
Taxation and finance
Business tax receipts. . . . 22-113
Utilities
Sewers
Rates and charges
Billing cycle for users inside and outside city limits
Users outside city, within city's annexation area . . . 23-84(c)

APPEALS
Adult entertainment
Prohibitions . . . 7-170
Circuit court review. . . . 7-170(c)
City commission to hear . . . 7-170(a)
Immunity for prosecution. . . . 7-170(d)
Powers of commission. . . . 7-170(e)
Submission of application . . . 7-170(b)
Alarm systems . . . 10-28
Code enforcement
Code enforcement board procedure
Enforcement procedure . . . 9-74
Procurements. . . . 2-223 et seq.
See: PROCUREMENTS
Utilities
Sewers
Rates and charges
System of industrial cost recovery charges
Appeals and variances. . . . 23-90(i)
Stormwater utility . . . 23-165

Back to Electronic Table of Contents

APPLIANCES
Outside storage and parking of certain vehicles
Non-operative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours 11-80

APPROPRIATIONS. See: FINANCE

ASSEMBLIES
Parks and recreation
Public demonstrations, gatherings, performances, speeches 17-27

ASSESSMENTS
Miscellaneous ordinances not affected by Code .... 1-12(12)
Taxation and finance .... 22-19 et seq.
See: TAXATION AND FINANCE

ASSETS
Retirement plan and disability plan for general employees. See Appendix A

AUCTIONS
Procurements
Material management 2-189

AUDITS
Procurements
Source selection, contract and purchase order formation
Contracting for professional services
Contracts for audit by an independent certified public accountant .... 2-155(c)

AUTHORITY (Defined)
Definitions and rules of construction
Delegation of authority 1-2
Joint authority 1-2

AUTOMOBILES. See: MOTOR VEHICLES AND TRAFFIC

BARGES
Noise
Noises emanating from boats or barges on water areas adjoining residential zones 11-118

BATHING
Parks and recreation
Bathing and swimming 17-10

BEER. See: ALCOHOLIC BEVERAGES

BICYCLES
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division
Bicycle riding prohibitions .... 16-128(20)

Back to Electronic Table of Contents

BIDS AND BIDDING
Procurements ..... 2-254 et seq.
See: PROCUREMENTS

BILLIARD TABLES
Taxation and finance
Business tax receipts
Requirements for keepers of pool tables and billiard tables 22-111

BIRDS
Animals 5-7

BOARD OF TRUSTEES
Retirement plan and disability plan for general employees. See Appendix A

BOARDS, COMMITTEES AND COMMISSIONS
Adult entertainment
Location provisions
Hardship relief
Hearing before planning board ..... 7-150(b)
City commission..... 2-21, 2-22
Code enforcement . . . 9-19 et seq.
See: CODE ENFORCEMENT
Definitions and rules of construction
City commission, city..... 1-2
Delegation of authority 1-2
Joint authority..... 1-2
Officers, departments, boards, etc..... 1-2

BOATS, DOCKS AND WATERWAYS
Noise
Noises emanating from boats or barges on water areas adjoining residential zones 11-118
Parks and recreation
Boating 17-11

BONDS
Miscellaneous ordinances not affected by Code ..... 1-12(1)

BONFIRES
Fire prevention and protection
Standards
Incineration, bonfires and outdoor rubbish fires 13-23

BOUNDARIES
Adult entertainment
Territory embraced 7-21
Fire prevention and protection
Fire rescue department
Taking apparatus beyond city limits 13-54
Miscellaneous ordinances not affected by Code ..... 1-12(13)
Planning and development

Back to Electronic Table of Contents

General annexation policy guidelines
Annexation area designated ..... 19-3(d)

BROKERAGE SERVICES
Fair housing ..... 14-19 et seq.
See: FAIR HOUSING

BRUSH (Generally). See: VEGETATION

BUDGET. See: FINANCE

BUILDINGS AND BUILDING REGULATIONS
Adult entertainment
Construction 7-22
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments
Use of restrooms or dressing rooms ..... 7-169(k)
Advertising ..... 3-1 et seq.
See: ADVERTISING
Alarm systems ..... 10-19 et seq.
See: ALARM SYSTEMS
Code enforcement ..... 9-19 et seq.
See: CODE ENFORCEMENT
Fair housing ..... 14-19 et seq.
See: FAIR HOUSING
Fire prevention and protection ..... 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Noise ..... 11-110 et seq.
See: NOISE
Nuisances
Cleanliness of premises
Duty of owners and occupants..... 11-47
Maintenance of pools, spas, ponds and fountains 11-21
Parks and recreation ..... 17-1 et seq.
See: PARKS AND RECREATION
Planning and development ..... 19-1 et seq.
See: PLANNING AND DEVELOPMENT
Procurements
Intergovernmental relations and cooperative purchasing
Cooperative use of supplies, services and facilities 2-248
Source selection, contract and purchase order formation
Exemptions from competitive purchasing procedures
City facilities..... 2-157(b)

Solicitors, peddlers and transient merchants ..... 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Solid waste ..... 20-1 et seq.
See: SOLID WASTE
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Construction and safety standards..... 21-111(e)

Back to Electronic Table of Contents

Installation and construction schedule; inspections..... . . . 21-111(f)
Streets
Numbering of buildings; procedure generally; exceptions..... . . . 21-22
Taxation and finance
Business tax receipts
Enforcement; inspections; revocation
Authority of the building official or his designee..... . . . 22-109(b)
Utilities .... 23-55 et seq.
See: UTILITIES

BULLETIN BOARD
Procurements..... . . . 2-131

BUSINESSES
Adult entertainment .... 7-19 et seq.
See: ADULT ENTERTAINMENT
Alarm systems .... 10-19 et seq.
See: ALARM SYSTEMS
Alcoholic beverages 4-1, 4-2
Fair housing
Discrimination in the financing of housing..... . . . 14-22
Discrimination in the provision of brokerage services..... . . . 14-23
Noise
Industrial or commercial noises..... . . . 11-116
Noises emanating from boats or barges on water areas adjoining residential zones 11-118
Nuisances
Businesses not to become offensive; discharge of noxious substances 11-20
Parks and recreation
Enforcement of regulations and business tax receipts..... . . . 17-36
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances 17-25
Procurements .... 2-155 et seq.
See: PROCUREMENTS
Solicitors, peddlers and transient merchants .... 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Solid waste..... . . . 20-4 et seq.
See: SOLID WASTE
Taxation and finance .... 22-19 et seq.
See: TAXATION AND FINANCE
Utilities .... 23-90 et seq.
See: UTILITIES
Vehicles for hire .... 25-19 et seq.
See: VEHICLES FOR HIRE

BUSINESS TAX RECEIPTS
Taxation and finance .... 22-102 et seq.
See: TAXATION AND FINANCE

CABARETS
Adult entertainment
Operational provisions for adult uses
Special cabarets, adult photographic or modeling studios, and adult theaters 7-117

Back to Electronic Table of Contents

CAMPING
Parks and recreation 17-31

CARS. See: MOTOR VEHICLES AND TRAFFIC

CATCHLINES IN CODE
Catchlines of sections..... 1-3

CEMETERIES
Fee schedule. See Appendix B

CERTIFICATES/CERTIFICATION
Adult entertainment
Location provisions
Adult use permits
Inspection and issuance of certificate..... 7-148(c)
Utilities
Privately owned collection and transmission systems
Certification of sanitary sewer system capacity 23-193

CHARTER
Definitions and rules of construction 1-2

CHIEFS
Fire prevention and protection
Fire rescue department 13-52, 13-53
Standards
Incineration, bonfires and outdoor rubbish fires
Chief or fire inspector may prohibit ..... 13-23(d)
Vehicles for hire
Public conveyances
Duties of engineering services division generally 25-20

CHILDREN. See: MINORS

CIGARETTES, CIGARS
Electronic cigarettes.....11-22
Parks and recreation
Smoking at outdoor athletic facilities and in outdoor park structures 17-37

CITATION OF CODE

Designation and 1-1

CITATIONS
Code enforcement ..... 9-98 et seq.
See: CODE ENFORCEMENT

CITY
Definitions and rules of construction..... 1-2

CITY CLERK
Public records

Back to Electronic Table of Contents

Records management program
Duties of city clerk with respect to records . . . 2-98

CITY COMMISSION
Adult entertainment
Licensing provisions
Responsibilities of commission, community development department, and police department . . . 7-56
Compensation of city commissioners . . . 2-22
Compensation of the mayor . . . 2-21
Definitions and rules of construction
City commission, city . . . 1-2
Elections . . . 2-307 et seq.
See: ELECTIONS

CITY MANAGER
Alcoholic beverages
Sale of alcoholic beverages for on-premises consumption; location
Compliance required; duty of city manager . . . 4-1(b)
Motor vehicles and traffic
Truck routes
Procurements . . . 2-132 et seq.
See: PROCUREMENTS
Utilities
Sewers
Rules and regulations of city manager . . . 23-23

CIVIL EMERGENCIES
Emergencies. See that subject
Emergency management
Applicability of article provisions . . . 8-21
Declaration of a state of local emergency . . . 8-24
Definitions . . . 8-20
Emergency management structure . . . 8-22
Intent . . . 8-19
Powers, duties, and responsibilities . . . 8-23
Termination of a state of local emergency . . . 8-25

CODE
Definitions and rules of construction . . . 1-2

CODE ENFORCEMENT
Citation enforcement procedures
Article provisions supplemental means of enforcement . . . 9-105
Continuing violations . . . 9-110
Deposit of citation with county court . . . 9-101
Failure to comply constitutes offense; public nuisance . . . 9-109
Form of citation . . . 9-100
Generally . . . 9-98
No contest of citation; schedule of civil penalties . . . 9-106
Non-applicability of article provisions in certain instances . . . 9-104
Notice; issuance of citation . . . 9-99

Back to Electronic Table of Contents

Refusal to sign and accept citation a misdemeanor . . . 9-103
Repeat violations . . . 9-107
Schedule of violations and penalties . . . 9-102
Waiver of right to contest citation . . . 9-108
Citations
Citation enforcement procedures. See herein that subject
Notice to appear; enforcement procedure
No contest of citation or notice; schedule of civil penalties . . . 9-137
Waiving right to contest citation . . . 9-140
Code enforcement board procedure
Code enforcement board
Attendance and removal from office . . . 9-44
Creation and membership . . . 9-42
Function, appointment and term of office . . . 9-43
Hearings . . . 9-47
Organization . . . 9-45
Powers of code enforcement board . . . 9-46
Definitions . . . 9-19
Enforcement procedure
Actions for money judgments under this division; limitation . . . 9-76
Administrative fines; costs of repair; liens . . . 9-72
Appeals . . . 9-74
Conduct of hearing . . . 9-71
Duration of lien . . . 9-73
Duties of property owner upon transfer of property . . . 9-69
Generally . . . 9-68
Notices . . . 9-75
Presentation of case . . . 9-70
Supplemental means of code compliance . . . 9-77
Fines, forfeitures and other penalties
Citation enforcement procedures
No contest of citation; schedule of civil penalties . . . 9-106
Schedule of violations and penalties . . . 9-102
Code enforcement board procedure
Enforcement procedure
Administrative fines; costs of repair; liens . . . 9-72
Notice to appear; enforcement procedure
Imposition of greater penalty . . . 9-138
No contest of citation or notice; schedule of civil penalties . . . 9-137

Notice to appear; enforcement procedure
Continuing violations . . . 9-144
Failure to comply with article an offense . . . 9-142
Form of notice . . . 9-136
Generally . . . 9-134
Imposition of greater penalty . . . 9-138
No contest of citation or notice; schedule of civil penalties . . . 9-137
Notice to appear . . . 9-135
Public nuisance . . . 9-143
Repeat violations . . . 9-139
Supplemental nature of article . . . 9-141

Back to Electronic Table of Contents

Waiving right to contest citation . . . 9-140
Offenses
Citation enforcement procedures
Failure to comply constitutes offense; public nuisance . . . 9-109
Refusal to sign and accept citation a misdemeanor . . . 9-103
Notice to appear; enforcement procedure
Failure to comply with article an offense . . . 9-142
Penalties. See herein: Fines, Forfeitures and Other Penalties
Schedules
Citation enforcement procedures
No contest of citation; schedule of civil penalties . . . 9-106
Schedule of violations and penalties . . . 9-102
Notice to appear; enforcement procedure
No contest of citation or notice; schedule of civil penalties . . . 9-137

CODE OF ORDINANCES*
Altering Code . . . 1-14
Amendments to Code . . . 1-6
Catchlines of sections . . . 1-3
Code does not affect prior offenses, penalties, contracts, rights . . . 1-11
Definitions and rules of construction . . . 1-2
Designation and citation of Code . . . 1-1
Effect of repeal of ordinances . . . 1-4
General penalty: continuing violations . . . 1-15
History notes . . . 1-8
Miscellaneous ordinances not affected by Code . . . 1-12
Provisions deemed continuation of existing Code and ordinances . . . 1-10
References and editor's notes . . . 1-9
References to chapters, articles and sections . . . 1-7
Severability of parts of Code . . . 1-5
Supplementation of Code . . . 1-13

CODES (Generally)
Fire prevention and protection
Standards

Florida Fire Prevention Code adopted; where copies filed; conflicts with other laws and regulations . . . 13-19
Streets, sidewalks and other public places
Right-of-way utilization

Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Compliance with city codes and regulations . . . 21-111(b)

COMBUSTIBLES AND INFLAMMABLES
Fire prevention and protection . . . 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION

COMMITTEES AND COMMISSIONS. See: BOARDS, COMMITTEES AND COMMISSIONS

COMMUNICATIONS FACILITIES

Back to Electronic Table of Contents

Streets, sidewalks and other public places .... 21-102 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

COMMUNICATIONS. See: TELECOMMUNICATIONS

COMMUNITY DEVELOPMENT DEPARTMENT
Adult entertainment
Licensing provisions
Responsibilities of commission, community development department, and police department . . . 7-56
Fee schedule. See Appendix B

COMMUNITY REDEVELOPMENT DISTRICTS
Alcoholic beverages
Sale of alcoholic beverages within the community redevelopment districts 4-2

COMPENSATION, SALARIES, ETC. See: OFFICERS AND EMPLOYEES

COMPETENCY
Retirement plan and disability plan for general employees. See Appendix A

COMPREHENSIVE PLAN
Planning and development..... . . . 17-36 et seq.
See: PLANNING AND DEVELOPMENT

CONFIDENTIALITY
Procurements
Ethics in public contracting
Use of confidential information 2-283
Utilities
Sewers
Industrial pretreatment program
Confidential information 23-124

CONFLICTS OF INTEREST
Procurements .... 2-281 et seq.
See: PROCUREMENTS

CONTRACTS AND AGREEMENTS
Code does not affect prior offenses, penalties, contracts, rights..... . . . 1-11
Miscellaneous ordinances not affected by Code .... 1-12(13)

Procurements .... 2-154 et seq.
See: PROCUREMENTS
Retirement plan and disability plan for general employees. See Appendix A
Utilities
Privately owned collection and transmission systems
Documentation and reporting requirements
Reporting requirements
Progress report for consent agreement or compliance order..... . . . 23-189(b)(7)

COUNTY
Definitions and rules of construction 1-2

Back to Electronic Table of Contents

Planning and development ..... 19-1 et seq.
See: PLANNING AND DEVELOPMENT
Taxation and finance
Business tax receipts
Registration of county business tax receipt; registration of persons claiming to be exempt from the provisions of section 22-104 22-105

COURT
Adult entertainment
Licensing provisions
Cancellation or revocation of license
Convictions for violations of division 6 of this article ..... 7-67(b)
Suspension of license
Convictions for violations of division 6 of this article ..... 7-66(c)
Code enforcement
Citation enforcement procedures
Deposit of citation with county court 9-101
Fair housing
Civil remedy..... 14-25
Utilities
Sewers
Industrial pretreatment program
Judicial enforcement remedies 23-126

COWS
Animals
Requirements for keeping horses, cows, hogs, and other livestock 5-3

CRIME, CRIMINALS
Adult entertainment
Licensing provisions
Cancellation or revocation of license
Convictions for violations of division 6 of this article..... 7-67(b)
Suspension of license
Convictions for violations of division 6 of this article ..... 7-66(c)
Miscellaneous offenses
State misdemeanors adopted 15-1
Procurements
Ethics in public contracting
Criminal penalties 2-277

