

1955 TOWN CODE

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PART II

CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

1-1. How Code Designated and Cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the Town of Longboat Key," and may be so cited.

1-2. Definitions and Rules of Construction.

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

Town. The words "the town" or "this town" shall be construed as if the words "of Longboat Key" followed it.

Commission. Whenever the word "commission" is used, it shall mean the town commission of the Town of Longboat Key.

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 be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County. The words "the county" or "this county" shall mean the County of Sarasota or County of Manatee or both if the sense requires.

Gender. A word 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 words 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 words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.

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

Number. A word 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 word "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 words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Official time standard. Whenever particular hours are specified in this Code relating to the time within which any act shall be performed by any person, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the Town.

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

Owner. The word "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.

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

Personal Property. Includes every species of property except real property, as herein defined.

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

Property. The word "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. Shall include lands, tenements and hereditaments.

Sidewalk. The word "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. Includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Florida.

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

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

Time. Words used in the past or present tense include the future as well as the past or present.

Written or in writing. Shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

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

1-3. Catchlines of Sections.

The catchlines of the several sections of this Code printed in bold-face type are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be 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.

1-4 Altering Code.

It shall be unlawful for any person, firm or corporation in the Town 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 such Code in any manner whatsoever which will cause the law of the Town to be misinterpreted thereby.

1-5. Effect of Repeal of Ordinances.

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

The repeal or amendment of an ordinance shall not affect any punishment or penalty incurred before the repeal or amendment took effect, nor any suit, prosecution or proceeding pending at the time of the repeal or amendment, for an offense committed under the ordinance repealed or amended.

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1-6. Amendments to Code.

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 herein. 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. 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 town commission.

6.1. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

"That section _____ of the Code of Ordinances of the Town of Longboat Key is hereby amended to read as follows: _____"

The provisions shall then be set out in full as desired.

6.2. In the event a new section not heretofore existing in the Code, is to be added, the following language shall be used:

"That the Code of Ordinances of the Town of Longboat Key is hereby amended by adding a section, to be numbered _____, which said section reads as follows: _____"

The new section shall then be set out in full as desired.

6.3. All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

1-7. Severability of Parts of Code.

It is hereby declared to be the intention of the town commission that 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.

1-8. General Penalty: Continuing Violations.

Whenever in this Code of Ordinances or in any ordinance of the town 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 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 five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty days (60), or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

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 and may be, by the town, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

The violation of any building, dredge and fill, subdivision, or zoning ordinance of the town, shall in addition to the penalties herein prescribed, be subject to abatement by injunction order of a court of competent jurisdiction.

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1-9. Application for Permits; Deposit of Costs of Notice; Collection of Expenses.

Whenever any application is made to the town for the granting of a permit of any kind whereby it is necessary to publish newspaper notice or to notify property owners or others by mail, the person making application shall deposit with the town the estimated cost and expense of giving such notice, and the amount so estimated shall be deposited in the town treasury. The officer of the town with whom such application may be filed shall be charged with the duty of collecting such expenses and costs.

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Chapter 2 ADMINISTRATION (Reserved for Expansion)

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Chapter 3 ADVERTISING

3-1 SIGNS AND BILLBOARDS —DEFINITIONS.

The words "sign" and "billboard" shall be interchangeable, and shall include any sign, billboard, poster panel, bulletin, placard, writing, printing, picture, display, emblem, drawing, and all printed, painted, lettered, illuminated or figured devices or structures used out of doors, or visible from outside the building for advertising purposes. Advertising to be defined as "any form of public announcement or device intended to influence opinion on any subject."

(Ord. 114-1 9-13-66)

3-2 No sign shall be erected or maintained unless a permit has been obtained from the Town. Fees shall be paid for all permits, except as hereinafter provided.

(Ord. 114-2 9-13-66)

3-3 SIZE AND LOCATION:

3.1 The size of signs shall not exceed 160 square feet, said area to be computed by measuring from ground level to the top of the sign at its highest point and multiplying said distance by the distance between the outside dimensions of the entire structure measured at its widest point. That part or parts of the sign structure carrying the legend of the sign shall not exceed a total of eighty (80) square feet. No sign structure shall exceed sixteen (16) feet in any one dimension.

3.2 Signs painted or consisting of letters permanently attached to the face or side wall of any building shall not project more than one (1) inch from the face of the building and only one sign is permitted on any face or side and no more than one face or side wall of any building shall have a sign thereon, except a building located on a corner may have a sign on the face or side of the building facing each street. Any miscellaneous advertising other than the name of the business shall be exhibited either on the standard or the building sign, but not both. The area limitations shall remain eighty (80) square feet.

3.3 No more than one business sign on standards shall be allowed for any single business unless said business has a street frontage of more than two hundred fifty (250) feet in which case said business may have an additional sign or signs for each two hundred fifty (250) feet or part thereof in excess of two hundred fifty (250) feet of street frontage but no signs for said business shall be placed so as to be closer than one hundred (100) feet from one another. If the business has frontage on both sides of a street or road only one side shall be considered in computing the number of signs allowed.

3.4 Signs shall not be erected or maintained that project over into other property not part of the property upon which the business being advertised is located, or over, or onto the right-of-way of any highway, roadway, street or other public thoroughfare or waterway.

3.5 No sign shall be attached to trees or shrubs, or be painted directly on a fence, or attached to mailboxes.

3.6 A business property which faces and abuts the water may also have the name of the business only on the side of a building facing the waterway.

(Ord. 114-3 9-13-66)

3-4 NO LICENSE FEE REQUIRED:

4.1 Temporary signs. Outdoor directional and informational signs erected with the approval of the building inspector pertaining to public events sponsored

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by charitable, civic non-profit organizations, or for civic or Town affairs, which are to be removed immediately after said event or affair. Such signs shall not be erected for a period of more than seven (7) days.

4.2 Permanent signs. Residential and civic directories where no business is shown. Size restrictions are: Title block limited to ten (10) square feet. Individual name plates whether on separate panels or painted or affixed to a common panel, shall not exceed one and one-half square feet each. All name plates on each directory must be uniform in size and color.

4.3 Name of business signs on the face of building.
(Ord. 114-4 9-13-66)

3-5 DIRECTORY, DIRECTIONAL, INFORMATION AND OFF PREMISES BUSINESS SIGNS.

5.1 Such signs shall be permitted off the premises upon which the business is being conducted provided that said business is in a location within the Town of Longboat Key not fronting on Gulf of Mexico Drive, except as otherwise provided for herein. If there are several businesses in the area, and one sign location can serve to direct inquiries to that area, separate standards of supports will not be permitted. The several business directories must be on a common standard.

5.2 Such off premises business directories may have sign plates or panels for individual business not to exceed two (2) feet high by five (5) feet long each, shall be uniform in size and color and in no event shall a combination of business directory sign panels exceed five maximum size signs for a total overall height of ten (10) feet. Parallel structures may be added, if necessary, but in no event may the total structure exceed one hundred twenty (120) square feet.

5.3 Directional signs in waterways shall not exceed eight (8) square feet and permits for same shall not be granted unless the sign is an aid to navigation and in the public interest.

(Ord. 114-5 9-13-66)

3-6 REAL ESTATE. "For Sale" and "For Rent" signs shall not exceed four square feet (4) except as hereinafter provided, and there shall not be more than one sign on any one property, except as hereinafter provided. Any owner may display his own personal "For Rent" or "For Sale" sign on property without a license or fee, provided such sign does not exceed one (1) square foot in area. Real estate "For Rent" and "For Sale" signs located on property facing the Gulf of Mexico Drive may have an area up to four (4) square feet for any parcel of property not fronting more than 200 feet on Gulf of Mexico Drive, if more than 200 feet and less than 500 feet, two signs, and any parcel fronting more than 500 feet on Gulf of Mexico Drive may have a maximum of three signs, or, at the option of the person allowed to erect signs on such property, the square foot area of the two or three signs may be combined into one sign. Property fronting on more than one thoroughfare, whether road or waterway, may have a "For Sale" or "For Rent" sign on either or both frontages, but limited to a total of two signs, also provided that the advertised property with two frontages contains at least 20,000 square feet of land area.

(Ord. 114-6 9-13-66)

3-7 PROJECT: Signs shall be permitted subject to regulations herein for the announcement of future construction plans upon the filing with the Town Manager of an acceptable prospectus. This project sign must be removed if construction is not substantially started within three months, and may remain in place until project is substantially complete or permit expires, whichever is first. This project sign must be removed within one year after the permit has been granted unless a renewal is obtained. Any sign permitted as a project sign shall

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be removed and the license shall be automatically cancelled at such time as seventy-five (75%) percent of the project is completed and sold or leased or the applicant has surrendered any of the applicant's control over the project to owners or tenants.