CROSSWALKS
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division..... 16-128(5)

DAMAGE, INJURY, ETC.
Animals
Shooting at animals with air rifles or similar weapons 5-6
Fire prevention and protection
Fire rescue department
Hindering or interfering with fire rescue department; injuring apparatus 13-56

Back to Electronic Table of Contents

Solid waste
Placement of waste
Damages to containers . . . 20-68
Vehicles for hire
Public conveyances
Public conveyance operator's permit
Alteration or destruction . . . 25-112

DEAD ANIMALS
Solid waste
Collection regulations, fees and charges . . . 20-35

DEATH
Elections
Procedure for filling vacancy in candidacy caused by death, withdrawal or removal from ballot of a qualified candidate . . . 2-308
Retirement plan and disability plan for general employees. See Appendix A

DECALS
Alarm systems
Issuance of permit decals . . . 10-25

DEDICATIONS
Miscellaneous ordinances not affected by Code . . . 1-12(5), (8)

DEFINITIONS
Definitions and rules of construction . . . 1-2
Other definitions. See specific subjects as indexed

DEMOLITION
Solid waste
Collection regulations, fees and charges
Construction and demolition debris . . . 20-34

DEMONSTRATIONS
Parks and recreation
Public demonstrations, gatherings, performances, speeches . . . 17-27

DEPARTMENTS AND OTHER AGENCIES OF CITY

Adult entertainment
Licensing provisions
Responsibilities of commission, community development department, and police department . . . 7-56
City commission . . . 2-21, 2-22
Definitions and rules of construction
City commission, city . . . 1-2
Delegation of authority . . . 1-2
Joint authority . . . 1-2
Officers, departments, boards, etc. . . . 1-2
Fee schedule. See Appendix B

Back to Electronic Table of Contents

Fire prevention and protection .... 13-52 et seq.
See: FIRE PREVENTION AND PROTECTION
Public records
Records management program
Departmental records 2-99

DEVELOPMENT. See: PLANNING AND DEVELOPMENT

DISABILITY
Motor vehicles and traffic
Stopping, standing and parking
Fines and penalties for violation of parking prohibitions
Stopping, standing, or parking a vehicle within a parking space designated for persons who have disabilities without displaying a disabled parking permit..... . . . 16-70(6)
Retirement plan and disability plan for general employees. See Appendix A
Solid waste
Collection regulations, fees and charges
Special services for the disabled 20-37
Placement of waste
Placement of containers
Special services for the disabled..... . . . 20-71(c)

DISASTERS
Civil emergencies .... 8-19 et seq.
See: CIVIL EMERGENCIES
Emergencies. See that subject

DISCRIMINATION
Fair housing..... . . . 14-19 et seq.
See: FAIR HOUSING
Retirement plan and disability plan for general employees. See Appendix A

DISPLAY. See also: POSTING
Motor vehicles and traffic
Stopping, standing and parking
Fines and penalties for violation of parking prohibitions
Stopping, standing, or parking a vehicle within a parking space designated for persons who have disabilities without displaying a disabled parking permit .... 16-70(6)
Solicitors, peddlers and transient merchants
Display of license..... . . . 7-222

Vehicles for hire
Public conveyances
Business receipt
Display of permit 25-53

DISTRICTS
Alcoholic beverages
Sale of alcoholic beverages within the community redevelopment districts 4-2
Streets, sidewalks and other public places
Streets
Street lighting districts 21-24

Back to Electronic Table of Contents

Utilities
Water conservation
Local enforcement of water shortage orders by Southwest Florida Water Management District 23-251

DOCKS. See: BOATS, DOCKS AND WATERWAYS

DOGS
Animals .... 5-33 et seq.
See: ANIMALS

DOMESTIC RELATIONS ORDER
Retirement plan and disability plan for general employees. See Appendix A

DUMPING
Solid waste
Unlawful storage, accumulation, dumping and disposal 20-103, 20-104
Utilities
Municipal separate storm sewer system (MS4) regulations
Spills and dumping..... . . . 23-216

EASEMENTS
Outside storage and parking of certain vehicles
Heavy trucks and semi-trailers on residential property, rights-of-way and easements 11-77

ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION
Applicability.....22-128
Application for exemption.....22-123
Application fees.....22-125
City Commission consideration of applications.....22-124
City revocation.....22-127
Continuing performance.....22-126
Definitions.....22-121
Establishment of economic development ad valorem tax exemption.....22-122
Findings of Fact.....22-120
Notice of intent.....22-129

EDITOR'S NOTES
References and editor's notes 1-9

ELECTIONS
Early voting..... . . . 2-309
Miscellaneous ordinances not affected by Code .... 1-12(9)
Municipal general elections..... . . . 2-307
Procedure for filling vacancy in candidacy caused by death, withdrawal or removal from ballot of a qualified candidate 2-308

ELECTRICITY
Taxation and finance
Municipal public service tax
Purchase of electricity, gas, fuel oil, and water tax levied; amount; payment to be collected from purchaser; when payments are to be made..... . . . 22-47

Back to Electronic Table of Contents

EMERGENCIES
Alarm systems
Application for alarm permit; emergency notification and reporting service information 10-24
Civil emergencies .... 8-19 et seq.
See: CIVIL EMERGENCIES
Emergency services..... . . . 10-19 et seq.
See: EMERGENCY SERVICES
Fire prevention and protection .... 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Procurements
Source selection, contract and purchase order formation
Exemptions from competitive purchasing procedures
Emergency procurement .... 2-157(d)
Utilities .... 23-189 et seq.
See: UTILITIES
Vehicles for hire
Public conveyances
Public conveyance operator's permit
Revocation or suspension of public conveyance operator's permit; grounds; notice; hearing, emergency situations; prohibited acts 25-113

EMERGENCY SERVICES
Alarm systems .... 10-19 et seq.
See: ALARM SYSTEMS
Fire prevention and protection .... 13-52 et seq.
See: FIRE PREVENTION AND PROTECTION

EMPLOYEES. See: OFFICERS AND EMPLOYEES

ENFORCEMENT. See specific subjects as indexed

ENTRY
Utilities
Privately owned collection and transmission systems
General provisions
Right-of-entry .... 23-186(e)

ENVIRONMENT
Noise .... 11-110 et seq.
See: NOISE
Nuisances .... 11-19 et seq.
See: NUISANCES
Outside storage and parking of certain vehicles .... 11-73 et seq.
See: OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES
Parks and recreation
Pollution of park property waters 17-19
Utilities
Water conservation 23-251

EROSION

Utilities

Back to Electronic Table of Contents

Municipal separate storm sewer system (MS4) regulations
Construction activity
Erosion and sediment control . . . 23-217(a)

ETHICS
Procurements . . . 2-277 et seq.
See: PROCUREMENTS

EVIDENCE
Miscellaneous ordinances not affected by Code . . . 1-12(1)
Retirement plan and disability plan for general employees. See Appendix A
Solid waste
Mandatory collection of solid waste
Prima facie evidence of solid waste production . . . 20-2(b)

EXCRETA
Animals
Dogs
Removal of dog excreta from certain public and private property . . . 5-34

EXPLOSIVES
Parks and recreation
Toy firearms, fireworks and explosives . . . 17-18

FAIR HOUSING
Civil remedy . . . 14-25
Definitions . . . 14-20
Discrimination in the financing of housing . . . 14-22
Discrimination in the provision of brokerage services . . . 14-23
Discriminatory housing practices--unlawful transactions and activities . . . 14-21
Exceptions . . . 14-24
Purpose; declaration of policy . . . 14-19

FALSE REPRESENTATIONS
Adult entertainment
Licensing provisions
Cancellation or revocation of license
False information . . . 7-67(a)
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments
False statement or false information in applying for license . . . 7-169(o)
Procurements
Ethics in public contracting
Fraud, collusion, etc., by officers or employees . . . 2-286
Utilities
Sewers
Industrial pretreatment program
Reporting requirement for significant industrial user permittees
Provisions governing fraud and false statements . . . 23-121(j)

FEDERAL CONCERNS
Utilities

Back to Electronic Table of Contents

Sewers
Industrial pretreatment program
Regulations
Federal categorical pretreatment standards . . . 23-118(c)
Modification of federal categorical pretreatment standards . . . 23-118(d)

FEE SCHEDULE (Appendix B)
Administration department . . . B.3
All departments . . . B.2
Community development department . . . B.4
Finance department . . . B.7
Fire department . . . B.5
In General . . . B.1
Library department . . . B.6
Police department . . . B.8
Public works department . . . B.9
Recreation, parks and arts department . . . B.10

FEES
Fee schedule. See Appendix B
Miscellaneous ordinances not affected by Code . . . 1-12(6)

FILM MAKING
Parks and recreation
Photography and film making . . . 17-32

FINANCES
Appropriations
Miscellaneous ordinances not affected by Code . . . 1-12(3)
Budget
Miscellaneous ordinances not affected by Code . . . 1-12(3)
Compensation, salaries, etc. See: OFFICERS AND EMPLOYEES
Fee schedule. See Appendix B
Miscellaneous ordinances not affected by Code . . . 1-12(1), (3)
Procurements . . . 2-127 et seq.
See: PROCUREMENTS
Retirement plan and disability plan for general employees. See Appendix A
Taxation and finance . . . 22-19 et seq.
See: TAXATION AND FINANCE
Utilities . . . 23-1 et seq.
See: UTILITIES

FINES, FORFEITURES AND OTHER PENALTIES
Code does not affect prior offenses, penalties, contracts, rights . . . 1-11
Effect of repeal of ordinances . . . 1-4
General penalty: continuing violations . . . 1-15

FIRE PREVENTION AND PROTECTION
Alarm systems . . . 10-19 et seq.

See: ALARM SYSTEMS
Departments and other agencies
Fire rescue department. See herein that subject

Back to Electronic Table of Contents

Fee schedule. See Appendix B
Fines, forfeitures and other penalties
Standards
Violations generally; imposition of penalty not to excuse violation; discontinuance of violations 13-24
Fire rescue department
Apparatus to be kept in good condition and ready for use..... . . . 13-55
Assistants to fire chief 13-53
Hindering or interfering with fire rescue department; injuring apparatus 13-56
Powers and duties of fire chief generally..... . . . 13-52
Taking apparatus beyond city limits 13-54
Motor vehicles and traffic
Stopping, standing and parking
Fines and penalties for violation of parking prohibitions
Parking in fire lanes .... 16-70(5)
Parking in designated fire or safety zones 16-69
Officers and employees
Fire rescue department. See herein that subject
Police officers and firefighters pension plan adopted by reference; effective date 2-51
Standards
Enforcement of article; designation of fire inspector..... . . . 13-22
Incineration, bonfires and outdoor rubbish fires
Chief or fire inspector may prohibit..... . . . 13-23(d)
Parks and recreation
Smoking at outdoor athletic facilities 17-37
Toy firearms, fireworks and explosives 17-18
Penalties. See herein: Fines, Forfeitures and Other Penalties
Standards
Enforcement of article; designation of fire inspector 13-22
Fire hydrant spacing and location 13-20
Florida Fire Prevention Code adopted; where copies filed; conflicts with other laws and regulations. 13-19
Incineration, bonfires and outdoor rubbish fires
Attendance of open fires .... 13-23(c)
Chief or fire inspector may prohibit .... 13-23(d)
Location restricted .... 13-23(b)
Permit required .... 13-23(a)
Standby and emergency fire watches 13-21
Violations generally; imposition of penalty not to excuse violation; discontinuance of violations 13-24

FIREARMS AND WEAPONS
Animals
Shooting at animals with air rifles or similar weapons 5-6
Parks and recreation
Hunting and firearms 17-13
Toy firearms, fireworks and explosives 17-18

FIREWORKS
Parks and recreation
Toy firearms, fireworks and explosives 17-18

Back to Electronic Table of Contents

FISHING
Parks and recreation 17-12

FLAMMABLES. See: COMBUSTIBLES AND INFLAMMABLES

FLORIDA, STATE OF. See: STATE

FOLLOWING
Definitions and rules of construction
Preceding; following..... . . . 1-2

FOOD AND FOOD SERVICES
Alcoholic beverages 4-1, 4-2
Solicitors, peddlers and transient merchants .... 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Utilities
Sewers
Industrial pretreatment program
Wastewater discharge permits
Permit requirements for food service, commercial vehicle wash, and commercial laundry facilities (commercial wastewater discharge permits) .... 23-120(c)

FORCE MAJEURE
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities 21-114

FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES

FORTUNETELLING
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances 17-25

FOUNTAINS
Nuisances
Maintenance of pools, spas, ponds and fountains 11-21

FOWL
Animals
Fowl running at large; requirements for keeping 5-4

FRANCHISES
Miscellaneous ordinances not affected by Code..... . . . 1-12(2)

FRAUD (Generally). See: FALSE REPRESENTATIONS

F.S.
Definitions and rules of construction 1-2

FUEL OIL
Taxation and finance

Back to Electronic Table of Contents

Municipal public service tax
Purchase of electricity, gas, fuel oil, and water tax levied; amount; payment to be collected from purchaser; when payments are to be made 22-47

FUNDS (Generally). See: FINANCE

GAMBLING
Parks and recreation 17-23

GAMES
Parks and recreation 17-15

GARBAGE. See: SOLID WASTE

GAS
Fire prevention and protection .... 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Taxation and finance
Municipal public service tax
Purchase of electricity, gas, fuel oil, and water tax levied; amount; payment to be collected from purchaser; when payments are to be made 22-47

GENDER
Retirement plan and disability plan for general employees. See Appendix A

GENDER (Of Code Words)
Definitions and rules of construction 1-2

GOLF COURSES
Utilities
Sewers
Rates and charges
Reclaimed water charges
Commercial/industrial/golf course rates .... 23-91(b)

GRADES AND GRADING
Miscellaneous ordinances not affected by Code . . . 1-12(11)

GRATUITIES
Procurements
Ethics in public contracting 2-279

GROUNDWATER
Utilities
Municipal separate storm sewer system (MS4) regulations
Construction activity

Discharge of groundwater..... . . . 23-217(c)

HANDBILLS
Advertising
Distributing or throwing handbills, dodgers or advertising notices..... . . . 3-1

Back to Electronic Table of Contents

HARDSHIP
Adult entertainment
Location provisions
Hardship relief . . . 7-150

HAZARDOUS WASTE
Utilities
Sewers
Industrial pretreatment program
Reporting requirement for significant industrial user permittees
Provisions governing hazardous waste . . . 23-121(l)

HEALTH AND SANITATION
Adult entertainment . . . 7-19 et seq.
See: ADULT ENTERTAINMENT
Animals . . . 5-1 et seq.
See: ANIMALS
Environment . . . 11-19 et seq.
See: ENVIRONMENT
Fire prevention and protection . . . 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Nuisances . . . 11-19 et seq.
See: NUISANCES
Parks and recreation
Smoking at outdoor athletic facilities . . . 17-37
Solid waste . . . 20-1 et seq.
See: SOLID WASTE
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Construction and safety standards . . . 21-111(e)
Utilities . . . 23-1 et seq.
See: UTILITIES

HEARINGS. See specific subjects as indexed

HIGHWAYS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

HISTORY NOTES
Code of ordinances . . . 1-8

HOBBY REPAIR WORK
Outside storage and parking of certain vehicles . . . 11-79

HOGS
Animals
Requirements for keeping horses, cows, hogs, and other livestock . . . 5-3

HORSES
Animals
Requirements for keeping horses, cows, hogs, and other livestock . . . 5-3

Back to Electronic Table of Contents

Parks and recreation
Horseback riding and livestock 17-16

HOTELS, ETC.
Adult entertainment .... 7-19 et seq.
See: ADULT ENTERTAINMENT

HOUSING
Fair housing .... 14-19 et seq.
See: FAIR HOUSING
Fire prevention and protection..... . . . 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Outside storage and parking of certain vehicles
Heavy trucks and semi-trailers on residential property, rights-of-way and easements..... . . . 11-77
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas
.... 11-78
Procurements
Source selection, contract and purchase order formation
Exemptions from competitive purchasing procedures
Housing programs .... 2-157(a)

HUNTING
Parks and recreation
Hunting and firearms 17-13

IDENTIFICATION
Motor vehicles and traffic
Specific street regulations
Speed limits
Identification and signing of certain zones 16-43

IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS

INCINERATION
Fire prevention and protection
Standards
Incineration, bonfires and outdoor rubbish fires 13-23

INDEBTEDNESS (Generally). See: BONDS; See also: FINANCE

INDECENCY AND OBSCENITY
Adult entertainment
Regulation of obscenity subject to state law 7-26
Vehicles for hire

Public conveyances
Use for immoral purposes 25-27

INDEMNIFICATION
Officers and employees
Indemnification of city employees 2-50
Streets, sidewalks and other public places
Right-of-way utilization

Back to Electronic Table of Contents

Communications facilities
Insurance and indemnification 21-112

INDEPENDENT CONTRACTORS
Taxation and finance
Business tax receipts
Standards for requiring licenses, issuing guidelines, transferring of licenses, and issuing licenses to independent contractors..... . . . 22-104

INDUSTRIAL CONCERNS
Noise
Industrial or commercial noises 11-116
Solid waste
Collection regulations, fees and charges
Commercial and industrial container service 20-32
Mandatory collection of solid waste
Minimum solid waste collection and disposal standards
Commercial and industrial establishments .... 20-2(d)(3)
Utilities .... 23-90 et seq.
See: UTILITIES

INFLAMMABLES. See: COMBUSTIBLES AND INFLAMMABLES

INJURY. See: DAMAGE, INJURY, ETC.

INSPECTIONS/INSPECTORS
Adult entertainment
Location provisions
Adult use permits
Inspection and issuance of certificate .... 7-148(c)
Fire prevention and protection
Standards
Enforcement of article; designation of fire inspector 13-22
Nuisances
Cleanliness of premises
Inspection of property, notice to comply with article; hearing upon request; city to do work when owner or occupant fails to do so; lien on property for cost of work 11-49
Procurements
Material management
Quality assurance, inspection and testing 2-185
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities

Placement or maintenance of a communications facility in the public rights-of-way
Installation and construction schedule; inspections .... 21-111(f)
Taxation and finance
Business tax receipts
Enforcement; inspections; revocation 22-109
Municipal public service tax
Records to be kept by seller; inspection of records; transcripts 22-51
Utilities..... . . . 23-90 et seq.
See: UTILITIES

Back to Electronic Table of Contents

Vehicles for hire
Public conveyances
Inspections of public conveyances..... . . . 25-24

INSURANCE
Officers and employees
Indemnification of city employees
Relation of section to insurance..... . . . 2-50(d)
Retirement plan and disability plan for general employees. See Appendix A
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Insurance and indemnification 21-112
Vehicles for hire
Public conveyances..... . . 25-82, 25-83

INSURANCE PREMIUM TAX
Taxation and finance 22-78, 22-79

INTERFERENCE (Generally). See: OBSTRUCTIONS

INTERGOVERNMENTAL CONCERNS
Planning and development
Intergovernmental relationships; delineation with county 19-1
Procurements .... 2-246 et seq.
See: PROCUREMENTS

INTERSECTIONS
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division
Stop signs
Stop intersections..... . . . 16-128(2)b

INTOXICATION, INTOXICANTS. See: ALCOHOLIC BEVERAGES

INVESTIGATIONS
Adult entertainment
Licensing provisions
Investigation of application 7-59
Vehicles for hire
Public conveyances

Business receipt
Investigation of application 25-51

INVESTMENT MANAGER
Retirement plan and disability plan for general employees. See Appendix A

JUNK
Outside storage and parking of certain vehicles
Non-operative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours 11-80

Back to Electronic Table of Contents

Storing of junk on property 11-74

JUVENILES. See: MINORS

KEEPER
Definitions and rules of construction
Keeper or proprietor 1-2

KICKBACKS
Procurements
Ethics in public contracting
Gratuities and kickbacks 2-279
Recovery of value transferred or received in breach of ethical standards
Recovery of kickbacks by the city ..... 2-285(b)

LAND USE
Miscellaneous ordinances not affected by code ..... 1-12(4)

LARGO, CITY OF. See: CITY

LAW
Adult entertainment
Legislative findings 7-24
Regulation of obscenity subject to state law 7-26
Fire prevention and protection
Standards
Florida Fire Prevention Code adopted; where copies filed; conflicts with other laws and regulations. 13-19
Miscellaneous offenses
State misdemeanors adopted 15-1
Parks and recreation
Traffic laws 17-2
Planning and development
Comprehensive plan
Legal status of the comprehensive plan ..... 17-36(f)
General annexation policy guidelines
Legal status of developed annexed lands ..... 19-3(a)
Procurements
Appeals and remedies
Remedies for solicitation or awards in violation of law 2-226
Retirement plan and disability plan for general employees. See Appendix A

Solicitors, peddlers and transient merchants
City policy 7-214

LEASES
Fair housing ..... 14-19 et seq.
See: FAIR HOUSING
Retirement plan and disability plan for general employees. See Appendix A

LEGAL SERVICES
Procurements
Source selection, contract and purchase order formation

Back to Electronic Table of Contents

Contracting for professional services
Contracts for legal services .... 2-155(b)

LIABILITY
Alarm systems 10-30
Retirement plan and disability plan for general employees. See Appendix A
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
No warranties or representations by city .... 21-111(l)
Taxation and finance
Municipal public service tax
Duty of seller to collect tax; computation of tax; liability for failure to collect; discontinuance of service 22-49

LIBRARY
Streets, sidewalks and other public places 21-52, 21-53
Library
Created 21-52
Library director..... . . . 21-53

LICENSES AND PERMITS
Adult entertainment .... 7-148 et seq.
See: ADULT ENTERTAINMENT
Alarm systems .... 10-23 et seq.
See: ALARM SYSTEMS
Fire prevention and protection
Standards
Incineration, bonfires and outdoor rubbish fires
Permit required .... 13-23(a)
Miscellaneous ordinances not affected by Code .... 1-12(6)
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances..... . . . 17-25
Solicitors, peddlers and transient merchants .... 7-217 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Streets, sidewalks and other public places .... 21-106 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Taxation and finance .... 22-19 et seq.

See: TAXATION AND FINANCE
Utilities .... 23-120 et seq.
See: UTILITIES
Vehicles for hire..... . . . 25-22 et seq.
See: VEHICLES FOR HIRE

LIENS, RECOVERY OF COST, ETC.
Code enforcement
Code enforcement board procedure
Enforcement procedure
Administrative fines; costs of repair; liens..... . . . 9-72
Duration of lien 9-73

Back to Electronic Table of Contents

Nuisances
Cleanliness of premises
Inspection of property, notice to comply with article; hearing upon request; city to do work when owner or occupant fails to do so; lien on property for cost of work 11-49
Recordation, interest and foreclosure of lien 11-50
Utilities
Sewers
Rates and charges
System of industrial cost recovery charges..... . . . 23-90

LIGHTS AND LIGHTING
Streets, sidewalks and other public places
Streets
Street lighting districts 21-24

LIQUOR. See: ALCOHOLIC BEVERAGES

LITTER. See: SOLID WASTE

LIVESTOCK
Animals
Requirements for keeping horses, cows, hogs, and other livestock 5-3
Parks and recreation
Horseback riding and livestock..... . . . 17-16

LOCATION
Adult entertainment..... . . . 7-64 et seq.
See: ADULT ENTERTAINMENT
Alcoholic beverages
Sale of alcoholic beverages for on-premises consumption; location 4-1
Fire prevention and protection
Standards
Fire hydrant spacing and location 13-20
Incineration, bonfires and outdoor rubbish fires
Location restricted .... 13-23(b)
Miscellaneous ordinances not affected by Code .... 1-12(8)
Solid waste
Placement of waste
Placement of waste other than in containers

Acceptable locations .... 20-72(a)
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way 21-111

LOTS
Outside storage and parking of certain vehicles
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas
Within any frontal building setback area from the street right-of-way or in the case of corner lots, within the side setback area from the side street .... 11-78(b)

MAPS. See: SURVEYS, MAPS AND PLATS

Back to Electronic Table of Contents

MARKS, MARKING
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division
Turning markers . . . 16-128(3)
Solid waste
Placement of waste
Damages to containers
Marking or painting of containers . . . 20-68(b)
Vehicles for hire
Public conveyances
Distinctive markings required . . . 25-25

MATERIAL MANAGEMENT
Procurements . . . 2-185 et seq.
See: PROCUREMENTS

MAY
Definitions and rules of construction
Shall, may . . . 1-2

MAYOR
City commission
Compensation of the mayor . . . 2-21

MEETINGS. See specific subjects as indexed

MERGERS
Retirement plan and disability plan for general employees. See Appendix A

METERS, METERING
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division
Parking meter zones . . . 16-128(16)
Utilities

Privately owned collection and transmission systems
Maintenance requirements
Meter calibration . . . 23-192(c)
Vehicles for hire
Public conveyances
Taximeter requirements . . . 25-23

MINORS
Adult entertainment
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments
Minors prohibited . . . 7-169(e)

MISCELLANEOUS OFFENSES
Alarm systems . . . 10-19 et seq.

Back to Electronic Table of Contents

See: ALARM SYSTEMS
Code does not affect prior offenses, penalties, contracts, rights 1-11
Code enforcement .... 9-103 et seq.
See: CODE ENFORCEMENT
Effect of repeal of ordinances 1-4
Miscellaneous offenses
State misdemeanors adopted 15-1
Noise .... 11-110 et seq.
See: NOISE
Nuisances .... 11-19 et seq.
See: NUISANCES

MISDEMEANORS
Code enforcement
Citation enforcement procedures
Refusal to sign and accept citation a misdemeanor 9-103
Miscellaneous offenses
State misdemeanors adopted 15-1

MISSING PERSONS
Retirement plan and disability plan for general employees. See Appendix A

MOBILE HOMES AND MOBILE HOME PARKS
Solid waste
Collection regulations, fees and charges
Scheduled single-family attached, high-density and mobile home park residence service..... . . 20-31
Mandatory collection of solid waste
Minimum solid waste collection and disposal standards
Single-family residence attached, high-density residence and mobile home park residences .....
..... . 20-2(d)(2)

MODELING STUDIOS
Adult entertainment
Operational provisions for adult uses
Special cabarets, adult photographic or modeling studios, and adult theaters 7-117

MONIES (Generally). See: FINANCE

MONTH
Definitions and rules of construction 1-2

MOPEDS
Parks and recreation
Use of motorcycles, scooters, mopeds or similar vehicles within park property 17-5

MORALS
Vehicles for hire
Public conveyances
Use for immoral purposes 25-27

MOTOR VEHICLES AND TRAFFIC
Advertising

Back to Electronic Table of Contents

Pasting advertising matter on vehicle of another . . . 3-2
Amusements and amusement places
Enforcement
Specific powers and duties of engineering services division
Bicycle riding prohibitions . . . 16-128(20)
Play streets . . . 16-128(9)
Parades; processions; oversized vehicles; sound trucks
Permits required . . . 16-99
Enforcement
Engineering services division generally . . . 16-127
Specific powers and duties of engineering services division
Angle parking . . . 16-128(12)
Bicycle riding prohibitions . . . 16-128(20)
Crosswalks . . . 16-128(5)
Hazardous or congested areas . . . 16-128(13)e
Limited-parking zones . . . 16-128(15)
Loading zones . . . 16-128(17)
No-parking zones . . . 16-128(14)
One-way streets . . . 16-128(7)
Parking meter zones . . . 16-128(16)
Parking prohibitions and restrictions generally
All-night parking . . . 16-128(13)a
Narrow streets . . . 16-128(13)c
One-way streets . . . 16-128(13)d
School zones . . . 16-128(13)b
Play streets . . . 16-128(9)
Public carrier stands . . . 16-128(18)
Restricted turn signs . . . 16-128(4)
Safety zones . . . 16-128(6)
Stop signs
Stop intersections . . . 16-128(2)b
Through streets . . . 16-128(2)a
Temporary or experimental regulations . . . 16-128(11)
Through streets . . . 16-128(1)
Traffic control devices . . . 16-128(10)

Traffic lanes . . . 16-128(8)
Truck routes . . . 16-128(19)
Turning markers . . . 16-128(3)
Zones
Limited-parking zones . . . 16-128(15)
Loading zones . . . 16-128(17)
No-parking zones . . . 16-128(14)
Parking meter zones . . . 16-128(16)
Parking prohibitions and restrictions generally
School zones . . . 16-128(13)b
Safety zones . . . 16-128(6)
Fines, forfeitures and other penalties
Stopping, standing and parking
Fines and penalties for violation of parking prohibitions . . . 16-70
Loads, loading
Enforcement
Specific powers and duties of engineering services division

Back to Electronic Table of Contents

Loading zones . . . 16-128(17)
Miscellaneous ordinances not affected by Code . . . 1-12(10)
Noise
Noises emanating from boats or barges on water areas adjoining residential zones . . . 11-118
Outside storage and parking of certain vehicles . . . 11-73 et seq.
See: OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES
Parades; processions; oversized vehicles; sound trucks
Permits required . . . 16-99
Parking
Miscellaneous ordinances not affected by Code . . . 1-12(10)
Outside storage and parking of certain vehicles . . . 11-73 et seq.
See: OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES
Parks and recreation
Parking . . . 17-6
Stopping, standing and parking. See herein that subject
Parks and recreation . . . 17-2 et seq.
See: PARKS AND RECREATION
Penalties. See herein: Fines, Forfeitures and Other Penalties
Signs
Enforcement
Specific powers and duties of engineering services division
Restricted turn signs . . . 16-128(4)
Stop signs . . . 16-128(2)
Specific street regulations
Speed limits
Identification and signing of certain zones . . . 16-43
Truck routes
City manager to install signs . . . 16-160
Specific street regulations
Speed limits
Identification and signing of certain zones . . . 16-43
Maximum limits enumerated . . . 16-40
Maximum speed generally . . . 16-41
School zones . . . 16-42

State speed limits shall prevail in case of conflict . . . 16-44
Speed
Specific street regulations
Speed limits. See herein that subheading
Stopping, standing and parking
Angle parking . . . 16-63
Applicability of article regulations . . . 16-62
Fines and penalties for violation of parking prohibitions
Additional surcharge . . . 16-70(9)
All other improper parking . . . 16-70(7)
All overtime parking . . . 16-70(1)
Double parking . . . 16-70(3)
Leaving keys in ignition . . . 16-70(2)
Parking in a no-parking zone . . . 16-70(4)
Parking in fire lanes . . . 16-70(5)
Stopping, standing, or parking a vehicle within a parking space designated for persons who have disabilities without displaying a disabled parking permit . . . 16-70(6)
Surcharge for parking fines . . . 16-70(8)

Back to Electronic Table of Contents

Parking at all times on certain streets . . . 16-66
Parking during certain hours on certain streets . . . 16-64
Parking in designated fire or safety zones . . . 16-69
Parking limited on certain streets . . . 16-67
Parking prohibited for certain purposes . . . 16-65
Stopping, standing or parking in alleys . . . 16-68
Truck routes
City manager to install signs . . . 16-160
Definitions . . . 16-155
Enforcement
Specific powers and duties of engineering services division . . . 16-128(19)
Hours of operation/time of day restriction . . . 16-159
Manner of utilization of truck routes
Truck traffic of inside origin
To an outside destination point . . . 16-158(b)(1)
To inside destination points . . . 16-158(b)(2)
Truck traffic of outside origin
To an inside destination point . . . 16-158(a)(1)
To multiple inside destination points . . . 16-158(a)(2)
Observance of truck routes required; exceptions . . . 16-157
Truck routes established; map . . . 16-156
Vehicles for hire . . . 25-19 et seq.
See: VEHICLES FOR HIRE
Zones
Enforcement
Specific powers and duties of engineering services division. See herein that subheading
Specific street regulations
Speed limits
Identification and signing of certain zones . . . 16-43
School zones . . . 16-42
Stopping, standing and parking
Fines and penalties for violation of parking prohibitions
Parking in a no-parking zone . . . 16-70(4)

Parking in designated fire or safety zones . . . 16-69

MOTORCYCLES
Parks and recreation
Use of motorcycles, scooters, mopeds or similar vehicles within park property . . . 17-5

MUNICIPAL PUBLIC SERVICE TAX
Taxation and finance . . . 22-46 et seq.
See: TAXATION AND FINANCE