(Ord. 114-7 9-13-66)

3-8 PROHIBITED SIGNS:

8.1 No sign shall use exposed neon or fluorescent tubing or have waving parts or flashing lights.

8.2 No outdoor advertising banners, pennants or flags of any type designed to call attention to a business shall be permitted and for the purposes of this Ordinance and the enforcement thereof such shall be deemed to be signs.

8.3 No signs of any nature shall be allowed in or on any building or residence in a single family residential area that shall be visible from the outside of the building, when such sign features any business or enterprise. However, this restriction shall not apply to a medical doctor or dentist, who is licensed, and who is operating in an approved area either under present zoning or by variance. It is the expressed legislative intent of the Town Commission that the foregoing prohibitions against the erection, construction, location or maintenance of signs shall be construed to include the prohibition against the use of any street or right-of-way for the display of merchandise for sale, or the parking of any vehicle or other type of contrivances which are in and of themselves unique and unusual, and are parked for the purpose of attracting attention to a person's place of business, or the parking of vehicles or other types of contrivances to which there is a sign attached advertising the business of, or product sold by the business of any person, firm, or corporation, or designed to attract attention thereto.

8.4 The portable type of tent or "A" sign shall not be permitted.

8.5 No roof-top signs shall be permitted.

8.6 Signs for a candidate for public office, or for any political party, or for any issue to be voted upon by the general public that suggests how the vote should be cast shall not be permitted.

8.7 Any sign in an unsafe condition.

(Ord. 114-8 9-13-66)

3-9 All signs not conforming to the provisions as set forth in this Ordinance shall be re-designed in such a manner that they will be made conforming within thirty (30) days.

(Ord. 114-9 9-13-66)

3-10 REMOVAL OF CERTAIN SIGNS: Any sign now or hereafter existing, which no longer advertises a bonafide business conducted, or product sold or which is in violation of any of the provisions of this Ordinance shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or premise upon which such sign may be situated, within twenty(20) days after written notification to remove from the building inspector, and, upon failure to comply with such notice within the time specified in such order, the building inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the buildings, structure, or premises upon which such sign had been attached or located, and shall become a lien thereon.

(Ord. 114-10 9-13-66)

3-11 PERMITS AND FEES:

11.1 Annual permit fees shall be due and payable on the first day of January of each year, and renewals must be taken out and paid for within twenty (20) days after the expiration of the prior permit.

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11.2 Minimum annual fee shall be \$3.00 for a sign having a legend up to eight (8) square feet in area, plus ten cents (10¢) per square foot, or fraction, for any sign over eight (8) square feet.

11.3 The common type of real estate broker's signs on stakes that are moved easily by hand, to various locations, are to be licensed on an annual basis (½ fee after July 1st). However, such "portable" signs may be moved to any new location during the license year by advice to the building inspector, and the payment of a fifty (50¢) cent change of location fee. This same license and change of location provision shall also be extended to job signs used by builders, architects, and other craftsmen during a construction project, and said signs shall not exceed four (4) square feet in area.

(Ord. 114-11 9-13-66)

3-12 VIOLATION, REMEDY AND PENALTY: Any person, firm, or corporation violating any of the provisions of this Ordinance, shall for each violation, upon conviction thereof, pay a fine of not less than Ten Dollars (\$10.00), nor more than Two Hundred (\$200.00) Dollars, or shall be imprisoned for not less than two (2) days, nor more than ten (10) days, or both. Each day that any violation is permitted to exist, shall constitute a separate offense.

(Ord. 114-12 9-13-66)

3-13 The Town Commission may waive any of the limitations or standards contained in this Chapter when it is in the best interest of the Town.

(Ord. 114-13 9-13-66)

3-14 That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

(Ord. 114-14 9-13-66)

NOTE: Ordinance 114 amended Chapter 3 of the Code of Ordinances and is a complete revision of Ordinance 47, 2-9-60, as amended by the following Ordinances: 80, 85, 111.

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Chapter 4 ALCOHOLIC BEVERAGES

4-1. License Tax, Collection, and Maximum Rate.

The town clerk is hereby authorized to levy and collect a license tax on each manufacturer, distributor, vendor, caterer, and club, having a place of business within the corporate limits of the town that holds a State License for the sale of intoxicating beverages from the State of Florida, and the license fee for same shall be up to, but not exceeding fifty percent (50%) of the State and County License Tax, as provided by the laws of the State of Florida.

(Ord. 51-2 8-9-60)

4-2. Receipt to be Given by Town Clerk.

The town clerk shall provide a receipt for the payment of such municipal license tax to the manufacturer, distributor, vendor, caterer and club paying same, so that they shall be entitled to a reduction in the State and County License Tax, and the amount so paid for such Municipal License Tax.

(Ord. 51-3 8-9-60)

4-3. Sale Prohibited During Certain Hours.

It shall be unlawful for any person to sell, offer for sale, serve, dispense, consume or allow to be consumed any alcoholic or intoxicating beverages in the town, in any place or establishment licensed by the State or the town for the sale of alcoholic or intoxicating beverages, except between and during the following hours:

- (1) 7:00 A.M. on Monday to 2:00 A.M. on Tuesday.
- (2) 7:00 A.M. on Tuesday to 2:00 A.M. on Wednesday.
- (3) 7:00 A.M. on Wednesday to 2:00 A.M. on Thursday.
- (4) 7:00 A.M. on Thursday to 2:00 A.M. on Friday.
- (5) 7:00 A.M. on Friday to 2:00 A.M. on Saturday.
- (6) 7:00 A.M. on Saturday to 2:00 A.M. on Sunday.
- (7) 12 Noon on Sunday to 2:00 A.M. on Monday except beers and ales may be sold or served from 7:00 A.M. on Sunday to 2:00 A.M. on Monday.
- (8) 7:00 A.M. on December 31st of any year unless said day falls on a Sunday then from the hour set forth in (7) above to 4:00 A.M. of January 1st of any year.

(Ord. 6-1 1-9-56; amend Ord. 22-1 2-25-58; amend Ord. 26-1 3-28-58; amend Ord. 53-1 11-7-60; amend Ord. 94-1 11-24-64)

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Chapter 5 ANIMALS AND FOWL (No. 43) PART I Dog Control

5-1. This Part I shall be known as the LONGBOAT KEY DOG CONTROL CODE.
(Ord. 43-1 11-10-59)

5-2. Dog Licenses.

It shall be unlawful for any resident to keep a dog within the corporate limits of the town without first having obtained a license to keep such dog. The definition of a resident under this Chapter is one residing on Longboat Key for a period of ninety (90) days or over.
(Ord. 43-2 11-10-59)

5-3. Confinement When Rabies Suspected.

Upon the appearance of any suspicious symptoms of rabies, any dog must be promptly retained, confined and guarded until any possibility of the presence of rabies is removed. The health officer of the town shall be promptly notified of the existence of suspicion of rabies in any dog or other animal by the owner, or the person in charge of such animal.
(Ord. 43-3 11-10-59)

5-4. Suitable Leash or Lead Required.

No dog, whether licensed or unlicensed, muzzled or unmuzzled, inoculated or not inoculated against rabies, shall be allowed upon the streets of the town or in public places, such as railroad depots, hotels, restaurants, theatres, public conveyances, and the like, or upon property other than that of its owner, unless on suitable dependable lead or leash not longer than eight feet, or unless within reasonable control of its owner or other person known to the dog, such reasonable control not to exceed a distance of three hundred feet, or unless on property other than that of its owner with the express or implied consent of the owner of such property. However, a female dog in heat, within public places or on streets or other premises must be on a lead or leash at all times.
(Ord. 43-4 11-10-59)

5-5. Dog Warden.

The Chief of Police shall either designate a police officer as town dog warden or appoint a town dog warden and fix his compensation, subject to the approval of the commission. It shall be the duty of the dog warden to properly conduct the dog pound and to enforce the provisions of this article.
(Ord. 43-5 11-10-59)

5-6. Dogs Running at Large to Be Impounded.