NAMES AND NAMING
Adult entertainment
Licensing provisions
Changing name of establishment . . . 7-65
Miscellaneous ordinances not affected by Code . . . 1-12(8)
Streets, sidewalks and other public places
Streets
Naming streets . . . 21-21

Back to Electronic Table of Contents

NARCOTICS
Parks and recreation
Drunkenness and use of narcotics . . . 17-28
Intoxicating liquors, beer, wine and narcotics . . . 17-29

NOISE
Alarm systems. . . . 10-19 et seq.
See: ALARM SYSTEMS
Construction noise . . . 11-115
Declaration of necessity. . . . 11-110
Definitions . . . 11-111
Exceptions . . . 11-113
Fines, forfeitures and other penalties
Penalty for violation of article . . . 11-121
Industrial or commercial noises. . . . 11-116
Noise exceeding limits prohibited generally . . . 11-112
Noises created within residential zones . . . 11-117
Noises emanating from boats or barges on water areas adjoining residential zones . . . 11-118
Noises within outdoor public recreation areas and parks . . . 11-119
Octave band sound level limits . . . 11-120
Parks and recreation . . . 17-24
Penalty for violation of article . . . 11-121
Waivers . . . 11-114

NONCONFORMANCE
Adult entertainment
Location provisions
Nonconforming adult uses . . . 7-149

NOTICES. See specific subjects as indexed

NOXIOUS SUBSTANCES

Nuisances
Businesses not to become offensive; discharge of noxious substances . . . 11-20

NUDITY
Adult entertainment . . . 7-19 et seq.
See: ADULT ENTERTAINMENT

NUISANCES
Animals
Dogs constituting a nuisance . . . 5-35
Businesses not to become offensive; discharge of noxious substances . . . 11-20
Cleanliness of premises
Definitions . . . 11-46
Duty of owners and occupants . . . 11-47
Inspection of property, notice to comply with article; hearing upon request; city to do work when owner or occupant fails to do so; lien on property for cost of work . . . 11-49
Recordation, interest and foreclosure of lien. . . . 11-50
Removal of excessive growth of weeds and debris which are hazardous to health required . . . 11-48
Code enforcement
Citation enforcement procedures

Back to Electronic Table of Contents

Failure to comply constitutes offense; public nuisance 9-109
Notice to appear; enforcement procedure
Public nuisance 9-143
Maintenance of pools, spas, ponds and fountains 11-21
Noise .... 11-110 et seq.
See: NOISE
Parks and recreation
Noise 17-24
Public health nuisances
Abatement .... 11-19(b)
Creation .... 11-19(a)
Solid waste .... 20-1 et seq.
See: SOLID WASTE

NUMBERS AND NUMBERING
Definitions and rules of construction
Number 1-2
Retirement plan and disability plan for general employees. See Appendix A
Streets, sidewalks and other public places
Streets
Numbering of buildings; procedure generally; exceptions 21-22

OATH, AFFIRMATION, SWEAR OR SWORN
Definitions and rules of construction
Oath 1-2
Officers and employees
Oath required for city officers 2-48

OBLIGATIONS (Generally). See: BONDS; See also: FINANCE

OBSCENITY. See: INDECENCY AND OBSCENITY

OBSTRUCTIONS
Advertising
Advertising causing obstruction of streets or sidewalks..... . . . 3-3
Fire prevention and protection
Fire rescue department
Hindering or interfering with fire rescue department; injuring apparatus..... . . . 13-56
Outside storage and parking of certain vehicles
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas
Obstruction of sidewalk..... . . . 11-78(f)
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Interference with other uses in public rights-of-way .... 21-111(k)

OCCUPANT
Definitions and rules of construction
Tenant or occupant 1-2

OFFENSES. See: MISCELLANEOUS OFFENSES

Back to Electronic Table of Contents

OFFICERS AND EMPLOYEES
Adult entertainment
Licensing provisions
Responsibilities of commission, community development department, and police department 7-56
Location provisions
Hardship relief
Hearing before planning board .... 7-150(b)
City commission 2-21, 2-22
Civil emergencies .... 8-19 et seq.
See: CIVIL EMERGENCIES
Code enforcement .... 9-19 et seq.
See: CODE ENFORCEMENT
Compensation of officers and employees 2-49
Compensation, salaries, etc.
Compensation of officers and employees 2-49
Miscellaneous ordinances not affected by Code .... 1-12(7)
Definitions and rules of construction
City commission, city 1-2
Delegation of authority 1-2
Joint authority..... . . . 1-2
Officers, departments, boards, etc..... . . . 1-2
Elections .... 2-307 et seq.
See: ELECTIONS
Fire prevention and protection .... 13-22 et seq.
See: FIRE PREVENTION AND PROTECTION
Indemnification of city employees
Application of section .... 2-50(e)

Conditions to defense or indemnification..... . . . 2-50(c)
Defense and indemnification of city employees .... 2-50(b)
Definition .... 2-50(a)
Relation of section to insurance .... 2-50(d)
Miscellaneous ordinances not affected by Code .... 1-12(7)
Motor vehicles and traffic
Enforcement..... . . . 16-127, 16-128
Truck routes
City manager to install signs 16-160
Oath required for city officers..... . . . 2-48
Police officers and firefighters pension plan adopted by reference; effective date 2-51
Procurements .... 2-127 et seq.
See: PROCUREMENTS
Public records
Records management program
General duties of officers and employees with respect to records 2-97
Retirement plan and disability plan for general employees. See Appendix A
Salaries. See herein: Compensation, Salaries, Etc.
Streets, sidewalks and other public places
Library
Library director 21-53

OFFICIAL FLOWER

Back to Electronic Table of Contents

Administration
Official flower and tree of city established . . . 2-1

OFFICIAL TREE
Administration
Official flower and tree of city established . . . 2-1

OPEN BURNING
Fire prevention and protection
Standards
Incineration, bonfires and outdoor rubbish fires
Attendance of open fires . . . 13-23(c)

OR
Definitions and rules of construction
Or, and . . . 1-2

ORDINANCES, RESOLUTIONS, ETC.
Code of ordinances . . . 1-1 et seq.
See: CODE OF ORDINANCES
Planning and development
Trees and shrubs
City exempt from county tree removal ordinance . . . 19-25

OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES
Definitions . . . 11-73
Enforcement of article . . . 11-82
Fines, forfeitures and other penalties

Penalties . . . 11-83
Heavy trucks and semi-trailers on residential property, rights-of-way and easements . . . 11-77
Hobby repair work . . . 11-79
Inoperative vehicles . . . 11-75
Non-operative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours . . . 11-80
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas
Exceptions . . . 11-78(d)
Obstruction of sidewalk . . . 11-78(f)
Prohibited vehicles . . . 11-78(c)
Scope of section . . . 11-78(e)
Within any frontal building setback area from the street right-of-way or in the case of corner lots, within the side setback area from the side street . . . 11-78(b)
Within street right-of-way . . . 11-78(a)
Penalties
Administrative abatement . . . 11-83(1)
Notice to appear . . . 11-83(2)
Portable storage containers . . . 11-81
Removal of inoperable vehicles . . . 11-76
Storing of junk on property . . . 11-74

OWNER
Definitions and rules of construction . . . 1-2

Back to Electronic Table of Contents

PARADES
Motor vehicles and traffic
Parades; processions; oversized vehicles; sound trucks
Permits required . . . 16-99

PARKING. See: MOTOR VEHICLES AND TRAFFIC

PARKS AND RECREATION
Advertising, publicity and signs . . . 17-26
Aircraft . . . 17-21
Animals
Dogs
Running at large upon premises of another
Dogs in parks . . . 5-33(c)
Domestic animals . . . 17-17
Horseback riding and livestock . . . 17-16
Protection and preservation of wildlife . . . 17-8
Areas embraced . . . 17-39
Bathing and swimming . . . 17-10
Boating . . . 17-11
Camping . . . 17-31
Definitions . . . 17-1
Domestic animals . . . 17-17
Drunkenness and use of narcotics . . . 17-28
Enforcement of regulations and business tax receipts . . . 17-36
Fee schedule. See Appendix B

Fines, forfeitures and other penalties
Penalties . . . 17-38
Fire prevention and protection . . . 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Fishing . . . 17-12
Gambling . . . 17-23
Games . . . 17-15
Horseback riding and livestock . . . 17-16
Hunting and firearms . . . 17-13
Intoxicating liquors, beer, wine and narcotics . . . 17-29
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances . . . 17-25
Motor vehicles and traffic . . . 16-40 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Noise . . . 17-24
Noises within outdoor public recreation areas and parks . . . 11-119
Parking . . . 17-6
Penalties . . . 17-38
Photography and film making . . . 17-32
Picnic areas and use . . . 17-14
Pollution of park property waters . . . 17-19
Preservation of park property . . . 17-7
Prohibited activities in city parks . . . 17-33
Proper use of facilities . . . 17-30
Protection and preservation of wildlife . . . 17-8
Public demonstrations, gatherings, performances, speeches . . . 17-27

Back to Electronic Table of Contents

Recreation activities . . . 17-9
Refuse and trash . . . 17-20
Resident preference for programs and services . . . 17-35
Smoking at outdoor athletic facilities . . . 17-37
Soliciting rides or fares . . . 17-4
Solicitors, peddlers and transient merchants . . . 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Special permission . . . 17-34
Toy firearms, fireworks and explosives . . . 17-18
Traffic and vehicles
Parking . . . 17-6
Soliciting rides or fares . . . 17-4
Traffic laws . . . 17-2
Trucks and other vehicles . . . 17-3
Use of motorcycles, scooters, mopeds or similar vehicles within park property . . . 17-5
Use of vehicles . . . 17-22
Traffic laws . . . 17-2
Trucks and other vehicles . . . 17-3
Use of motorcycles, scooters, mopeds or similar vehicles within park property . . . 17-5
Use of vehicles . . . 17-22

PAVING, PAVEMENT
Miscellaneous ordinances not affected by Code . . . 1-12(8)

PEDDLERS

Solicitors, peddlers and transient merchants . . . 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES

PERMITS. See: LICENSES AND PERMITS

PERSON. See also: BUSINESSES
Definitions and rules of construction . . . 1-2

PERSONAL PROPERTY
Definitions and rules of construction . . . 1-2
Property, generally. See: PROPERTY

PERSONNEL. See: OFFICERS AND EMPLOYEES

PETITIONS
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances . . . 17-25
Utilities
Sewers
Industrial pretreatment program
Wastewater discharge permits
Wastewater discharge permit requirements for significant and minor industrial users; right to petition . . . 23-120(b)(17)

Back to Electronic Table of Contents

PHOTOGRAPHIC STUDIOS
Adult entertainment
Operational provisions for adult uses
Special cabarets, adult photographic or modeling studios, and adult theaters 7-117

PHOTOGRAPHY
Parks and recreation
Photography and film making..... . . . 17-32

PINELLAS, COUNTY OF. See: COUNTY

PIPES AND PIPING
Utilities .... 23-52 et seq.
See: UTILITIES

PLAN ADMINISTRATOR
Retirement plan and disability plan for general employees. See Appendix A

PLANNING AND DEVELOPMENT
Annexations
General annexation policy guidelines. See herein that subject
Comprehensive plan
Adoption of city comprehensive plan .... 17-36(b)
Authority .... 17-36(a)

Contents of the plan .... 17-36(e)
Implementation..... . . . 17-36(c)
Legal status of the comprehensive plan..... . . . 17-36(f)
Vested rights..... . . . 17-36(d)
County
General annexation policy guidelines
County development approvals for contiguous lands .... 19-3(c)
Intergovernmental relationships; delineation with county..... . . . 19-1
Trees and shrubs
City exempt from county tree removal ordinance..... . . . 19-25
General annexation policy guidelines
Adoption of policies for annexation and provision of services..... . . . 19-3(b)
Annexation area designated .... 19-3(d)
County development approvals for contiguous lands..... . . . 19-3(c)
Legal status of developed annexed lands..... . . . 19-3(a)
Intergovernmental relationships; delineation with county..... . . . 19-1
Streets, sidewalks and other public places..... . . . 21-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Trees and shrubs
City exempt from county tree removal ordinance 19-25

PLANNING BOARD
Adult entertainment
Location provisions
Hardship relief
Hearing before planning board .... 7-150(b)

PLATS. See: SURVEYS, MAPS AND PLATS

Back to Electronic Table of Contents

PLAYGROUNDS. See: PARKS AND RECREATION

PLUMBING
Adult entertainment
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments
Use of restrooms or dressing rooms..... . . . 7-169(k)

POLES AND WIRES
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Removal of registrant's cables/lines in rights-of-way .... 21-111(j)

POLICE DEPARTMENT
Adult entertainment
Licensing provisions
Responsibilities of commission, community development department, and police department . . . 7-56
Alarm systems
Application for alarm permit; emergency notification and reporting service information
Alarm user response to police call-out..... . . . 10-24(d)

Fee schedule. See Appendix B
Motor vehicles and traffic
Enforcement
Engineering service division; duties generally..... . . . 16-127
Specific powers and duties of engineering services division 16-128
Officers and employees
Police officers and firefighters pension plan adopted by reference; effective date 2-51
Vehicles for hire
Public conveyances
Duties of engineering services division generally 25-20

POLLUTION
Parks and recreation
Pollution of park property waters 17-19
Utilities
Sewers
Industrial pretreatment program
Regulations
Specific pollutant limitations .... 23-118(e)

PONDS
Nuisances
Maintenance of pools, spas, ponds and fountains 11-21

POOL TABLES
Taxation and finance
Business tax receipts
Requirements for keepers of pool tables and billiard tables 22-111

Back to Electronic Table of Contents

POOLS. See: SWIMMING POOLS

POSTING. See also: DISPLAY
Procurements
Material management
Posted prices. . . . 2-190
Vehicles for hire
Public conveyances
Rates
Posting of rate schedule. . . . 25-140

POWERS. See specific subjects as indexed

PRECEDING
Definitions and rules of construction
Preceding; following. . . . 1-2

PRISONS AND PRISONERS
Utilities
Municipal separate storm sewer system (MS4) regulations
Penalties
Fines and imprisonment . . . 23-221(a)

PRIVATE PROPERTY
Animals
Allowing trespass . . . 5-2
Dogs
Removal of dog excreta from certain public and private property . . . 5-34
Utilities . . . 23-166 et seq.
See: UTILITIES

PROCEEDINGS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS

PROCESSIONS
Motor vehicles and traffic
Parades; processions; oversized vehicles; sound trucks
Permits required . . . 16-99

PROCUREMENTS
Agreements. See herein: Contracts and Agreements
Appeals and remedies
Authority of the city manager to settle bid protests . . . 2-225
Bid protests
Entitlement of costs . . . 2-223(c)
Right to protest . . . 2-223(a)
Stay of procurements during protest . . . 2-223(b)
Bids and bidding
Authority of the city manager to settle bid protests . . . 2-225
Bid protests . . . 2-223
Remedies for solicitation or awards in violation of law
Prior to bid opening or closing date for receipt of proposals . . . 2-226(a)
Contract claims
City manager's decision; contractor's right to appeal . . . 2-224(c)

Back to Electronic Table of Contents

Decision of the city manager . . . 2-224(a)
Notice to the contractor of the city manager's decision . . . 2-224(b)
Remedies for solicitation or awards in violation of law
After award . . . 2-226(c)
Prior to award . . . 2-226(b)
Prior to bid opening or closing date for receipt of proposals . . . 2-226(a)
Application . . . 2-128
Authority to debar or suspend . . . 2-134
Bids and bidding
Appeals and remedies. See herein that subject
Source selection, contract and purchase order formation
Competitive purchasing . . . 2-154
Exemptions from competitive purchasing procedures . . . 2-157
Bulletin board . . . 2-131
Businesses
Appeals and remedies
Contract claims
City manager's decision; contractor's right to appeal . . . 2-224(c)
Notice to the contractor of the city manager's decision . . . 2-224(b)
Ethics in public contracting

Collusion by contractors . . . 2-287
Source selection, contract and purchase order formation
Contracting for professional services . . . 2-155
City manager
Appeals and remedies
Authority of the city manager to settle bid protests . . . 2-225
Contract claims . . . 2-224
Purchasing
Authority and duties
City manager . . . 2-132(a)
Source selection, contract and purchase order formation
Purchase limits
Small purchases by city manager . . . 2-156(a)
Conflicts of interest
Ethics in public contracting. See herein that subject
Contracts and agreements
Appeals and remedies
Contract claims . . . 2-224
Ethics in public contracting
Gratuities and kickbacks
Contract clause . . . 2-279(c)
Ethics in public contracting. See herein that subject
Intergovernmental relations and cooperative purchasing
Cooperative purchasing contract awards ("piggybacking") . . . 2-249
Source selection, contract and purchase order formation. See herein that subject
Cost principles regulations required . . . 2-135
Definitions . . . 2-129
Ethics in public contracting
Collusion by contractors . . . 2-287
Conflicts of interest
Contemporaneous employment prohibited . . . 2-281

Back to Electronic Table of Contents

Employee conflict of interest . . . 2-278
Waivers from contemporaneous employment prohibition and other conflicts of interest . . . 2-282
Contemporaneous employment prohibited . . . 2-281
Criminal penalties . . . 2-277
Employee conflict of interest . . . 2-278
Fraud, collusion, etc., by officers or employees . . . 2-286
Gratuities and kickbacks
Contract clause . . . 2-279(c)
Gratuities . . . 2-279(a)
Kickbacks . . . 2-279(b)
Prohibition against contingent fees . . . 2-280
Recovery of value transferred or received in breach of ethical standards
General provisions . . . 2-285(a)
Recovery of kickbacks by the city . . . 2-285(b)
Sanctions
Employees . . . 2-284(a)
Non-employees . . . 2-284(b)
Use of confidential information . . . 2-283
Waivers from contemporaneous employment prohibition and other conflicts of interest . . . 2-282
Fees

Ethics in public contracting
Prohibition against contingent fees . . . 2-280
Fines, forfeitures and other penalties
Ethics in public contracting
Criminal penalties . . . 2-277
Intergovernmental relations and cooperative purchasing
Cooperative purchasing authorized . . . 2-246
Cooperative purchasing contract awards ("piggybacking") . . . 2-249
Cooperative use of supplies, services and facilities . . . 2-248
Sale, acquisition or use of supplies by other public entities . . . 2-247
Material management
Auctions . . . 2-189
Authorization to dispose of surplus supplies and property . . . 2-186
Disposition of surplus supplies and property . . . 2-188
Posted prices . . . 2-190
Property
Authorization to dispose of surplus supplies and property . . . 2-186
Disposition of surplus supplies and property . . . 2-188
Surplus property . . . 2-192
Quality assurance, inspection and testing . . . 2-185
Surplus property . . . 2-192
Trade-in . . . 2-191
Transfer of excess and surplus supplies . . . 2-187
Penalties. See herein: Fines, Forfeitures and Other Penalties
Property
Material management. See herein that subject
Public access to procurement information . . . 2-130
Purchasing
Authority and duties
City manager . . . 2-132(a)
Duties . . . 2-132(c)
Principle public purchasing official . . . 2-132(b)

Back to Electronic Table of Contents

Regulations and operational procedures . . . 2-132(d)
Delegations to other city employees . . . 2-133
Purpose . . . 2-127
Source selection, contract and purchase order formation
Competitive purchasing
Award to responsible and responsive bidder/proposer . . . 2-154(g)
Bid/proposal acceptance and bid/proposal evaluation . . . 2-154(e)
Bid/proposal opening . . . 2-154(d)
Conditions for use . . . 2-154(a)
Correction or withdrawal of bids/proposals . . . 2-154(f)
Default and nonperformance . . . 2-154(j)
Invitation for bid/request for proposal . . . 2-154(b)
Negotiated adjustment . . . 2-154(h)
Public notice . . . 2-154(c)
Rejection of bids . . . 2-154(i)
Contracting for professional services
Authority for procuring certain professional services . . . 2-155(a)
Contracts for audit by an independent certified public accountant . . . 2-155(c)
Contracts for legal services . . . 2-155(b)

Contracts for other professional services . . . 2-155(d)
Exemptions from competitive purchasing procedures
City facilities . . . 2-157(b)
Emergency procurement . . . 2-157(d)
Housing programs . . . 2-157(a)
Noncompetitive and "sole source" procurement . . . 2-157(c)
Used equipment/supplies procurement
Award . . . 2-157(e)(2)
Generally . . . 2-157(e)(1)
Purchase limits
Change orders as purchases . . . 2-156(b)
Small purchases by city manager . . . 2-156(a)
Required submissions relating to change orders or contract modification . . . 2-158

PROFESSIONAL SERVICES
Procurements
Source selection, contract and purchase order formation
Contracting for professional services . . . 2-155

PROGRAMS AND SERVICES
Assessing the impact of programs and services on annexation . . . 2-337

PROPERTY
Advertising . . . 3-1 et seq.
See: ADVERTISING
Alarm systems . . . 10-19 et seq.
See: ALARM SYSTEMS
Animals . . . 5-1 et seq.
See: ANIMALS
Code enforcement
Code enforcement board procedure
Enforcement procedure
Duties of property owner upon transfer of property . . . 9-69

Back to Electronic Table of Contents

Definitions and rules of construction..... . . . 1-2
Fair housing..... . . . 14-19 et seq.
See: FAIR HOUSING
Fire prevention and protection .... 13-19 et seq.
See: FIRE PREVENTION AND PROTECTION
Motor vehicles and traffic .... 16-40 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Noise..... . . . 11-110 et seq.
See: NOISE
Nuisances..... . . . 11-19 et seq.
See: NUISANCES
Outside storage and parking of certain vehicles..... . . . 11-73 et seq.
See: OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES
Parks and recreation..... . . . 17-1 et seq.
See: PARKS AND RECREATION
Planning and development .... 19-1 et seq.
See: PLANNING AND DEVELOPMENT
Procurements..... . . . 2-186 et seq.

See: PROCUREMENTS
Solicitors, peddlers and transient merchants .... 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Solid waste..... . . . 20-1 et seq.
See: SOLID WASTE
Streets, sidewalks and other public places..... . . . 21-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Taxation and finance
Applicability of article provisions
Exempt properties..... . . . 22-21(1)
Insurance premium tax
Levy of excise or license tax on property insurers..... . . . 22-78
Utilities..... . . . 23-1 et seq.
See: UTILITIES

PROPRIETOR
Definitions and rules of construction
Keeper or proprietor..... . . . 1-2

PROSTITUTION
Soliciting or manifesting an intent to solicit prostitution, sexual activity, assignation or lewdness. .15-4
Precursor acts facilitating prostitution unlawful.....15-5

PUBLIC CONVEYANCES
Vehicles for hire .... 25-19 et seq.
See: VEHICLES FOR HIRE

PUBLIC NUISANCES (Generally). See: NUISANCES

PUBLIC PLACES. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

PUBLIC RECORDS
Records management program
Definitions 2-95

Back to Electronic Table of Contents

Departmental records 2-99
Duties of city clerk with respect to records 2-98
General duties of officers and employees with respect to records 2-97
Ownership of records 2-96
Title and purpose 2-94

PUBLIC WORKS AND IMPROVEMENTS
Miscellaneous ordinances not affected by Code .... 1-12(12)
Programs and services
Assessing the impact of programs and services on annexation..... . . . 2-337

PUBLIC WORKS DEPARTMENT
Fee schedule. See Appendix B

PUBLICATION
Utilities
Sewers
Industrial pretreatment program
Enforcement
Publication of industrial users in significant noncompliance..... . . . 23-123(d)

PURCHASING
Procurements 2-132

REAL ESTATE
Fair housing..... . . . 14-19 et seq.
See: FAIR HOUSING

REAL PROPERTY
Definitions and rules of construction..... . . . 1-2
Property, generally. See: PROPERTY

RECORDS AND REPORTS
Adult entertainment..... . . . 7-63 et seq.
See: ADULT ENTERTAINMENT
Alarm systems
Application for alarm permit; emergency notification and reporting service information 10-24
Nuisances
Cleanliness of premises
Recordation, interest and foreclosure of lien 11-50
Public records .... 2-94 et seq.
See: PUBLIC RECORDS
Retirement plan and disability plan for general employees. See Appendix A
Taxation and finance
Business tax receipts
Enforcement; inspections; revocation
Authority to examine records .... 22-109(c)
Municipal public service tax
Records to be kept by seller; inspection of records; transcripts 22-51
Utilities .... 23-90 et seq.
See: UTILITIES

Back to Electronic Table of Contents

RECORDS MANAGEMENT PROGRAM
Public records .... 2-94 et seq.
See: PUBLIC RECORDS

RECORDS, PUBLIC. See: PUBLIC RECORDS

RECOVERY OF COST. See: LIENS, RECOVERY OF COST, ETC.

RECREATION, PARKS AND ARTS DEPARTMENT
Fee schedule. See Appendix B

RECREATION. See: PARKS AND RECREATION

RECYCLING
Solid waste .... 20-3 et seq.
See: SOLID WASTE

REFERENCES
References and editor's notes..... . . . 1-9
References to chapters, articles and sections 1-7

REFUSE. See: SOLID WASTE

REGISTRATION
Solicitors, peddlers and transient merchants
Registration required 7-216
Streets, sidewalks and other public places .... 21-104 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Taxation and finance
Business tax receipts
Registration of county business tax receipt; registration of persons claiming to be exempt from the provisions of section 22-104..... . . . 22-105

RENTALS
Fair housing .... 14-19 et seq.
See: FAIR HOUSING

REPORTS. See: RECORDS AND REPORTS

RESIDENTIAL CONCERNS
Noise
Noises created within residential zones..... . . . 11-117
Noises emanating from boats or barges on water areas adjoining residential zones 11-118
Outside storage and parking of certain vehicles
Heavy trucks and semi-trailers on residential property, rights-of-way and easements 11-77
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas 11-78
Solid waste .... 20-2 et seq.
See: SOLID WASTE
Utilities
Sewers
Rates and charges
Reclaimed water charges

Back to Electronic Table of Contents

Residential rates ..... 23-91(a)
Stormwater utility
Fee for residential property..... 23-156

RESIDENTS
Parks and recreation
Resident preference for programs and services..... 17-35

RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.

RETIREMENT PLAN AND DISABILITY PLAN FOR GENERAL EMPLOYEES (Appendix A)
Agreements. See herein: Contract and Agreements
Amendments
Disability income plan for general employees
Termination and amendment of the plan..... A.II.5.01
Retirement plan for general employees
Amendment, merger, and termination A.I.14
Assets

Disability income plan for general employees
Miscellaneous
Rights to city's assets A.II.7.05
Board of trustees
Disability income plan for general employees
Board of trustees and fund A.II.4.01
Competency
Retirement plan for general employees
Miscellaneous A.I.16.3
Contracts and agreements
Retirement plan for general employees
Insurance policies
Subordination of insurance policy or annuity contract A.I.10.6
Death
Retirement plan for general employees
Benefits and distributions
Death benefit..... A.I.11.7
Definitions
Disability income plan for general employees A.II.1
Retirement plan for general employees. See herein that subject
Disability income plan for general employees
Board of trustees and fund
Board of trustees A.II.4.01
Fund..... A.II.4.02
Plan must be nondiscriminatory..... A.II.4.03
Claims procedures
Additional procedures..... A.II.6.05
Claims of affected persons A.II.6.01
Conduct of the full hearing..... A.II.6.04
Full hearing A.II.6.03
Initial hearing A.II.6.02
Definitions A.II.1
Disability income benefits

Back to Electronic Table of Contents

Amount of disability income A.II.3.02
Continuing evidence of disability A.II.3.04
Eligibility for disability income..... A.II.3.01
Payment of disability income A.II.3.03
Recovery from disability A.II.3.05
Miscellaneous
Applicable law..... A.II.7.03
Construction..... A.II.7.04
Information A.II.7.01
Limitation of rights A.II.7.02
Non-alienation of benefits..... A.II.7.06
Rights to city's assets A.II.7.05
Written communications required A.II.7.07
Participation
Date of participation..... A.II.2.01
Re-employment of a participant A.II.2.03
Termination of participation A.II.2.02
Termination and amendment of the plan

Amendment of plan A.II.5.01
Termination of plan A.II.5.02
Discrimination
Disability income plan for general employees
Board of trustees and fund
Plan must be nondiscriminatory..... A.II.4.03
Evidence
Disability income plan for general employees
Disability income benefits
Continuing evidence of disability..... A.II.3.04
Fees
Retirement plan for general employees
Trustee
Taxes and fees A.I.13.7
Fines, forfeitures and other penalties
Retirement plan for general employees
Allocations
Allocation of participating employer contributions and forfeitures..... A.I.7.1
Benefits and distributions
Forfeitures A.I.11.2
Forfeitures. See herein: Fines, Forfeitures and Other Penalties
Gender
Retirement plan for general employees
Miscellaneous
Gender and number..... A.I.16.9
Insurance
Retirement plan for general employees
Trustee
Dealing with the insurer A.I.13.10
Investment manager
Retirement plan for general employees
Investments..... A.I.9.4
Law
Disability income plan for general employees

Back to Electronic Table of Contents

Miscellaneous
Applicable law . . . A.II.7.03
Retirement plan for general employees
Miscellaneous
Governing law . . . A.I.16.8
Leases
Retirement plan for general employees
Miscellaneous
Leased employees . . . A.I.16.6
Liability
Retirement plan for general employees
Trustee
Limitation of liability . . . A.I.13.11
Mergers
Retirement plan for general employees
Amendment, merger, and termination . . . A.I.14
Missing persons

Retirement plan for general employees
Miscellaneous . . . A.I.16.4
Numbers and numbering
Retirement plan for general employees
Miscellaneous
Gender and number . . . A.I.16.9
Penalties. See herein: Fines, Forfeitures and Other
Plan administrator
Retirement plan for general employees
Contributions
Duty of trustee and plan administrator . . . A.I.6.8
Generally . . . A.I.12
Records and reports
Retirement plan for general employees
Trustee
Trustee reports . . . A.I.13.9
Retirement plan for general employees
Accounts
Participants' accounts . . . A.I.5.1
Valuation of accounts . . . A.I.5.2
Allocations
Allocation of other contributions . . . A.I.7.3
Allocation of participating employer contributions and forfeitures . . . A.I.7.1
Eligibility for allocation . . . A.I.7.2
Alternative methods of determining eligibility and vesting service
Credited service . . . A.I.3.2
Elapsed time . . . A.I.3.1
Leave of absence . . . A.I.3.4
Service . . . A.I.3.3
Amendment, merger, and termination
Amendment . . . A.I.14.1
Termination . . . A.I.14.2
Benefits and distributions
Commencement of benefits . . . A.I.11.9
Death benefit . . . A.I.11.7

Back to Electronic Table of Contents

Deferred retirement benefit . . . A.I.11.5
Definitions . . . A.I.11.16
Distribution requirements . . A.I.11.11
Early retirement benefit . . A.I.11.4
Forfeitures . . A.I.11.2
Form of distribution . . A.I.11.10
Forms of benefits . . A.I.11.17
Loans to participants . . A.I.11.14
Method of distribution . . A.I.11.12
Normal retirement benefit . . A.I.11.3
Other provisions . . A.I.11.15
Other termination of employment benefit . . . A.I.11.8
Vesting . . . A.I.11.1
Withdrawals of employee contributions . . A.I.11.13
Contributions
Additional requirements . . A.I.6.10

Deductible voluntary contributions . . A.I.6.9
Duty of trustee and plan administrator . . . A.I.6.8
Employee contributions . . A.I.6.4
Employer contribution . . A.I.6.1
Mandatory employee contributions . . A.I.6.3
Return of employer contributions . . . A.I.6.2
Rollover contribution . . A.I.6.5
Time and method of payment of contributions . . A.I.6.7
Definitions . . A.I.2
Benefits and distributions . . A.I.11.16
Domestic relations order . . . A.I.15.1
Generally . . . A.I.2
Limitations on allocations
Limitation on participating employers that maintain a qualified defined benefit plan . . . A.I.8.4
Limitations on employers that maintain more than one qualified plan all of which are qualified defined contribution plans . . . A.I.8.2
Limitations on participating employers that maintain qualified defined contribution plans other than a master or prototype plan . . A.I.8.3
Special definitions . . . A.I.8.5
Distributions
Benefits and Distributions. See herein that subject
Trustee
Distribution . . A.I.13.8
Domestic relations order
Definitions . . A.I.15.1
Procedures . . . A.I.15.2
Insurance policies
Disposition of insurance policies . . . A.I.10.3
Limitations on insurance policies . . . A.I.10.2
Minimum purchase . . A.I.10.4
Purchase of insurance policies . . A.I.10.1
Subordination of insurance policy or annuity contract . . . A.I.10.6
Validity of insurance policy . . A.I.10.5
Investments
Employer directed investments . . A.I.9.2
Investment authority . . A.I.9.1