Any dog running at large within the provisions of this article shall be seized promptly by any police officer or by the dog warden and impounded in the dog pound. The owner of any such licensed dog, or if such dog be unlicensed, the owner of such dog, if known, or if, upon reasonably diligent inquiry, can be known, shall be notified promptly by mail and also, if possible by phone or other means not later than on the day the dog is seized, that such dog has been seized and is impounded in the dog pound awaiting redemption. No such dog shall be redeemed by or released to anyone save the owner or his duly authorized agent, and then only upon payment of the regular license fee, if unlicensed, plus the sum of two dollars (\$2.00) per day for care, custody and feed-

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ing of such dog, plus one dollar (\$1.00) for neglect to pay a license fee, and if licensed, the sum of two dollars (\$2.00) per day only for care, custody and feeding. If such impounded dog shall not be redeemed and released to the owner or agent, and the required fees and costs paid at the time of such release on or before the fifth calendar day after the day of seizure, such dog may be put to death humanely in the dog pound on the sixth calendar day after day of seizure, except that a dog impounded on account of being rabid or having been bitten by a rabid dog, shall be held for a period of fifteen days after seizure, unless death occurs before the expiration of the fifteen days. Bodies of all dogs killed shall be disposed of by the dog warden on the same day as killed, and in as sanitary and proper way as meets with the demands of public health and welfare.

(Ord. 43-6 11-10-59)

5-7. Dog Warden to Keep Records.

The dog warden shall keep a careful record of all dogs received by him, describing each dog carefully and describing fully and clearly the disposition of such dog. He shall deliver to the Chief of Police, on each Monday, a duplicate copy of all such records of receipts and disposals covering the preceding calendar week.

(Ord. 43-7 11-10-59)

5-8. Disbursement of Fees and Fines.

All moneys collected as pound fees, etc., as prescribed in this Chapter, shall be expended for efficient management of the pound and for the enforcement of this Chapter, and for other dog purposes. Any surplus after December 31st of each year shall be transferred to the general fund of the town treasury. All money collected as license fees shall be turned over to the town auditor and clerk every Monday morning.

(Ord. 43-8 11-10-59)

5-9. Dogs Constituting Nuisance Unlawful.

It shall be unlawful for any person to keep, harbor or own any dog which, by loud, frequent or habitual barking, yelping, howling or by constant threat of attacking and biting, shall cause annoyance to the neighborhood or to people passing to and fro upon the streets.

(Ord. 43-9 11-10-59)

5-10. Cruel and Inhumane Treatment to Dogs Unlawful.

It shall be unlawful for any person to be cruel or inhumane to a dog, such cruelty and inhumanity consisting of cruelly beating, torturing, mutilating, cruelly killing, failing to provide food, drink and shelter, or abandoning old, sick or disabled dogs.

(Ord. 43-10 11-10-59)

5-11. Dogs to be Delivered to Warden When Requested.

It shall be unlawful for any person to refuse to deliver his dog to the dog warden when properly requested to do so under the provisions of this Chapter.

(Ord. 43-11 11-10-59)

5-12. Dog Pound.

The town shall either maintain a public pound or make provisions to use the County pound or Humane Society pound in Sarasota or Manatee Counties, Florida, and the Chief of Police is given the authority to make use of any of the above for any of the provisions under this Chapter, and

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same shall be under the general supervision of the Chief of Police.
(Ord. 43-12 11-10-59)

5-13. Dog Warden to Make Annual Census of Licensed Animals.
The dog warden shall, on or immediately after, January 1st of each year, make diligent inquiry from house to house within the corporate limits of the town, or in any other lawful manner, as to the number of dogs owned and whether any such dogs are unlicensed. Upon finding any dogs unlicensed, the dog warden shall forthwith give notice in writing to the owner of such unlicensed dogs and unless a license shall be secured not later than five days after the date of such notice at regular license fee, plus one dollar (\$1.00) for each such unlicensed dog as a penalty for the owner's neglect in securing same, such unlicensed dogs shall be seized and impounded. The dog warden shall have the authority to seize any unlicensed dog either on or off the owner's premises without the necessity of any arrest warrant or court order and impound such dog in the dog pound. He shall give a receipt to the owner of any dog so seized and impounded, describing each dog clearly and stating the date of such seizure. Such unlicensed dog shall be released to the owner at the dog pound upon payment of the regular license fee, plus a penalty of one dollar (\$1.00) for each day within five calendar days after the date of seizure. In the absence of such payment, such unlicensed dog may be put to death humanely in the dog pound or otherwise disposed of on the sixth calendar day after the date of seizure.
(Ord. 43-13 11-10-59)

5-14. Dogs Prohibited on Beaches.

It shall be unlawful for any person owning any dog or having any dog in his care, custody or control, to permit or allow such dog to be upon that property known as:

Any beaches within the town limits of Longboat Key, Florida.
(Ord. 43-14 11-10-59)

5-15. Necessity of Dog Control Code.

This Longboat Key Dog Control Code is hereby declared to be necessary for the preservation of the public peace, health, safety and general welfare of the Town of Longboat Key, Florida.
(Ord. 43-16 11-10-59)

5-16. License Tags.

It shall be the duty of the town auditor and clerk, on or before the 1st day of January of each year to provide himself with a suitable number of metallic dog tags or checks with the word "Longboat" and the year ensuing thereon, which tags shall be furnished by him to all applicants therefor upon payment of the sum of one dollar (\$1.00).
(Ord. 43-17 11-10-59)

5-17. Dogs Over Six Months of Age to Wear Collars.

Every dog over the age of six months, whether kennel licensed or individually licensed, and if individually licensed, whether on or off the owner's premises, shall at all times wear a substantial durable collar to which shall be attached securely the license tag provided for in the preceding section.
(Ord. 43-18 11-10-59)

5-18. Dog's License to Be on Collar Worn By Dog.

No tag shall be used on the collar of any dog other than the one for which it is issued.
(Ord. 43-19 11-10-59)

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5-19. Removal of Collars or Licenses.

No person shall remove the collar or tag, or both, from any dog without the consent of the person to whom the license is issued.
(Ord. 43-20 11-10-59)

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Chapter 6 BOATS AND WATERWAYS PART I Boats and Water Activities.

6-1. Speed of Boats.

No boat or other watercraft shall be operated upon any waters, within the town, at a rate of speed which causes waves to damage, or cause damage to docks, wharves, seawalls, shoreline, boats, or personal property contained in boats moored or tied to docks or wharves.
(Ord. 30-1 6-25-58)

6-2. Reckless Boat Operation, Water Skiing, Skin Diving, Swimming and Other Water Activity.

2.1. It is unlawful for any person to operate a boat, or any other watercraft within the town in a reckless or negligent manner so as to endanger the life, limb or property of any person.

2.2. It is unlawful for any person water skiing, within the town to endanger his life or limb, or the property, life or limb of another person, by reckless or negligent skiing.

2.3. It is unlawful for any person waterskiing, within the town to cause the operator of the boat towing him, or the operator of another boat to change the operation or movement of such boat so as to place such operator, or operators, in the position of endangering the person or property of any person.

2.4. It is unlawful for any person skin diving, swimming, or engaging in other water activity, to engage in such activity in such a way as to endanger his life or limb, or the property, life or limb of another person.
(Ord. 30-2 6-25-58)

6-3. Disturbing the Peace from Watercraft.

No boat or other watercraft shall be operated within the waters of the town with outboard or inboard motor not having a properly muffled exhaust. No boat or other watercraft shall be operated within the waters of the town so close to shore, or in any manner that the operation thereof disturbs the peace and tranquility. No operator of any boat or other watercraft shall cause excessive noise in the operation of such boat or other watercraft, or in operating blowers or noisy machinery thereon. No person, while aboard any boat or other watercraft within the waters of the town shall engage in loud talking or do or perform any other act that disturbs the peace and tranquility of the residents of the town.
(Ord. 30-3 6-25-58; amend Ord. 37-1 1-27-59)

6-4. Mooring of Boats, Placing of Nets or Other Obstructions.

4.1. No boat or other watercraft of any kind whatsoever shall moor to or tie up to a private seawall or dock, or be beached upon private property within the town limits without the permission of the owners of such seawall, dock, or private property.

4.2. It shall be unlawful for any person to moor, or tie a boat or other watercraft to another, broadside, or to tie or moor such boat to other watercraft to any dock, seawall, pier, or beach in any manner that may reasonably cause damage to person or property.

4.3. No net, line or any obstruction shall be placed within or across any waterway, channel or canal in such a manner that such net, line or other obstruction does or may, interfere with or prevent the unhampered and unobstructed operation of boats and other watercraft therein and thereon.
(Ord. 30-4 6-25-58; amend Ord. 37-2 1-27-59)

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6-5. Lights.

5.1. It shall be unlawful for any boat to be operated, within the waters of the town, without navigational or other lights, as prescribed therefor by the Inland or International Piloting Rules and Regulations of the United States Coast Guard. Between the hours of sunset and sunrise, it shall be unlawful for any boat to be operated on the waters of the town without carrying a clearly visible light and exhibiting the same upon the approach of any other boat or watercraft.