Back to Electronic Table of Contents

Investment manager . . . A.I.9.4
Participant directed investments . . . A.I.9.3
Limitations on allocations
Limitation on participating employers that maintain a qualified defined benefit plan . . . A.I.8.4
Limitations on employers that maintain more than one qualified plan all of which are qualified defined contribution plans. . . . A.I.8.2
Limitations on participating employers that do not maintain any other qualified plan . . . A.I.8.1
Limitations on participating employers that maintain qualified defined contribution plans other than a master or prototype plan . . . A.I.8.3
Special definitions . . . A.I.8.5
Miscellaneous
Additional participation requirement . . . A.I.16.11
Competency . . . A.I.16.3
Construction . . . A.I.16.7
Controlled groups and affiliated service groups . . . A.I.16.5

Direct rollovers . . . A.I.16.13
Effective date. . . . A.I.16.14
Employment rights . . . A.I.16.1
Gender and number . . . A.I.16.9
Governing law . . . A.I.16.8
Leased employees . . . A.I.16.6
Missing persons. . . . A.I.16.4
Notices . . . A.I.16.2
Plan-to-plan transfers . . . A.I.16.10
Spendthrift provision . . . A.I.16.12
Participation
Binding force . . . A.I.4.3
Eligibility . . . A.I.4.1
Transfer from an affiliated employer . . . A.I.4.4
Transfer to an affiliated employer. . . . A.I.4.5
Waiver . . . A.I.4.2
Plan administration
Administration expenses . . . A.I.12.4
Claims procedure . . . A.I.12.3
Duties . . . A.I.12.2
Plan administrator . . . A.I.12.1
Purpose of plan and trust . . . A.I.1
Trustee
Authorized persons . . . A.I.13.6
Contribution of existing qualified plan . . . A.I.13.3
Contributions to the trust fund. . . . A.I.13.2
Co-trustees . . . A.I.13.12
Dealing with the insurer. . . . A.I.13.10
Distribution . . . A.I.13.8
Establishment and acceptance of trust . . . A.I.13.1
Limitation of liability . . . A.I.13.11
Limited trustee responsibilities . . . A.I.13.5
Powers and duties . . . A.I.13.4
Taxes and fees . . . A.I.13.7
Trustee removal or resignation . . . A.I.13.13
Trustee reports . . . A.I.13.9
Rights

Back to Electronic Table of Contents

Disability income plan for general employees
Miscellaneous
Limitation of rights. . . . A.II.7.02
Rights to city's assets. . . . A.II.7.05
Retirement plan for general employees
Miscellaneous
Employment rights. . . . A.I.16.1
Taxation
Retirement plan for general employees
Trustee
Taxes and fees . . A.I.13.7
Trustees
Retirement plan for general employees
Contributions

Duty of trustee and plan administrator. . . . A.I.6.8
Trustee . . A.I.13
Written, in writing
Disability income plan for general employees
Miscellaneous
Written communications required . . A.II.7.07

REVENUES (Generally). See: FINANCE

REZONING (Generally). See: ZONING

RIGHT OF ENTRY. See: ENTRY

RIGHTS (Generally)
Code does not affect prior offenses, penalties, contracts, rights . . 1-11
Code enforcement
Citation enforcement procedures
Waiver of right to contest citation. . . . 9-108
Notice to appear; enforcement procedure
Waiving right to contest citation . . 9-140
Miscellaneous ordinances not affected by Code . . 1-12(2)
Planning and development
Comprehensive plan
Vested rights . . 17-36(d)
Procurements
Appeals and remedies
Bid protests
Right to protest . . 2-223(a)
Contract claims
City manager's decision; contractor's right to appeal . . 2-224(c)
Retirement plan and disability plan for general employees. See Appendix A
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Relocation of facilities and reservation of city rights. . . . 21-111(n)
Reservation of rights and remedies . . 21-115
Utilities

Back to Electronic Table of Contents

Sewers
Industrial pretreatment program
Regulations
City's right of revisions .... 23-118(g)
Wastewater discharge permits
Wastewater discharge permit requirements for significant and minor industrial users; right to petition .... 23-120(b)(17)

RIGHTS-OF-WAY
Outside storage and parking of certain vehicles
Heavy trucks and semi-trailers on residential property, rights-of-way and easements 11-77
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas 11-78

Streets, sidewalks and other public places..... . . . 21-23 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ROADS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

RUBBISH. See: SOLID WASTE

RUNNING AT LARGE
Animals .... 5-1 et seq.
See: ANIMALS

SALARIES
Compensation, salaries, etc. See: OFFICERS AND EMPLOYEES

SALES
Adult entertainment .... 7-19 et seq.
See: ADULT ENTERTAINMENT
Alcoholic beverages
Sale of alcoholic beverages for on-premises consumption; location..... . . . 4-1
Sale of alcoholic beverages within the community redevelopment districts 4-2
Fair housing .... 14-19 et seq.
See: FAIR HOUSING
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances 17-25
Procurements
Intergovernmental relations and cooperative purchasing
Sale, acquisition or use of supplies by other public entities 2-247
Solicitors, peddlers and transient merchants..... . . . 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Solid waste
Recycling
Sale or disposal of recyclable materials 20-123
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Notice of transfer, sale or assignment of assets in public rights-of-way..... . . . 21-107

SANITATION. See: HEALTH AND SANITATION

Back to Electronic Table of Contents

SCAVENGING
Solid waste
Title to waste materials
Collection or scavenging of recyclable materials by other parties .... 20-3(b)

SCHEDULES
Code enforcement .... 9-102 et seq.
See: CODE ENFORCEMENT
Fee schedule. See Appendix B
Taxation and finance
Business tax receipts

License schedule 22-114
Vehicles for hire
Public conveyances
Rates
Posting of rate schedule 25-140

SCHOOLS
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division
Parking prohibitions and restrictions generally
School zones .... 16-128(13)b
Specific street regulations
Speed limits
School zones..... . . . 16-42

SCOOTERS
Parks and recreation
Use of motorcycles, scooters, mopeds or similar vehicles within park property 17-5

SCRAP METAL
Outside storage and parking of certain vehicles
Non-operative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours 11-80

SEDIMENT CONTROL
Utilities
Municipal separate storm sewer system (MS4) regulations
Construction activity
Erosion and sediment control .... 23-217(a)

SEMI-TRAILERS
Outside storage and parking of certain vehicles
Heavy trucks and semi-trailers on residential property, rights-of-way and easements 11-77

SEPTIC TANKS
Utilities
Sewers
Rates and charges
General service provision and capital facility expansion policies

Back to Electronic Table of Contents

Septic tank use..... . . . 23-89(d)

SERVICES
Programs and services
Assessing the impact of programs and services on annexation 2-337

SEVERABILITY
Severability of parts of Code 1-5

SEWER. See: UTILITIES

SHALL
Definitions and rules of construction
Shall, may..... . . . 1-2

SHRUBBERY (Generally). See: VEGETATION

SIDEWALKS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

SIGNATURE
Code enforcement
Citation enforcement procedures
Refusal to sign and accept citation a misdemeanor 9-103
Definitions and rules of construction 1-2
Utilities
Sewers
Industrial pretreatment program
Reporting requirement for significant industrial user permittees
Signatory requirements for industrial user reports .... 23-121(i)

SIGNS
Advertising..... . . . 3-1 et seq.
See: ADVERTISING
Motor vehicles and traffic .... 16-43 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Parks and recreation
Advertising, publicity and signs 17-26
Taxation and finance
Business tax receipts
Requirements for advertisers for "off-premises" billboard signs..... . . . 22-112

SMOKING
Parks and recreation
Smoking at outdoor athletic facilities 17-37

SOIL
Utilities
Municipal separate storm sewer system (MS4) regulations
Construction activity
Erosion and sediment control .... 23-217(a)

SOLICITATIONS

Back to Electronic Table of Contents

Procurements
Appeals and remedies
Remedies for solicitation or awards in violation of law . . . 2-226

SOLICITING
Adult entertainment
Prohibitions
Prohibited operations, acts, advertisements, and actions of adult use establishments
Solicitation or personal advertising . . . 7-169(m)
Parks and recreation

Soliciting rides or fares . . . 17-4

SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
City policy . . . 7-214
Definitions . . . 7-215
Display of license . . . 7-222
Exceptions . . . 7-221
Fees . . . 7-218
Issuance of license . . . 7-217
Licenses and permits
Display of license . . . 7-222
Issuance of license . . . 7-217
Revocation of permits . . . 7-219
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances . . . 17-25
Permits. See herein: Licenses and Permits
Prohibited acts . . . 7-220
Registration required . . . 7-216
Revocation of permits . . . 7-219

SOLID WASTE
Animals
Dogs
Removal of dog excreta from certain public and private property . . . 5-34
Businesses
Collection and disposal service offered by other parties . . . 20-4
Collection regulations, fees and charges
Commercial and industrial container service . . . 20-32
Mandatory collection of solid waste
Minimum solid waste collection and disposal standards
Commercial and industrial establishments . . . 20-2(d)(3)
Placement of waste
Placement of containers
Commercial service containers . . . 20-71(d)
Collection and disposal service offered by other parties
Exception to prohibited services . . . 20-4(c)
Permitted services
Permitted hours of operation . . . 20-4(b)(2)
Permitted materials . . . 20-4(b)(1)
Placement of containers . . . 20-4(b)(3)
Prohibited services . . . 20-4(a)

Back to Electronic Table of Contents

Collection regulations, fees and charges
Application to classifications of collection and disposal services . . . 20-29
Bulky waste and white goods . . . 20-33
Commercial and industrial container service
Commercial curbside service . . . 20-32(c)
Compactor disposal service . . . 20-32(g)
Container washing and deodorizing . . . 20-32(h)
Lockable containers . . . 20-32(i)
Nonscheduled bulk container service

Additional collections for existing scheduled bulk containers . . . 20-32(d)(1)
Prepayment requirements for temporary bulk containers . . . 20-32(d)(4)
Sanitary condition of bulk containers . . . 20-32(d)(3)
Temporary use of bulk containers . . . 20-32(d)(2)
Roll-off container service
Compactor service fees . . . 20-32(f)(3)
Prepayment requirements . . . 20-32(f)(1)
Roll-off container service fees . . . 20-32(f)(2)
Scheduled bulk container service . . . 20-32(a)
Scheduled roll-out bulk container service . . . 20-32(e)
Shared scheduled bulk container service . . . 20-32(b)
Construction and demolition debris . . . 20-34
Dead animals . . . 20-35
Fees
Commercial and industrial container service
Roll-off container service
Compactor service fees . . . 20-32(f)(3)
Roll-off container service fees . . . 20-32(f)(2)
Scheduled residential curbside service . . . 20-30
Scheduled single-family attached, high-density and mobile home park residence service
Residential curbside service . . . 20-31(2)
Scheduled bulk container service . . . 20-31(1)
Special services at no cost . . . 20-38
Special services for the disabled . . . 20-37
Unclassified services . . . 20-36
Definitions . . . 20-1
Fees
Collection regulations, fees and charges. See herein that subject
Mandatory collection of solid waste . . . 20-2(c)
Fire prevention and protection
Standards
Incineration, bonfires and outdoor rubbish fires . . . 13-23
Mandatory collection of solid waste
Acceptance of additional services . . . 20-2(e)
Fees
Billing . . . 20-2(c)(2)
Responsibility for fees . . . 20-2(c)(1)
Treatment of delinquent accounts . . . 20-2(c)(3)
Mandatory subscription . . . 20-2(a)
Minimum solid waste collection and disposal standards
Commercial and industrial establishments
Exceptions . . . 20-2(d)(3)b
Minimum level of service . . . 20-2(d)(3)a

Back to Electronic Table of Contents

Single-family residence attached, high-density residence and mobile home park residences .... 20-2(d)(2)
Single-family residence detached (up to three dwelling units on one lot), duplex and triplex residences .... 20-2(d)(1)
Prima facie evidence of solid waste production .... 20-2(b)
Nuisances
Cleanliness of premises
Removal of excessive growth of weeds and debris which are hazardous to health required 11-48
Outside storage and parking of certain vehicles
Non-operative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours 11-80
Storing of junk on property..... . . . 11-74
Parks and recreation
Refuse and trash 17-20
Placement of waste
Damages to containers
Marking or painting of containers..... . . . 20-68(b)
Responsibility for damages to containers supplied by the city..... . . . 20-68(a)
Permitted containers
Containers provided by the city .... 20-67(a)
Horticultural and yard waste .... 20-67(c)
Subscriber supplied roll-off container for compacter systems .... 20-67(b)
Placement of containers
Accessibility to city staff and equipment .... 20-71(a)
Automated container service..... . . . 20-71(b)
Commercial service containers .... 20-71(d)
Special services for the disabled .... 20-71(c)
Placement of prohibited materials 20-70
Placement of waste other than in containers
Acceptable locations .... 20-72(a)
Bulky waste and white goods .... 20-72(c)
Horticultural and yard waste .... 20-72(b)
Use of containers 20-69
Recycling
Sale or disposal of recyclable materials 20-123
Separation of materials 20-122
Title to waste materials
Collection or scavenging of recyclable materials by other parties..... . . . 20-3(b)
Residential concerns
Collection regulations, fees and charges
Scheduled residential curbside service 20-30
Scheduled single-family attached, high-density and mobile home park residence service 20-31
Mandatory collection of solid waste
Minimum solid waste collection and disposal standards
Single-family residence attached, high-density residence and mobile home park residences .... 20-2(d)(2)
Single-family residence detached (up to three dwelling units on one lot), duplex and triplex residences .... 20-2(d)(1)
Title to waste materials
Collection or scavenging of recyclable materials by other parties .... 20-3(b)
Materials titled to the city..... . . . 20-3(a)

Back to Electronic Table of Contents

Unlawful storage, accumulation, dumping and disposal
Storage or accumulation of waste on premises 20-103
Unlawful dumping or disposal..... 20-104
Utilities ..... 23-1 et seq.
See: UTILITIES

SOUND (Generally). See: NOISE

SOUND TRUCKS
Motor vehicles and traffic
Parades; processions; oversized vehicles; sound trucks
Permits required 16-99

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Utilities
Water conservation
Local enforcement of water shortage orders by Southwest Florida Water Management District.....
..... 23-251

SPAS
Nuisances
Maintenance of pools, spas, ponds and fountains 11-21

SPEED
Motor vehicles and traffic ..... 16-40 et seq.
See: MOTOR VEHICLES AND TRAFFIC

SPITTING ON SIDEWALKS
Streets, sidewalks and other public places 21-1

STATE
Definitions and rules of construction 1-2
Miscellaneous offenses
State misdemeanors adopted..... 15-1
Motor vehicles and traffic
Specific street regulations
Speed limits
State speed limits shall prevail in case of conflict..... 16-44
Utilities
Sewers
Industrial pretreatment program
Regulations
State requirements ..... 23-118(f)

STORAGE
Outside storage and parking of certain vehicles ..... 11-73 et seq.
See: OUTSIDE STORAGE AND PARKING OF CERTAIN VEHICLES
Solid waste
Unlawful storage, accumulation, dumping and disposal 20-103, 20-104

STORM SEWERS
Utilities ..... 23-212 et seq.
See: UTILITIES

Back to Electronic Table of Contents

STORMWATER
Utilities . . . 23-151 et seq.
See: UTILITIES

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Advertising
Advertising causing obstruction of streets or sidewalks . . . 3-3
Animals . . . 5-1 et seq.
See: ANIMALS
Communications facilities. See herein: Right-of-way Utilization
Definitions and rules of construction
Public place . . . 1-2
Street . . . 1-2
Fines, forfeitures and other penalties
Right-of-way utilization
Communications facilities
Penalties for violation . . . 21-113
Library
Created . . . 21-52
Library director . . . 21-53
Licenses and permits
Right-of-way utilization
Communications facilities. See herein that subheading
Miscellaneous ordinances not affected by Code . . . 1-12(8), (10)
Motor vehicles and traffic . . . 16-40 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Noise . . . 11-110 et seq.
See: NOISE
Nuisances . . . 11-19 et seq.
See: NUISANCES
Outside storage and parking of certain vehicles
Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas
Within any frontal building setback area from the street right-of-way or in the case of corner lots, within the side setback area from the side street . . . 11-78(b)
Parks and recreation . . . 17-1 et seq.
See: PARKS AND RECREATION
Permits. See herein: Licenses and Permits
Planning and development . . . 19-1 et seq.
See: PLANNING AND DEVELOPMENT
Registration
Right-of-way utilization
Communications facilities. See herein that subheading
Right-of-way utilization
Communications facilities
Definitions . . . 21-103
Existing communications facilities in the public right-of-way . . . 21-108
Force majeure . . . 21-114
Insurance and indemnification
Indemnification . . . 21-112(a)
Insurance . . . 21-112(b)
Involuntary termination of registration . . . 21-110
Licenses and permits

Back to Electronic Table of Contents

Placement or maintenance of a communications facility in the public rights-of-way
Permit application . . . 21-111(c)
Permits . . . 21-111(a)
Registration; effectiveness of registration
Permits . . . 21-106(f)
Suspension of permits . . . 21-109
Nature of registration . . . 21-105
Notice of transfer, sale or assignment of assets in public rights-of-way . . . 21-107
Penalties for violation . . . 21-113
Placement or maintenance of a communications facility in the public rights-of-way
Abandonment of a communications facility . . . 21-111(p)
Compliance with city codes and regulations . . . 21-111(b)
Construction and safety standards . . . 21-111(e)
Design criteria for wireless facilities . . . 21-111(q)
Installation and construction schedule; inspections . . . 21-111(f)
Interference with other uses in public rights-of-way . . . 21-111(k)
Maintenance . . . 21-111(g)
Maps . . . 21-111(m)
No warranties or representations by city . . . 21-111(l)
Notice to city . . . 21-111(i)
Permit application . . . 21-111(c)
Permits . . . 21-111(a)
Placement of communications facilities . . . 21-111(d)
Relocation of facilities and reservation of city rights . . . 21-111(n)
Removal of registrant's cables/lines in rights-of-way . . . 21-111(j)
Restoration . . . 21-111(h)
Temporary removal or relocation of facilities . . . 21-111(o)
Purpose . . . 21-102
Registration
Involuntary termination of registration . . . 21-110
Nature of registration . . . 21-105
Registration; effectiveness of registration . . . 21-106
Registration for placing or maintaining communications facilities in public rights-of-way . . . 21-104
Registration; effectiveness of registration
Filing of registration; contents thereof . . . 21-106(a)
Nonexclusive registration . . . 21-106(c)
Permits . . . 21-106(f)
Registrations subject to change . . . 21-106(e)
Renewal of registration . . . 21-106(d)
Review by city . . . 21-106(b)
Registration for placing or maintaining communications facilities in public rights-of-way . . . 21-104
Reservation of rights and remedies . . . 21-115
Suspension of permits . . . 21-109
Rights-of-way
Right-of-way utilization. See herein that subject
Streets
Tree removal from the public right-of-way . . . 21-23
Sidewalks
Advertising
Advertising causing obstruction of streets or sidewalks . . . 3-3
Definitions and rules of construction . . . 1-2
Outside storage and parking of certain vehicles

Back to Electronic Table of Contents

Parking or storage of certain types of vehicles prohibited in single-family, duplex and triplex residential areas
Obstruction of sidewalk . . . 11-78(f)
Spitting on sidewalks . . . 21-1
Solicitors, peddlers and transient merchants . . . 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS
Solid waste . . . 20-1 et seq.
See: SOLID WASTE
Spitting on sidewalks . . . 21-1
Streets
Naming streets . . . 21-21
Numbering of buildings; procedure generally; exceptions . . . 21-22
Street lighting districts . . . 21-24
Tree removal from the public right-of-way . . . 21-23
Utilities . . . 23-1 et seq.
See: UTILITIES
Vehicles for hire . . . 25-19 et seq.
See: VEHICLES FOR HIRE

SUBDIVISIONS
Miscellaneous ordinances not affected by Code . . . 1-12(5)
Streets, sidewalks and other public places . . . 21-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

SUITS, ACTIONS AND OTHER PROCEEDINGS
Effect of repeal of ordinances . . . 1-4
Utilities
Sewers
Industrial pretreatment program
Enforcement
Legal action . . . 23-123(j)

SURCHARGES
Motor vehicles and traffic
Stopping, standing and parking
Fines and penalties for violation of parking prohibitions
Additional surcharge . . . 16-70(9)
Surcharge for parking fines . . . 16-70(8)

SURVEYS, MAPS AND PLATS
Miscellaneous ordinances not affected by Code . . . 1-12(5), (4)
Motor vehicles and traffic
Truck routes
Truck routes established; map . . . 16-156
Streets, sidewalks and other public places
Right-of-way utilization
Communications facilities
Placement or maintenance of a communications facility in the public rights-of-way
Maps . . . 21-111(m)

SWEAR OR SWORN. See: OATH, AFFIRMATION, SWEAR OR SWORN

SWIMMING

Back to Electronic Table of Contents

Parks and recreation
Bathing and swimming..... . . . 17-10

SWIMMING POOLS
Nuisances
Maintenance of pools, spas, ponds and fountains..... . . . 11-21

TAXATION
Miscellaneous ordinances not affected by Code .... 1-12(3), (12)
Parks and recreation
Enforcement of regulations and business tax receipts 17-36
Retirement plan and disability plan for general employees. See Appendix A
Vehicles for hire
Public conveyances
Business receipt
Revocation or suspension of company business tax receipt; grounds; notice; hearing..... . . . 25-54

TAXATION AND FINANCE
Business tax receipts
Annexation 22-113
Applicability of article; disputes as to classification..... . . . 22-103
Application 22-106
Enforcement; inspections; revocation
Authority of the building official or his designee .... 22-109(b)
Authority to examine records .... 22-109(c)
Persons authorized to conduct inspections .... 22-109(a)
License schedule 22-114
Registration of county business tax receipt; registration of persons claiming to be exempt from the provisions of section 22-104 22-105
Requirements for advertisers for "off-premises" billboard signs 22-112
Requirements for keepers of pool tables and billiard tables 22-111
Standards for requiring licenses, issuing guidelines, transferring of licenses, and issuing licenses to independent contractors..... . . . 22-104
Term of issuance; proration of taxes 22-108
When taxes payable..... . . . 22-107
Definitions
Municipal public service tax 22-46
Special assessment procedures 22-20
Fines, forfeitures and other penalties
Municipal public service tax
Interest and penalties for late payments and late return; cost incurred in pursuit of tax or information as a result of violation 22-52
Insurance premium tax
Levy of excise or license tax on casualty risk insurers..... . . . 22-79
Levy of excise or license tax on property insurers..... . . . 22-78
Municipal public service tax
Computation of tax when seller collects the price thereof in monthly periods..... . . . 22-50
Definitions..... . . . 22-46
Duty of seller to collect tax; computation of tax; liability for failure to collect; discontinuance of service

.... 22-49
Exemptions and exclusions 22-48

Back to Electronic Table of Contents

Interest and penalties for late payments and late return; cost incurred in pursuit of tax or information as a result of violation . . . 22-52
Purchase of electricity, gas, fuel oil, and water tax levied; amount; payment to be collected from purchaser; when payments are to be made . . . 22-47
Records to be kept by seller; inspection of records; transcripts . . . 22-51
Penalties. See herein: Fines, Forfeitures and Other Penalties
Special assessment procedures
Applicability of article provisions
Assessment procedure . . . 22-21(4)
Deferred payment . . . 22-21(3)
Exempt properties . . . 22-21(1)
Participating or contributing funds . . . 22-21(2)
Definitions . . . 22-20
Short title . . . 22-19

TAXIS
Vehicles for hire
Public conveyances
Taximeter requirements . . . 25-23

TEENAGERS. See: MINORS

TELECOMMUNICATIONS
Alarm systems
Automatic telephone dialing alarm systems . . . 10-22

TENANT
Definitions and rules of construction
Tenant or occupant . . . 1-2

TENSE (Of Code Words)
Definitions and rules of construction
Tense . . . 1-2

THEATERS
Adult entertainment
Operational provisions for adult uses
Adult theater . . . 7-116

TIME (Defined)
Definitions and rules of construction
Time, computation of . . . 1-2

TITLE
Solid waste
Title to waste materials . . . 20-3

TOBACCO PRODUCTS
Parks and recreation

Smoking at outdoor athletic facilities . . . 17-37

TOY FIREARMS

Back to Electronic Table of Contents

Parks and recreation 17-18

TRAFFIC. See: MOTOR VEHICLES AND TRAFFIC

TRANSIENT MERCHANTS
Solicitors, peddlers and transient merchants .... 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

TRASH. See: SOLID WASTE

TREES (Generally). See: VEGETATION

TRESPASS
Animals
Allowing trespass 5-2
Miscellaneous Offenses
Prohibited; authorization to issue trespass warning for private property.....15-2
Trespass warnings; authorization to issue trespass warning for public property.....15-3

TRUCK ROUTES
Motor vehicles and traffic .... 16-155 et seq.
See: MOTOR VEHICLES AND TRAFFIC

TRUCKS
Motor vehicles and traffic
Parades; processions; oversized vehicles; sound trucks
Permits required 16-99
Outside storage and parking of certain vehicles
Heavy trucks and semi-trailers on residential property, rights-of-way and easements 11-77

TRUSTEES
Retirement plan and disability plan for general employees. See Appendix A

UNDERAGED PERSONS. See: MINORS

UTILITIES
Buildings and building regulations
Municipal separate storm sewer system (MS4) regulations
Construction activity 23-217
Sewers
Connections
Reimbursement of city for connection to sewer for which city bore cost of construction 23-55
Rates and charges
General service provision and capital facility expansion policies..... . . . 23-89
Stormwater utility
Credits for privately constructed and maintained stormwater facilities 23-167
Businesses
Municipal separate storm sewer system (MS4) regulations
Industrial activity 23-218
Sewers
Industrial pretreatment program. See herein that subject
Rates and charges
Reclaimed water charges

Back to Electronic Table of Contents

Commercial/industrial/golf course rates..... . . . 23-91(b)
System of industrial cost recovery charges 23-90
Declared a public utility 23-2
Definitions
Municipal separate storm sewer system (MS4) regulations 23-214
Privately owned collection and transmission systems
General provisions .... 23-186(b)
Sewers
Industrial pretreatment program
General provisions .... 23-117(e)
Rates and charges
System of industrial cost recovery charges .... 23-90(b)
Stormwater utility
Definitions and rules of construction 23-153
Water conservation
Local enforcement of water shortage orders by Southwest Florida Water Management District .....
.... 23-251(a)
Emergencies
Privately owned collection and transmission systems
Documentation and reporting requirements
Reporting requirements
Emergency repairs .... 23-189(b)(2)
Monitoring requirements
Emergency contact .... 23-190(a)
Water conservation
Local enforcement of water shortage orders by Southwest Florida Water Management District
Declaration of water shortage; water shortage emergency .... 23-251(c)
Fees
Privately owned collection and transmission systems
Permit application requirements and fees 23-188
Sewers. See herein that subject
Stormwater utility. See herein that subject
Fines, forfeitures and other penalties
Municipal separate storm sewer system (MS4) regulations
Penalties 23-221
Sewers
Industrial pretreatment program
Enforcement
Administrative penalties .... 23-123(i)
Rates and charges
System of industrial cost recovery charges
Time of payment; violations and penalties..... . . . 23-90(h)
Stormwater utility
Billing and payment; penalties for nonpayment 23-160
Water conservation
Local enforcement of water shortage orders by Southwest Florida Water Management District
Penalties..... . . . 23-251(e)
Industrial concerns
Municipal separate storm sewer system (MS4) regulations
Industrial activity 23-218
Sewers
Industrial pretreatment program. See herein that subject
Rates and charges

Back to Electronic Table of Contents

Reclaimed water charges
Commercial/industrial/golf course rates . . . 23-91(b)
System of industrial cost recovery charges . . . 23-90
Inspections/inspectors
Municipal separate storm sewer system (MS4) regulations
Inspection and monitoring . . . 23-219
Privately owned collection and transmission systems
Monitoring requirements
Control authority inspections . . . 23-190(d)
Pump station inspections . . . 23-190(c)
Sewers
Industrial pretreatment program
Compliance monitoring
Inspection and sampling access . . . 23-122(b)
Rates and charges
System of industrial cost recovery charges
Inspection, sampling and analysis . . . 23-90(d)
Licenses and permits
Municipal separate storm sewer system (MS4) regulations
Industrial activity
NPDES permits . . . 23-218(c)
Privately owned collection and transmission systems
Permit application requirements and fees . . . 23-188
Sewers
Industrial pretreatment program
Enforcement
Revocation of permit . . . 23-123(b)
Wastewater discharge permits . . . 23-120
Municipal separate storm sewer system (MS4) regulations
Administrative order . . . 23-220
Construction activity
Discharge of groundwater . . . 23-217(c)
Erosion and sediment control . . . 23-217(a)
Notice of intent requirement . . . 23-217(b)
Notice of violation . . . 23-217(d)
Definitions . . . 23-214
Illicit discharges
Authorized exceptions . . . 23-215(c)
General prohibitions . . . 23-215(a)
Illicit connections . . . 23-215(d)
Specific prohibitions . . . 23-215(b)
Industrial activity
General prohibitions . . . 23-218(a)
NPDES permits . . . 23-218(c)
Specific prohibitions . . . 23-218(b)
Inspection and monitoring
Authority for inspections . . . 23-219(a)
Authority for monitoring and sampling . . . 23-219(b)
Requirements for monitoring . . . 23-219(c)
Intent . . . 23-213
Penalties
Abatement . . . 23-221(b)
Fines and imprisonment . . . 23-221(a)

Back to Electronic Table of Contents

Short title . . . 23-212
Spills and dumping
General prohibitions . . . 23-216(a)
Notification of spills . . . 23-216(c)
Specific prohibitions . . . 23-216(b)
Penalties. See herein: Fines, Forfeitures and Other Penalties
Permits. See herein: Licenses and Permits
Pipes and piping
Municipal separate storm sewer system (MS4) regulations
Illicit discharges
Illicit connections . . . 23-215(d)
Privately owned collection and transmission systems
Prohibitions and performance criteria
Privately owned service lateral connections . . . 23-187(d)
Sewers
Connections. See herein that subheading
Rates and charges
General service provision and capital facility expansion policies
Illegal connections . . . 23-89(c)
Private property
Privately owned collection and transmission systems. See herein that subject
Stormwater utility
Credits for privately constructed and maintained stormwater facilities . . . 23-167
Privately owned collection and transmission systems
Certification of sanitary sewer system capacity . . . 23-193
Documentation and reporting requirements
Reporting requirements
Emergency repairs . . . 23-189(b)(2)
Inflow and infiltration (I&I) . . . 23-189(b)(1)
Overflow . . . 23-189(b)(5)
Progress report for consent agreement or compliance order . . . 23-189(b)(7)
Rehabilitation program . . . 23-189(b)(4)
Sanitary sewer evaluation study . . . 23-189(b)(3)
Water use reduction measures . . . 23-189(b)(6)
Routine documentation . . . 23-189(a)
Enforcement . . . 23-194
General provisions
Applications . . . 23-186(d)
Definitions . . . 23-186(b)
Duty to halt sanitary sewer overflow . . . 23-186(f)
Intent . . . 23-186(a)
Objectives . . . 23-186(c)
Right-of-entry . . . 23-186(e)
Maintenance requirements
Meter calibration . . . 23-192(c)
Preventative maintenance program . . . 23-192(a)
Spare parts . . . 23-192(b)
Monitoring requirements
Control authority inspections
Inspection report and corrective actions . . . 23-190(d)(2)
Routine inspections . . . 23-190(d)(1)
Emergency contact . . . 23-190(a)
Pump station inspections . . . 23-190(c)