5.2. The indiscriminate or unnecessary use of searchlights, horns, whistles or bells on or from any boat or other watercraft, within the corporate limits of the town is prohibited.

5.3. No boat or other watercraft shall be operated within the waters of the town that does not show identification numbers prescribed by law, or appropriate government regulation.

(Ord. 30-5 6-25-58); amend Ord. 37-3 1-27-59)

6-6. Abandonment of Boats.

It shall be unlawful for any person to abandon any boat or other watercraft within the waters of the town or to moor any boat or other watercraft in such a manner that such boat or other watercraft is or may become a menace to navigation. The presence of an unattended or unmoored boat or other watercraft, within the waters of the town shall be prima facie evidence of a violation hereof by the owner of such boat or other watercraft.

(Ord. 30-6 6-25-58)

6-7. Sanitary and Health Regulations.

All boats and other watercraft, and the persons thereon, docked, moored, or tied to land, docks, piers, seawalls, or other mooring device, within the town limits shall observe all health and sanitary regulations of the town and other ordinances of the town.

7.1. It shall be unlawful for any person or persons on any boat or other watercraft to dump or dispose of garbage, paper, bottles, cans, refuse, or other debris into the waters of the town or on any lands adjacent thereto.

7.2. It shall be unlawful for any boat or other watercraft, or persons thereon, to use any vacant lot or property contrary to the zoning ordinances of the town, this Code or other ordinances of the town, for cooking of meals, washing of clothes, bathing, shower bathing, hanging out washing, erection of tents or canvases, stringing of lights, or for any other use contrary to zoning or building regulations applicable to such property.

(Ord. 30-7 6-25-58)

6-8. Designation of Areas for Regulated Water Activities.

The commission does hereby declare that the public health, safety and welfare of the citizens of the town and others, requires designation of areas within which the operation of boats and other watercraft may be regulated or prohibited, and in which swimming, water skiing, skin diving and other water activity, or any of them, may be prohibited or regulated.

8.1. The Chief of Police of the town be and is hereby authorized to designate areas prescribing the water activities that may be conducted therein and reasonable regulations for the conduct thereof. Such Chief of Police may, in the interest of safety, prohibit boats and other watercraft from operating within such designated area and such Chief of Police may prohibit swimming, water skiing, skin diving, and other water activities, or any of them, from being conducted in such areas, or any of

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them. Such regulations and prohibitions shall be made in order to facilitate and protect persons engaging in such respective water activities.

8.2. When such areas are designated and the regulations applicable thereto are determined, a description of such area and a copy of such regulations applicable thereto shall be filed in the town clerk's office and published once in a newspaper of general circulation within the town. Such regulations and the boundaries of such designated area shall be conspicuously posted at the area affected. It shall be unlawful to violate any of such regulations.

(Ord. 30-8 6-25-58)

PART II COMMERCIAL FISHING

6-201. Commerical Fishing in Certain Salt Waters Prohibited.

During the period December 15 to April 15, it shall be unlawful for any person to use, or cause to be used, for the purpose of fishing for or taking salt water fish, any gill net, haul net, drag net, stop net, purse net, trawl net, dredge net, or any other form or kind of net or seine except any cast net, dip net and common minnow net not more than thirty (30) feet in length and four (4) feet in depth in Sarasota Bay and its harbors, bayous, and channels westward of a line described as follows:

Beginning at the center line of New Pass Bridge; thence into Sarasota Bay along the town limits of Longboat Key to the Range Marker off Mangrove Island; thence to F.L. Red #26; thence to F.L. Green #21; thence to R.M. #20B; thence on a prolongation of the last course to the shore of Longboat Key.

(Ord. 56-1 6-12-61)

6-202. Placing Net is Evidence of Purpose.

The placing of any net, seine or trawl of any nature or kind by any person in the prohibited portion or the salt waters within the territorial limits of the town shall be prima facie evidence of the using of such nets for the purpose of fishing for or taking of salt water fish or shrimp.

(Ord. 56-2 6-12-61)

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Chapter 7 BUILDING REGULATIONS

Part 1. Building Code

7-1 Southern Standard Building Code Adopted.

The Southern Standard Building Code specifications as approved at the annual Congress held at Orlando, Florida, November 11th to 14th, 1947, is hereby adopted as the building code for the Town of Longboat Key, Florida.

(Ord. 14-1 5-7-56)

7-2 Building Inspector Appointed.

The duty of administering and enforcing this Chapter is hereby conferred upon the building inspector, who shall be appointed by resolution of the town commission and who shall receive such compensation as the town commission shall from time to time provide, and who shall serve at the pleasure of the said town commission.

(Ord. 9-1 3-20-56)

7-3. Permit Required.

No excavation for foundation nor erection, construction or structural alteration of any structure shall be undertaken or commenced until a permit therefor shall have been issued by the Building Inspector.

(Ord. 14-2 5-7-56)

7-4. Certificate of Occupancy Required.

No structure shall hereafter be erected, structurally altered or changed in use until a Certificate of Occupancy shall have been issued by the building inspector.

(Ord. 9-3 3-20-56)

7-5. Same: Shall Be Applied for Coincident with Building Permit.

A Certificate of Occupancy, either for the whole or a part of a new building or for alteration of an existing building, shall be issued within ten (10) days after the erection or alteration of such building, or part of same, shall have been completed in conformity with the provisions of the Town zoning code.

(Ord. 9-4 3-20-56)

7-6. Same: Required for Change in Use of Land or Buildings.

A Certificate of Occupancy for a change in the use of land, or for a change in the use of existing buildings shall be applied for and issued before any such land or buildings are changed in use, and such certificate shall be issued within ten (10) days after the application has been made, provided such proposed use is in conformity with the provisions of the Town Zoning Ordinance.

(Ord. 9-5 3-20-56)

7-7. Plans in Duplicate Required with Application.

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of the lot, and the building and accessory buildings existing, and the lines within which the proposed building, structure or excavation shall be erected, made or altered, and such other information with regard to the lot and neighboring lots as may be necessary to enable the administrative officer to determine that the proposed structure will conform to the provisions of the Southern Standard Building Code, as specified herein.

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A record of such applications, plats, plans and building permits shall be kept in the office of the Administrative Officer. All dimensions shown on plats and plans relating to the location and size of the lot to be built upon shall be based upon an actual survey and the lot shall be staked out on the ground before construction is started.

(Ord. 14-3 3-7-56)

7-8. Building Inspector to Collect Fee.

The building inspector shall collect from each applicant for a building permit the following fees: \$45.00 minimum for first \$15,000.00 of cost plus \$2.00 per thousand or part thereof for cost in excess of \$15,000.00, and shall transmit such sum to be collected to the Town Treasurer, which such fund shall be deposited to the general account thereof.

(Ord. 9-6 3-20-56; Amend Ord. 14-4 5-7-56; Amend Ord. 108-1 1-11-66)

7-9. Construction to conform to Plans.

No excavation for foundation nor erection, construction or structural alteration of any structure or part of a structure shall be made except in conformity to the plans and specifications submitted to the building inspector with the application for a building permit, except with the express consent of the building inspector.

(Ord. 14-5 5-7-56)

7-10. Violations: Town Attorney Authorized to Enforce.

In case any building or structure is or is intended to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is to be used or is intended to be used in violation of this ordinance, the attorney for Longboat Key, in addition to the remedies herein provided for, is hereby authorized to institute any appropriate action or proceeding, in law or equity, to prevent such unlawful erection, construction, reconstruction or to restrain, correct or abate such violation.

(Ord. 9-8 3-20-56; Ord. 14-7 5-7-56)

Part II Nuisances

7-201. Declaration of Nuisance.

Any building or structure, situated within the Town, that is a menace to the public safety, health, or welfare, is hereby declared to be a public nuisance.

(Ord. 29-1 6-10-58)

7-202. Town Manager to Inspect Buildings and Make Recommendations.

It shall be the duty of the town manager to regularly and frequently examine buildings and structures within the Town to determine whether such buildings or structures constitute a public nuisance as herein defined above. The town manager shall make a detailed, written report to the Commission which shall contain a detailed description of his examination and his opinion of whether the conditions found constitute such building or structure, or any part thereof, a public nuisance. The report shall also contain a recommendation of the remedial action necessary to abate the condition or conditions constituting such building or structure a public nuisance.

(Ord. 29-2 6-10-58)

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7-203. Public Hearing to Determine Nuisance.