Back to Electronic Table of Contents

Sanitary sewer system log. . . . 23-190(b)
Permit application requirements and fees
Additional fees . . . 23-188(e)
Limitation on permit transfer. . . . 23-188(f)
Permit application . . . 23-188(b)
Permit duration and renewal . . . 23-188(c)
Permit fee rate . . . 23-188(d)
Privately owned collection and transmission system operating permit . . . 23-188(a)
Prohibitions and performance criteria
Compliance schedule to perform system upgrades . . . 23-187(f)
Design and performance criteria . . . 23-187(b)
General prohibitions . . . 23-187(a)
Infiltration and inflow (I&I) rehabilitation program. . . . 23-187(c)
New privately owned collection and transmission systems or system upgrades . . . 23-187(e)
Privately owned service lateral connections . . . 23-187(d)
Pump station operation and repair . . . 23-191
Records and reports
Documentation and reporting requirements . . . 23-189
Monitoring requirements
Control authority inspections
Inspection report and corrective actions . . . 23-190(d)(2)
Sanitary sewer system log. . . . 23-190(b)
Sewers
Certification of sanitary sewer system capacity . . . 23-193
Documentation and reporting requirements
Reporting requirements
Sanitary sewer evaluation study . . . 23-189(b)(3)
General provisions
Duty to halt sanitary sewer overflow . . . 23-186(f)
Monitoring requirements
Sanitary sewer system log . . . 23-190(b)
Programs and services
Assessing the impact of programs and services on annexation . . . 2-337
Records and reports
Privately owned collection and transmission systems. See herein that subject
Sewers. See herein that subject
Sewers
Connections
Failure to make required connection; performance of work by city. . . . 23-54
Reimbursement of city for connection to sewer for which city bore cost of construction . . . 23-55
Required . . . 23-52
Requirements for performance of work . . . 23-53
Discharge of certain substances prohibited or restricted. . . . 23-24
Fees
Industrial pretreatment program
Fees . . . 23-119
General provisions
Provisions for direct and indirect contributors; authorization for monitoring and enforcement activities; setting of fees . . . 23-117(c)
Rates and charges
General service provision and capital facility expansion policies
Fees and charges . . . 23-89(a)
Industrial pretreatment program

Back to Electronic Table of Contents

Affirmative defenses to discharge violations
Bypass
Notice . . . 23-125(c)(1)
Prohibition of bypass . . . 23-125(c)(2)
Prohibited discharge standards . . . 23-125(b)
Upset . . . 23-125(a)
Compliance monitoring
Approved sampling and analyses . . . 23-122(c)
Inspection and sampling access . . . 23-122(b)
Monitoring facilities . . . 23-122(a)
Confidential information
Authority . . . 23-124(a)
Effluent data . . . 23-124(b)
Enforcement
Administrative penalties . . . 23-123(i)
Cease and desist order; harmful contributions . . . 23-123(a)
Compliance order . . . 23-123(g)
Consent order . . . 23-123(f)
Legal action . . . 23-123(j)
Notification of violation . . . 23-123(c)
Ordinance violation notice . . . 23-123(h)
Publication of industrial users in significant noncompliance . . . 23-123(d)
Revocation of permit . . . 23-123(b)
Show cause hearing . . . 23-123(e)
Fees
Charges and fees . . . 23-119(b)
Purpose . . . 23-119(a)
General provisions
Abbreviations . . . 23-117(f)
Applications . . . 23-117(d)
Definitions . . . 23-117(e)
Objectives . . . 23-117(b)
Provisions for direct and indirect contributors; authorization for monitoring and enforcement activities; setting of fees . . . 23-117(c)
Purpose and policy . . . 23-117(a)
Judicial enforcement remedies
Injunctive relief . . . 23-126(a)
Remedies nonexclusive . . . 23-126(b)
Regulations
Accidental discharges
Notice to employees . . . 23-118(i)(2)
Written notice . . . 23-118(i)(1)
City's right of revisions . . . 23-118(g)
Dilution . . . 23-118(h)
Federal categorical pretreatment standards . . . 23-118(c)
General discharge prohibitions . . . 23-118(a)
Modification of federal categorical pretreatment standards . . . 23-118(d)
Specific discharge prohibitions . . . 23-118(b)
Specific pollutant limitations . . . 23-118(e)
State requirements . . . 23-118(f)
Reporting requirement for significant industrial user permittees
Baseline report
Existing users . . . 23-121(a)(1)

Back to Electronic Table of Contents

New user . . . 23-121(a)(2)
Compliance schedule for meeting categorical pretreatment standards . . . 23-121(b)
Monitoring and analysis to demonstrate continued compliance . . . 23-121(f)
Notice of potential problems, including slug discharges . . . 23-121(e)
Notification of changed discharge . . . 23-121(h)
Periodic reports on continued compliance . . . 23-121(d)
Provisions governing fraud and false statements . . . 23-121(j)
Provisions governing hazardous waste . . . 23-121(l)
Recordkeeping requirements . . . 23-121(k)
Report on compliance with categorical pretreatment standard deadline . . . 23-121(c)
Reporting requirements for industrial users not subject to categorical pretreatment standards . . . 23-121(g)
Signatory requirements for industrial user reports . . . 23-121(i)
Wastewater discharge permits
Permit requirements for food service, commercial vehicle wash, and commercial laundry facilities (commercial wastewater discharge permits)
Application review . . . 23-120(c)(6)
General permit conditions . . . 23-120(c)(8)
Interceptor requirements . . . 23-120(c)(3)
Permit application . . . 23-120(c)(4)
Permit duration . . . 23-120(c)(7)
Permit renewal application . . . 23-120(c)(5)
Permit required . . . 23-120(c)(1)
Violations . . . 23-120(c)(2)
Wastewater analysis . . . 23-120(a)
Wastewater discharge permit requirements for significant and minor industrial users
Application review . . . 23-120(b)(8)
Existing connections . . . 23-120(b)(4)
General permits . . . 23-120(b)(6)
Minor industrial users . . . 23-120(b)(2)
New connections . . . 23-120(b)(5)
Penalty clause . . . 23-120(b)(12)
Permit application . . . 23-120(b)(7)
Permit conditions . . . 23-120(b)(10)
Permit duration . . . 23-120(b)(11)
Permit modifications . . . 23-120(b)(9)
Permit required . . . 23-120(b)(1)
Permit transfer . . . 23-120(b)(13)
Pretreatment . . . 23-120(b)(14)
Records availability . . . 23-120(b)(15)
Regulation of waste received from other jurisdictions . . . 23-120(b)(16)
Right to petition . . . 23-120(b)(17)
Violations . . . 23-120(b)(3)
Privately owned collection and transmission systems. See herein that subject
Rates and charges
Billing cycle for users inside and outside city limits
Users outside city limits . . . 23-84(b)
Users outside city, within city's annexation area . . . 23-84(c)
Users within the city limits . . . 23-84(a)
Billing procedures . . . 23-87
Connection charges . . . 23-85
Delinquency . . . 23-88
General service provision and capital facility expansion policies

Back to Electronic Table of Contents

Capital facility expansions . . . 23-89(b)
Fees and charges. . . . 23-89(a)
Illegal connections . . . 23-89(c)
Septic tank use . . . 23-89(d)
Provisions of reclaimed water service . . . 23-92
Purpose; use of funds . . . 23-86
Reclaimed water charges
Commercial/industrial/golf course rates . . . 23-91(b)
Residential rates. . . . 23-91(a)
Requiring connections to the reclaimed water system when available . . . 23-94
Restrictions on the use of reclaimed water . . . 23-93
System of industrial cost recovery charges
Appeals and variances. . . . 23-90(i)
Cost recovery charges enumerated; billing
Billings . . . 23-90(c)(3)
Components . . . 23-90(c)(1)
Effective period. . . . 23-90(c)(4)
Rates . . . 23-90(c)(2)
Definitions . . . 23-90(b)
Discontinuance of use by industrial users. . . . 23-90(g)
Disposition of funds . . . 23-90(j)
Establishment . . . 23-90(a)
Inspection, sampling and analysis . . . 23-90(d)
New industries . . . 23-90(f)
Recordkeeping and review . . . 23-90(k)
Significant industrial user's letter of intent . . . 23-90(e)
Time of payment; violations and penalties . . . 23-90(h)
Records and reports
Industrial pretreatment program
Reporting requirement for significant industrial user permittees . . . 23-121
Wastewater discharge permits
Wastewater discharge permit requirements for significant and minor industrial users; records availability . . . 23-120(b)(15)
Rates and charges
System of industrial cost recovery charges
Recordkeeping and review . . . 23-90(k)
Rules and regulations of city manager . . . 23-23
Solid waste . . . 20-1 et seq.
See: SOLID WASTE
Storm sewers
Municipal separate storm sewer system (MS4) regulations. See herein that subject
Stormwater utility
Appeals . . . 23-165
Bill for properties not served with utilities . . . 23-162
Billing and payment; penalties for nonpayment . . . 23-160
Credits for privately constructed and maintained stormwater facilities . . . 23-167
Definitions and rules of construction . . . 23-153
Fees
Fee established . . . 23-154
Fee for nonresidential property and mixed use property . . . 23-157
Fee for residential property . . . 23-156
Findings as to fees; use of funds; revenue fund . . . 23-166
Minimum fee . . . 23-159

Back to Electronic Table of Contents

Owner responsible for stormwater fee . . . 23-163
Findings as to fees; use of funds; revenue fund . . . 23-166
Inclusion in utility bill . . . 23-161
Minimum fee . . . 23-159
Owner responsible for stormwater fee . . . 23-163
Purpose and intent . . . 23-152
Requests for adjustment; procedure . . . 23-164
Short title . . . 23-151
Stormwater utility rates and charges . . . 23-155
Streets, sidewalks and other public places . . . 21-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Taxation and finance
Municipal public service tax
Purchase of electricity, gas, fuel oil, and water tax levied; amount; payment to be collected from purchaser; when payments are to be made . . . 22-47
Water conservation
Local enforcement of water shortage orders by Southwest Florida Water Management District
Application of section . . . 23-251(b)
Declaration of water shortage; water shortage emergency . . . 23-251(c)
Definitions . . . 23-251(a)
Enforcement . . . 23-251(d)
Penalties . . . 23-251(e)
Water users to accept provisions of section . . . 23-251(f)
Water system and sewer system combined . . . 23-1

VACATION OF PUBLIC WAYS, ETC.
Miscellaneous ordinances not affected by Code . . . 1-12(8)

VARIANCES
Utilities
Sewers
Rates and charges
System of industrial cost recovery charges
Appeals and variances . . . 23-90(i)

VEGETATION
Administration
Official flower and tree of city established . . . 2-1
Nuisances
Cleanliness of premises
Removal of excessive growth of weeds and debris which are hazardous to health required . . . 11-48
Planning and development
Trees and shrubs
City exempt from county tree removal ordinance . . . 19-25
Solid waste
Placement of waste
Permitted containers
Horticultural and yard waste . . . 20-67(c)
Placement of waste other than in containers
Horticultural and yard waste . . . 20-72(b)
Streets, sidewalks and other public places
Streets
Tree removal from the public right-of-way . . . 21-23

Back to Electronic Table of Contents

VEHICLES FOR HIRE
Fines, forfeitures and other penalties
Public conveyances
Penalties for violations of article . . . 25-30
Licenses and permits
Public conveyances
Approval required; public conveyance permit . . . 25-22
Business receipt. See herein that subheading
Public conveyance operator's permit. See herein that subheading
Motor vehicles and traffic
Enforcement
Specific powers and duties of engineering services division
Public carrier stands . . . 16-128(18)
Parks and recreation
Soliciting rides or fares . . . 17-4
Penalties. See herein: Fines, Forfeitures and Other Penalties
Public conveyances
Approval required; public conveyance permit . . . 25-22
Authority to promulgate rules . . . 25-29
Business receipt
Display of permit . . . 25-53
Investigation of application . . . 25-51
Issuance or refusal . . . 25-52
Regulation of public conveyances . . . 25-50
Required . . . 25-49
Revocation or suspension of company business tax receipt; grounds; notice; hearing . . . 25-54
Compliance with article required . . . 25-21
Definitions . . . 25-19
Distinctive markings required . . . 25-25
Duties of engineering services division generally . . . 25-20
Inspections of public conveyances . . . 25-24
Insurance
Required . . . 25-82
Type; cancellation . . . 25-83
No driver to drive more than 12 hours a day . . . 25-28
Penalties for violations of article . . . 25-30
Public conveyance operator's permit
Alteration or destruction . . . 25-112
Application . . . 25-111
Required . . . 25-110
Revocation or suspension of public conveyance operator's permit; grounds; notice; hearing, emergency situations; prohibited acts . . . 25-113
Rates
Advance payment . . . 25-141
Nonpaying passengers . . . 25-142
Posting of rate schedule . . . 25-140
Receipts . . . 25-143
Restricted areas of operation . . . 25-26
Taximeter requirements . . . 25-23
Use for immoral purposes . . . 25-27

VEHICLES. See: MOTOR VEHICLES AND TRAFFIC

Back to Electronic Table of Contents

VENDING, VENDORS
Parks and recreation
Merchandising, vending, alms, peddling, contributions, fortunetelling, and petitions, business licenses, application and issuances . . . 17-25
Solicitors, peddlers and transient merchants . . . 7-214 et seq.
See: SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

VOTES AND VOTING
Adult entertainment
Location provisions
Hardship relief
Majority vote required . . . 7-150(d)
Elections . . . 2-307 et seq.
See: ELECTIONS

WASTE MANAGEMENT
Animals
Dogs
Removal of dog excreta from certain public and private property . . . 5-34
Fire prevention and protection
Standards
Incineration, bonfires and outdoor rubbish fires . . . 13-23
Nuisances
Cleanliness of premises
Removal of excessive growth of weeds and debris which are hazardous to health required . . . 11-48
Outside storage and parking of certain vehicles
Non-operative appliance, vehicles, scrap metal, and junk not to remain on property more than 72 hours . . . 11-80
Storing of junk on property . . . 11-74
Parks and recreation
Refuse and trash . . . 17-20
Solid waste . . . 20-1 et seq.
See: SOLID WASTE
Utilities . . . 23-1 et seq.
See: UTILITIES

WASTEWATER
Utilities
Sewers
Industrial pretreatment program
Wastewater discharge permits . . . 23-120

WATER CONSERVATION
Utilities . . . 23-251

WATER. See: UTILITIES

WATERWAYS. See: BOATS, DOCKS AND WATERWAYS

WEAPONS. See: FIREARMS AND WEAPONS

WEEDS (Generally). See: VEGETATION

Back to Electronic Table of Contents

WHITE GOODS
Solid waste
Collection regulations, fees and charges
Bulky waste and white goods . . . 20-33
Placement of waste
Placement of waste other than in containers
Bulky waste and white goods . . . 20-72(c)

WILDLIFE
Parks and recreation
Protection and preservation of wildlife . . . 17-8

WINE. See: ALCOHOLIC BEVERAGES

WIRES. See: POLES AND WIRES

WRITTEN
Definitions and rules of construction . . . 1-2
Retirement plan and disability plan for general employees. See Appendix A
Utilities
Sewers
Industrial pretreatment program
Regulations
Accidental discharges; written notice . . . 23-118(i)(1)

YEAR
Definitions and rules of construction . . . 1-2

YOUNG PERSONS. See: MINORS

ZONES
Motor vehicles and traffic . . . 16-42 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Noise
Noises created within residential zones . . . 11-117
Noises emanating from boats or barges on water areas adjoining residential zones . . . 11-118

ZONING (Generally)
Adult entertainment . . . 7-19 et seq.
See: ADULT ENTERTAINMENT
Advertising . . . 3-1 et seq.
See: ADVERTISING
Animals . . . 5-1 et seq.
See: ANIMALS
Miscellaneous ordinances not affected by Code . . . 1-12(4)
Motor vehicles and traffic . . . 16-40 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Noise
Noises created within residential zones . . . 11-117
Noises emanating from boats or barges on water areas adjoining residential zones . . . 11-118
Planning and development . . . 19-1 et seq.
See: PLANNING AND DEVELOPMENT

Back to Electronic Table of Contents

Programs and services
Assessing the impact of programs and services on annexation..... . . . 2-337
Streets, sidewalks and other public places .... 21-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Back to Electronic Table of Contents