At the next regular meeting of the Commission, or at the next special meeting called therefor, the Commission shall consider the report of the town manager. If the Commission finds that the building or structure described therein may constitute a public nuisance, such Commission shall adopt a Resolution setting a time, place and date for a public hearing on whether or not said building or structure in fact is a public nuisance. Such hearing shall not be held until notice thereof has been published at least once in a newspaper of general circulation in the town, at least seven (7) days prior thereto. The clerk shall also post a notice of such public hearing on such building or structure. The clerk shall send a copy of the notice of hearing, by registered mail, to the owner or owners of such premises, on which such building or structure is located, as the same appears on the most current town or county tax assessment roll. (Ord. 29-3 6-10-58)

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structure described therein may constitute a public nuisance, such Commission shall adopt a Resolution setting a time, place and date for a public hearing on whether or not said building or structure in fact is a public nuisance. Such hearing shall not be held until notice thereof has been published at least once in a newspaper of general circulation in the town, at least seven (7) days prior thereto. The clerk shall also post a notice of such public hearing on such building or structure. The clerk shall send a copy of the notice of hearing, by registered mail to the owner or owners of such premises, on which such building or structure is located, as the same appears on the most current town or county tax assessment roll.

(Ord. 29-3 6-10-58)

7-204. Same: Contents of Notice.

Contents of Notice. The public notice specified in Section 7-203 hereof shall contain a description of the property on which such building or structure is located sufficient for identification. The notice to the owner, or owners, shall also describe, in general terms, the condition or conditions of such building or structure that is alleged to constitute such building or structure a public nuisance. Such public notice and notice to owner shall also contain the time, date and place that such public hearing will be held.

(Ord. 29-4 6-10-58)

7-205. Public Hearing Thereon.

Hearing. At the public hearing, the Commission shall hear and read the full report of the town manager and hear such other evidence as the Commission may deem relevant. At such hearing, the owner shall be allowed to present testimony and evidence showing that the condition or conditions do not constitute a nuisance. The owner of such premises may appear either in person, or by attorney. After the owner has been heard, the Commission may consider any other matters which in their discretion appear relevant to a determination hereof.

(Ord. 29-5 6-10-58)

7-206. Condemnation: Commission to Adopt Resolution.

At the conclusion of such public hearing, the Commission shall adopt a resolution declaring one or more of the following:

- A. That the conditions alleged by the town manager to exist in such building or structure do not exist; or
- B. That the conditions existing in such building or structure do not constitute a public nuisance; or
- C. That the conditions alleged by the town manager to exist in such building or structure have been remedied and that such building or structure does not now constitute a public nuisance; or
- D. That the conditions existing in such building or structure constitute such building or structure a public nuisance, and the same is hereby condemned; or
- E. Such other provision as will appropriately decide and determine the issues; and

F. A description of the conditions existing which constitute such building or structure a public nuisance, if any; and

G. That upon the failure of the owner to correct and abate the conditions constituting such building or structure a public nuisance within a reasonable period of time, which shall be stated in such Resolution,

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and shall be not less than three (3) days from the date thereof, the town will abate the conditions constituting such building or structure a public nuisance or by appropriate pleadings, institute suit in a court having jurisdiction over such property, for a mandatory injunction and such other relief as the town deems necessary and proper, or both.

(Ord. 29-6 6-10-58)

7-207. Same: Notice.

Notice of Condemnation. Upon the adoption of such Resolution, the town clerk shall post a copy thereof on the structure and shall mail a copy thereof to the owner of such premises on which such building or structure is located, if the address of such owner is known to the town clerk.

(Ord. 29-7 6-10-58)

7-208. Abatement of Nuisance.

If such nuisance has not been abated before the period of time specified in such Resolution has elapsed the town shall take the action set forth therein and all funds expended in the abatement of such public nuisance, including all attorney's fees, court costs and expenses, shall be a lien on such premises and superior to all other liens except other liens for special assessments. Such liens may be enforced against such property by foreclosure as provided by law for foreclosure of tax liens or may be collected as otherwise provided by law.

(Ord. 29-8 6-10-58)

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PART III — COASTAL CONSTRUCTION

7-301. Definitions:

301.1 Coastal construction is any work or activity within the Town of Longboat Key on its Gulf beaches which is likely to have a material physical effect on existing coastal conditions or natural shore processes.

301.2 Master Plan is that plan prepared by Smally, Wellford & Nalven, Consulting Engineers, dated September 22, 1964, as subsequently amended, entitled Master Plan, Gulf Beach Protection, Town of Longboat Key, Florida (hereinafter referred to as Master Plan), consisting of 31 sheets, the purpose of which is set forth in the Master Plan Requirements, Sheet 2, Master Plan, and which is made a part of this Chapter by reference and is on file in the office of the Town Clerk of Longboat Key, Florida.

301.3 Base and Control lines are defined in the Master Plan, Sheet 2.

301.4 Engineer, a professional engineer registered in the State of Florida.

301.5 Manager, Town Manager of the Town of Longboat Key, Florida.
(Ord. 105-1 7-13-65)

7-302 Purpose: It is the intent of this Chapter to provide a uniform system of groins on the Gulf beaches of the Town and where application is for coastal construction of a type which varies from the typical plan of the Master Plan, to control the design and plan of the same; further, to accomplish this purpose by requiring approval of such design and a permit for construction.

(Ord. 105-2 7-13-65)

7-303 Permit Required: All coastal construction is hereby prohibited except such coastal construction as is authorized by a permit issued by the Town of Longboat Key pursuant to this Chapter.

(Ord. 105-3 7-13-65)

7-304 Application: Any person desiring to undertake coastal construction as defined herein shall make application in writing in duplicate to the Town Manager, which application shall contain the following:

- (a) Name and address of applicant property owner.
- (b) Name, address and capacity of person making application, if other than property owner.
- (c) Legal description of upland property adjacent to or in front of which construction is planned.
- (d) Evidence of record ownership of adjacent upland property (certified statement by licensed title or abstract company or county tax assessor or clerk); and, if applicant is not the property owner, a statement from the owner of record consenting to the proposed construction.
- (e) Statement describing the purpose of the proposed construction; the problem, its causes, and the expected effect of the proposed construction on adjacent and neighboring property.
- (f) Location map on 8½" x 11" paper, showing the location of each structure to approximate scale, and the following information.

1. name of applicant

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of channels, or stagnant areas of water will be created thereby, and that no material injury or monetary damage to adjoining land will accrue therefrom.

7.1. However, dredging in any existing waterway, in amounts not in excess of Section 7, when such work is for maintenance purposes only, may be approved by the town manager without reference to the commission, and Permit issued by the building inspector. The Permit Fee for such Maintenance Work Permit shall be Five Dollars (\$5.00).

7.2. Any applicant for a permit under this section shall have the right to appeal to the appropriate court in the event such permit is refused, and no permit shall be refused without valid reason.

(Ord. 42-7 9-5-59; amend Ord. 48-2 3-9-60)

8-8. Commission to Approve Application.

Upon receipt of an application and the other matters required herein, the town manager shall submit such application to the Commission with his recommendation thereon. The Commission may, at their discretion, order a public hearing on such application. Upon consideration, if the Commission finds that the work proposed in such application does not violate any statute, zoning law, ordinance or other restriction which may be applicable thereto, and that no harmful obstruction to, or alteration of, the natural flow of the navigable waters within such area will arise from the proposed construction, and that no harmful or increased erosion, shoaling of channels or stagnant areas of water will be created thereby, and that no material injury or monetary damage to adjoining land will accrue therefrom, the application shall be approved subject to the formal approval of the Trustees of the Internal Improvement Fund, in such cases wherein they have jurisdiction. Upon such approval, the town manager shall cause such application and the other matters required herein, except the filing fee, to be submitted to the Trustees of the Internal Improvement Fund for their formal approval. Upon such formal approval the town manager shall issue a construction permit for the work proposed in such application, which said permit shall be an authorization for the applicant to perform and complete the work described in such application within a period of two (2) years next after the date of issuance of such permit, in accordance with the exhibits submitted with such application. The town manager may extend the time for completion of such work for good cause, upon showing that all due efforts and diligence toward completion of said work have been made. Such permit may be revoked for a non-compliance with, or for a violation of its terms after notice of intention so to do has been furnished to the holder thereof by the commission and after hearing thereon.

(Ord. 42-8 9-5-59; amend Ord. 48-3 3-9-60)

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8-4. Applicant to Furnish Plan or Drawing.

Plan or Drawing. The applicant shall furnish an accurate plan or drawing prepared by a registered engineer showing and designating all areas described in the application and complying with the following requirements;

4. 1. Showing the mean high water line of all land areas.
4. 2. Showing the bulkhead line as established by law.
4. 3. Showing sufficient soundings of the depth of water to show the general topography of the areas to be dredged and filled.
4. 4. Showing sufficient soundings of the depth of fill material available for dredging in the area to be dredged.
4. 5. Showing the elevation of the proposed fill above mean high water line after completion.
4. 6. Showing the specifications of bulkheading and sea walling around the area to be filled if required.
4. 7. Showing such other matters and meeting such other requirements as the Commission may reasonably require in order that a comprehensive and complete plan of the proposed construction is presented.

(Ord. 42-4 9-5-59)

8-5. Area to Be Staked.

Physical Staking of Area. The area of submerged lands to be filled shall be physically staked or otherwise marked to show the bulkhead line established by law, the perimeter of the area to be filled, and the grade or elevation of the fill when completed if required by the Commission.

(Ord. 42-5 9-5-59)

8-6. Application Fee.

Application Fee. The application fee for filing, processing and considering such application shall be Twenty-five Dollars (\$25.00) for offshore areas to be filled not in excess of one square acre, plus Ten Dollars (\$10.00) for each additional acre or fraction thereof to be filled. The fee for applications to dredge submerged material to fill onshore land areas shall be one-half cent (1/2¢) per cubic yard of fill in place but in no less than Twenty-five Dollars (\$25.00). In addition to the sums above provided, the applicant shall pay all costs of advertising and other expenses of the town in connection with the processing of the application. The application fee and deposit for such expenses and costs shall be made at the time of filing the application. If the application is denied, the application fee shall be returned to the applicant except for the actual expenses of the town in connection with the processing of such application.

(Ord. 42-6 9-5-59)

8-7. Town Manager May Waive Requirements in Certain Cases.

The town manager may waive any of the requirements of applications to fill less than one acre, or for dredging less than two thousand (2,000) cubic yards, provided that the work proposed does not violate any zoning law, ordinance, or other restriction which may be applicable thereto, and that no harmful obstruction to, or alteration of, the natural flow of the navigable waters within such area will arise from the proposed construction, and that no harmful or increased erosion, shoaling

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Chapter 8 BULKHEADS, FILLS AND WATERWAYS

8-1. Title.

This chapter shall be known as THE LONGBOAT KEY DREDGE AND FILL CODE.

(Ord. 42-1 9-5-57)

8-2. Permit Necessary.

No lands within the corporate limits of the Town, whether bordering on tidal waters, or otherwise, shall be dredged or excavated, and no such lands within the corporate limits of the Town lying below the mean high water line shall be filled until a permit therefor has been issued by the Commission in compliance with the terms of this Chapter, and Chapter 57-362, Laws of Florida except as hereinafter set forth as exceptions to this section:

a. The normal matters coming up in the construction and building of buildings and the maintenance of ground. b. Swimming pools. c. Docks. d. Septic tanks. e. Drainage ditches.

All of the above exceptions shall refer only to the lands owned by the individual applicant.

(Ord. 42-2 9-5-59; amend Ord. 48-1 3-9-60; amend Ord. 113-1 9-13-66)

8-3. Application for Permit.

Application for Permit — A sworn application for a permit accompanied by the required filing fee and the exhibits provided herein, shall be made to the town manager. The application shall contain the following:

3.1. An accurate, legal description of the land to be filled or excavated prepared by a registered engineer, surveyor or attorney at law.

3.2. An accurate, legal description of the land or submerged land from which fill material is to be dredged or excavated, if any, which said description shall be prepared by a registered engineer, surveyor or attorney at law. If no material is to be dredged or excavated, the application shall so state.

3.3. An accurate estimate of the area of submerged land to be filled made by a registered engineer or surveyor.

3.4. An accurate estimate of the amount and type of fill required for the proposed project made by a registered engineer.

3.5. The names and addresses of all persons owning or holding any lease or equitable interest in the lands described pursuant to Section 3.1. and Section 3.2. hereof, as shown by the public records of the county in which such lands are located.

3.6. The names and addresses of all persons owning lands bordering on, or adjacent to, the mean high water line within one thousand (1,000) feet of the areas to be filled and dredged as shown by the latest tax assessment roll in the county in which such lands are located.

3.7. Satisfactory evidence of fee simple title to lands described pursuant to Section 3.1. in application, and satisfactory evidence of the ownership of lands described pursuant to Section 3.2. Evidence of tax records required herein shall be by sworn certificate of a duly licensed attorney at law, a reputable abstract company, or by the county Tax Collector or Assessor.

(Ord. 42-3 9-5-59)

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(g) The Permittee agrees to provide the Florida Board of Conservation with an acceptable surety bond in an amount equal to 110% of the estimated cost of removal of the coastal construction, but in no case less than \$500.00, for such period or periods of time as may be required, to guarantee full compliance by the Permittee with the provisions, terms and conditions of this permit and agreement. Requirement for such bond may be waived, discontinued at any time, renewed for successive terms, or kept in force perpetually, at the discretion of the Division of Beaches and Shores.

(h) Upon completion of the work Permittee shall notify the Building Inspector of the Town and the Building Inspector shall make an inspection within a reasonable time and issue a certificate that the construction permitted hereunder was done in accordance with the Master Plan's plans and specifications. If the construction was not completed according to the Master Plan, a certificate of completion shall be denied and in such case the Permittee agrees to furnish a certification by an engineer that the construction was done in accordance with the plans and specifications approved hereby.

(i) It is expressly understood that this permit and agreement does not relieve the Permittee of responsibility for compliance with permit requirements of the U.S. Army Corps of Engineers.

(Ord. 105-6 7-13-65)

7-307 *Approval by Florida Board of Conservation:* Upon action on any application for a permit for coastal construction, the Town Manager shall forward a copy of the application, together with his recommendations to the State Board of Conservation. No permit granted by the Town shall become effective until the Florida Board of Conservation grants a permit for coastal construction.

(Ord. 105-7 7-13-65)

7-308 *Emergency Permit:* The Town Manager may grant an emergency permit, if emergency exists in the opinion of the Town Manager, without a formal application therefor after he has obtained the verbal approval of the Division of Beaches and Shores of the Board of Conservation; however, said emergency permit shall be conditioned upon the applicant immediately making an application pursuant to this Chapter.

(Ord. 105-8 7-13-65)

7-309 *Severance Clause.* The provisions of this Chapter are declared to be severable and if any section, sentence, clause, or phrase of this Chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining clauses, sentences, sections and phrases of this Chapter but they shall be in and remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the invalidity of any part.

(Ord. 105-9 7-13-65)

7-310 *Penalties:* Any non-compliance with this Chapter shall result in an order by the Town Manager to remove any coastal construction illegally constructed or to provide acceptable as-built plans and the required fee within five (5) days of said order. Any failure to obey the order of the Town Manager shall be deemed to be a continuing violation of the prohibitions contained herein and any person, firm or corporation shall be subject to a fine not to exceed \$500.00 or sixty (60) days imprisonment, or both. Each day a violation exists shall constitute a separate offense.

(Ord. 105-10 7-13-65)

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7-305 Processing Procedure: Applications will be checked by the Town Manager for completeness prior to processing. Following an office review of the proposed construction, a field investigation will be conducted if indicated by the nature of the project. Riparian property owners within one thousand feet of the proposed construction will be notified by the Town and given fifteen (15) days in which to comment. This step may be eliminated however, should the applicant elect to submit a signed waiver of objections from each such property owner within one thousand (1000) feet. If the proposed project is approved by the Town, recommendation will be made to the Division of Beaches and Shores that the permit be issued. If, in the opinion of the Town and/or Division of Beaches and Shores, the proposed project is found objectionable in some respect, the applicant will be so notified and given an opportunity to modify his plans to make them acceptable.

(Ord. 105.5 7-13-65)

7-306 Permit: The Town of Longboat Key will issue a permit for coastal construction if the application is approved by the Town Manager. The permit issued by the Town of Longboat Key shall have the following major provisions:

(a) The Permittee shall comply with any specific requirements imposed in this case by the Town of Longboat Key and the Division of Beaches and Shores of the State Board of Conservation, attached hereto and made a part of this permit and agreement.

(b) The Permittee shall in no way obstruct or impair the use of the beach by the public in the area below the mean high water line, except to a minimum extent determined by the Town of Longboat Key and by the Division of Beaches and Shores to be unavoidable.

(c) The rights granted by this permit and agreement shall not be construed as a conveyance of title to or a waiver of rights in the sovereignty land held by the Trustees and the State of Florida.

(d) The Permittee hereby agrees to hold and save the Trustees of the Internal Improvement Fund, the Florida Board of Conservation and the Town of Longboat Key harmless from any damage to persons or property which might result from the work or activity permitted hereunder.

(e) The Permittee agrees to adjust, alter or remove any structure or other physical evidence of the work or activity permitted hereunder, as directed by the Town of Longboat Key or the Division of Beaches and Shores of the State Department of Conservation, if in the opinion of said Town or the Florida Board of Conservation the structure, work or activity in question results in damage to surrounding property or otherwise proves to be undesirable or becomes unnecessary. Adjustment, alteration or removal required under this provision shall be accomplished by the Permittee at no cost to the State of Florida or Town of Longboat Key. The decision of the Town and/or Florida Board of Conservation as to whether adjustment, alteration or removal is required shall be final, and the Town and/or Florida Board of Conservation shall set reasonable time limits within which adjustments, alteration or removal shall be accomplished.

(f) This permit and agreement shall be cancelled and the Permittee directed to remove the structure or other physical evidence of the work or activity permitted hereunder, at Permittee's expense, upon thirty (30) days written notice from the Town of Longboat Key or Division of Beaches and Shores of the State Department of Conservation, if the Permittee fails to abide by and live up to the provisions, terms and conditions of this permit and agreement.

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2. boundaries of applicant's property, with the Master Plan drawing number or numbers and their relationship to fixed points on the Master Plan drawing, including Section, Township and Range.

3. location by town and county
4. name of water body
5. brief word description or title of project
6. general identifying landmarks
7. legend or labels to identify graphic objects
8. date
9. scale and north arrow
10. control line

(g) Names and addresses from latest county tax roll of owners of all riparian property within 1000' of the proposed construction.

(h) A processing fee, payable in advance, will be charged for each application to partly offset costs of investigation and handling. Said fee shall be \$25.00 plus \$10.00 for the first groin, \$5.00 for each of the next four groins and \$3.00 for each groin over five. An application for contiguous properties may be made jointly by owners. Checks should be made payable to the Town of Longboat Key.

(i) A statement by an engineer that the plan and elevation views of the structures, the profile of the beach at the proposed structures are typical of the plan and elevation views of the Master Plan and that details of construction, including materials to be used, are substantially similar to those of the Master Plan. Said statement shall also include a declaration that the plan of the groins does not provide that they extend beyond the control line of the Master Plan protection. Groins shall be spaced according to good engineering practice.

(j) In the event the proposed coastal construction is such that the applicant's engineer cannot make the statement required in (i) above, then in addition to the requirements above the following shall be submitted:

Drawing prepared by registered professional engineer showing at suitable scale:

- a. plan view of structures (or typical structure, if all are essentially identical), with mean high and mean low water lines extending 100' on each side.
- b. elevation view of structures (or typical structure), with mean sea level, mean high water and mean low water indicated.
- c. profile of beach at proposed structures (or typical structure), from dune crest to 100' beyond seawall extremity, with elevations referenced to mean sea level datum.
- d. details of construction, including materials to be used.

(Ord. 105-4 7-13-65)

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Chapter 9 ELECTIONS

9.1. Voter Qualifications.

Any person twenty-one years of age or over at the time of registration, upon proof of his birth date, who is a citizen of the United States, a permanent resident living in Florida for one (1) year and residing in the Town for six (6) months is eligible to register with the Registration Officer of the Town when the Registration Books are open. Naturalized citizens of the United States must present to the Registration Officer a Certificate of Naturalization, or certified copy thereof. All persons must be registered to be entitled to vote in elections of the Town. The following persons are not entitled to register nor entitled to vote:

- (1) Persons under guardianship or confined in any state prison;
 - (2) Persons insane or idiotic;
 - (3) Persons convicted of any felony by any court of record whose civil rights have not been restored;
 - (4) Persons convicted of bribery, perjury, larceny or any infamous crime in this or any other state, or interested in any wager depending on the result of any election.
- (Ord. 10-3 4-3-56)

9-2. Name Entered in Book.

The name of each person so registered shall be entered in a book prepared for that purpose, which book shall show under appropriate headings the following information:

- (1) Registration number;
- (2) Date of Registration;
- (3) Full name, sex, and business or occupation;
- (4) Date of birth, age, color;
- (5) State or country of birth;
- (6) If naturalized, the time, place and court of naturalization, as evidenced by legal proof;
- (7) Street address at time of registering;
- (8) Whether the registrant owns a beneficial interest in the fee simple title to real estate within the municipal boundaries;
- (9) The fact whether the registrant is able to write his name or mark his ballot and, if not, the nature of the disability;
- (10) Whether such registrant has been convicted of any felony and, if so, whether his civil rights have been restored.

(Ord. 10-4 4-3-56; amend Ord. 106-1 11-23-65)

9-2.1. REMOVAL OF NAMES FROM REGISTRATION BOOKS:

Procedure. Between May 1 and August 1, preceding a General Election, beginning in the year 1967 and every third year thereafter, the Registration Officer of the Town shall mail either to each qualified elector in the Town or to each elector who did not vote in any election in the Town during the past

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two years, a form to be filled in, signed and returned by mail within thirty(30) days after the notice is postmarked. The form returned shall advise the Registration Officer whether the elector's status has changed from that of the registration record. Names of electors failing to return the forms within this period shall have their names withdrawn temporarily from the registration books. The list of the electors, temporarily withdrawn, shall be posted at the Town Office. Names will be restored to the registration records when the elector in person makes it known to the Registration Officer that his status has not changed. The Registration Officer is then required to reinstate the names on the registration books at any time the books are open without the elector re-registering. Any elector may have his name removed from the registration books by filing with the Registration Officer a written request duly acknowledged and upon receipt of said request the Registration Officer shall remove the name of said elector from the registration books.

(Ord. 124-1 6-9-67)

9.3 Qualification of Candidates. An elector of Longboat Key shall be qualified as a candidate for public office upon the filing by such elector, in person, with the Town Clerk, no later than 12 o'clock noon, January 2nd, or the following business day if January 2nd falls on a non-business day, prior to the date of the preliminary election, of a petition signed by at least ten (10) electors requesting the name of such proposed candidate be placed on the ballot for a vacancy in office to be voted upon at the next special or annual election; however, in those cases where the candidate is qualifying for a particular district the petition for such candidate shall be signed by electors from that same district and where the candidate is one at large the petition for said candidate shall be signed by any ten (10) electors of the Town.

(Ord. 12-2 4-30-56); amend Ord. 106-2 11-23-65; amend Ord. 119-1 2-28-67)

9.4 Election Procedure.

At least fifteen (15) days prior to any election, the Commission, upon recommendation and approval of the Mayor, shall designate one or more polling places within the Town which shall be open from seven o'clock A.M. on the day of election and shall be kept open until seven o'clock P.M. of the same day, and shall duly adopt and approve a form of ballot to be used in such election.

(Ord. 12-4 4-30-56)

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5. Absentee Voting.

5.1. The term absent elector shall mean any registered and qualified elector who due to physical disability is unable without another's assistance to attend the polls, or who on account of the tenets of his religion cannot attend the polls on the day of a general, special or primary election or any qualified elector wherever he may be, except persons confined in prison or jail, so long as he will not be in the county of his residence during the hours the polls are open for voting on the day of an election. Such person may cast an absentee ballot upon compliance with the absent elector provisions of this chapter.

5.2 Any elector who will be absent on the day of an election from the Town or who is physically incapable of appearing at the polling place, may make application to the Town Clerk or his deputies at any registration office maintained by the Town Clerk for the purpose of registering electors, whether in person or by mail at any time during the forty-five (45) days preceding any election. Applications made by mail must be received not later than 5:00 P.M. of the seventh day preceding such election, and applications made in person may be made at any time prior to the regular closing hour of the Town Clerk's office on the second day preceding such election. All applications shall be made upon a blank to be furnished by the Town Clerk for the official ballot to be voted upon at such election. The application blank shall be sent immediately by mail, or delivered by hand to the absent elector. Such blank shall be in substantially the following form, signed by the applicant, and witnessed as herein required.

Application for absent elector's ballot

I, _____, duly qualified and registered as an elector of the _____ district of the Town of Longboat Key, Florida, not confined to prison or jail will be unable to attend the polls in said Town on the day for holding the _____ election because (check appropriate reason)

(1) _____ I am physically disabled and unable (without the assistance of another) to attend the polls on election day.

(2) _____ I will be absent from the Town of Longboat Key during the entire period the polls are open for voting on the day of election and cannot without manifest inconvenience vote in person.

I hereby make application for an official ballot, or ballots, to be voted by me at the _____ election to be held in the Town of Longboat Key, Florida on _____.

Send absentee ballot to me at _____ Street or Post Office

Box _____, City _____, State _____.

Home address of applicant _____
(street and number)

date _____
In Witness Whereof I have set my hand and seal this _____

day of _____, 19____.

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Sworn to and subscribed

Signature of absent elector.

before me this _____

day of _____, 19____

(Seal)

Notary Public or other officer authorized to administer oaths.

My commission expires _____

5.3. Absentee ballots; filing; record; publication. — Upon receipt of application for absentee ballot, filled out and signed, the Town Clerk shall file it in his office and enter the name and address of the applicant to which the ballot is to be sent, upon a list to be kept by the Clerk for that purpose, together with the date of receiving the application, the date of mailing or delivering the ballot to the elector, the date of receiving the ballot from the elector and such other information he may deem necessary. The names of all applicants for absentee ballots received prior to an election shall be listed alphabetically and said list shall be posted at the Town Clerk's office on the Monday preceding the election and shall be kept up to date until the date of said election.

5.4. Mailing absentee ballots; numbering; return envelopes; form. — The Town Clerk shall, after the printer delivers the ballots for a precinct in which applications from absent electors have been received, prepare the first numbered ballot for the first applicant, the second ballot for the second applicant, and so on. The Town Clerk shall initial both stubs No. 1 and No. 2 and enter the name of the elector in the place indicated for the elector to sign. If the applicant appears in person he shall sign stub No. 1 as if he were voting on election day. The Town Clerk shall then detach the ballot and stub No. 2 from No. 1 and forward by mail, postage prepaid or deliver personally, one (1) of such ballots with stub No. 2 attached (or if there be more than one kind of ballot to be voted, then one of each kind) to each applicant provided such applicant is properly registered. But the Town Clerk or any deputy shall not receive applicants for absent electors' ballots later than 5:00 P.M. of the seventh day preceding it if by mail or second day preceding if in person. In counting, the day of the election shall not be counted. The Town Clerk shall enclose with such ballot two envelopes, a plain white envelope into which the absent voter shall enclose and seal his marked ballot and then place the sealed white envelope, together with detached stub No. 2 in the second envelope which is addressed to the Town Clerk and also bearing on the back side of this "return envelope" a certificate which shall be substantially in the following form:

ELECTOR'S CERTIFICATE

I, _____, do solemnly swear, or affirm, that I am a resident of the _____ district of the Town of Longboat Key, State of Florida and have been a resident of such Town for six (6) months and of the state for one year and am entitled to vote in such district; that I will not be in

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the Town during the time the polls are open (or that I am too ill to come to the polls).

Elector's Signature

Subscribed and sworn to before me this _____ day of _____
A.D., 19____ and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in the ballot envelope; that the affiant was not solicited or advised by me for or against any candidate or measure.

(Attesting Witness)

(Official Title)

(Address)

(City and State)

Notaries: USE NO SEAL (Postal Officers must apply station cancellation stamp)
The statement shall be so arranged that the signature of the absent elector and the attesting witness shall be across the flap of the envelope. The absent elector and the attesting witness shall execute the said form on the envelope.

5.5. The provisions of Florida Statutes 101.65, 101.66, 101.69 and 101.70 in regard to absentee voting, are hereby adopted, as provided by law.

5.6. Safekeeping of mailed ballots; deadline for receiving absentee ballots.
— The Town Clerk shall safely keep in his office any envelopes received containing marked ballots of absent electors and he shall at the opening of the polls deliver the envelopes and his list kept regarding the same to the Clerk of Elections. All marked absent electors' ballots to be counted must be received by the Town Clerk by 5:00 P.M. of the day preceding any election; all ballots received thereafter shall be marked with the time and date of receipt, and filed in his office. No application for an absent elector's ballot shall be received or handed out to an elector unless there remains time for the ballot to be mailed to the supervisor by United States mail or personally voted in the office of the Town Clerk, or in the office of any deputy where ballots are available before the deadline for receiving said ballots.

5.7. The Town Clerk shall receive the voted ballot and shall safely keep the ballot unopened in his office until delivered to the Clerk of the Election at the opening of the polls. The Clerk of the Election shall compare the information on the back of the envelope with the registration book to see that the elector is duly registered in the district and to determine the legality of the absent elector's ballot. If it is determined by the Clerk of Elections that any vote is illegal then the Clerk or one of the Inspectors of Election shall, without opening the envelope, mark across the face of the envelope "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

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The Clerk of Elections shall then open the covering envelope and record the ballot upon the registration book, open the plain envelopes and place the absentee ballots in the ballot box to be counted, at the close of the polls, with the ballots cast during the hours that the polls are open.

(Ord. 12-6 4-30-56; amend Ord. 106-3 11-23-65)

6.1. Commission District Number 1 and the boundaries of same are amended to read as follows:

From the south line of the Town to the center line of Ranger Lane, as extended to the Gulf of Mexico.

6.2. Commission District Number 2 and the boundaries of same are amended to read as follows:

From the center line of Ranger Lane as extended to the Gulf of Mexico to a line parallel to and seventy (70) feet south of the southern boundary of North Drive and down the center line of Gold Drive in Gulfshore Trailer City

6.3. Commission District Number 3 and the boundaries of same are amended to read as follows:

From a line parallel to and seventy (70) feet south of the southern boundary of North Drive and down the center line of Gold Drive in Gulfshore Trailer City to a line between lots 21 and 22 of a Subdivision of Longboat Key.

6.4. Commission District Number 4 of the Town of Longboat Key and the boundaries of same, are amended as follows:

From a line between lots 21 and 22 of a Subdivision of Longboat Key to a line between lots 13B and 14B, between lots 26A and 27A and between lots 26 and 27 of Sleepy Lagoon Addition.

6.5. Commission District Number 5 of the Town of Longboat Key and the boundaries of same are amended to read as follows:

From a line between lots 13B and 14B between lots 26A and 27B and between lots 26 and 27 of Sleepy Lagoon Addition, to the north line of the Town.

(Ord. 44-2, 3, 4, 5, 6 11-10-59; amend Ord. 54-2, 3, 4, 5, 6 11-22-60; amend Ord. 65-1 11-13-62; amend Ord. 93-1 11-24-64; amend Ord. 117-2, 3, 4, 5, 6 11-8-66).

(Note: Ord. 10-1, 2, 5 4-3-56; Ord. 12-1, 3, 5 4-30-56 have been superseded and amended by the Town charter sections 122, 123, 124, 125, 126 and amendments thereto.)

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Chapter 10 ELECTRICITY (Reserved for Expansion)

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Chapter 11 FIRE DEPARTMENT AND PREVENTION (Reserved for Expansion).

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Chapter 12. GARBAGE AND REFUSE.

12-1 Declaration of Policy.

It is the declared policy of the Town of Longboat Key that the pollution of the atmosphere by smoke, fly ash, products of complete or incomplete combustion and certain other emissions into the atmosphere; the discharge of untreated or inadequately treated sewerage or sewerage effluent into the waters within the jurisdiction of the Town of Longboat Key or the discarding of garden trash, garbage, or brush on the lands or waters within the municipal boundaries of the Town of Longboat Key is a menace to the welfare and comfort of the people of Longboat Key and a cause of extensive damage to health and property. The necessity for legislative intervention by the enactment of the provisions of this chapter of the Code of Ordinances is for the purpose of controlling and reducing atmospheric pollution and the pollution of the land and its adjacent waters.

12-2. Definitions.

1.1 Garbage. For the purpose of this Chapter, the word "garbage" is hereby defined to mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in, or storage of meats, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious gasses or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ carrying insects; and any bottles, cans, cartons, or other containers thereof.

1.2 Garden Trash. For the purpose of this Chapter, the words "garden trash" shall mean all accumulations of grass or shrubbery cuttings and other refuse attending the care of lands, shrubbery, vines, trees and tree limbs.

1.3 Rubbish. For the purpose of this Chapter, the word "rubbish" shall mean refuse accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage as herein defined which are usual to housekeeping and to the operation of stores, offices and other business places; and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes, building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices.

1.4 Brush. For the purpose of this Chapter the word "brush" shall mean all vegetation detached from the land resulting from land clearing operations and from natural or other causes.

(Amend Ord. 139, Sec. 1, 7-9-68)

12.3 Wrongful Disposal of Garbage, Garden Trash, Brush and Rubbish.

It shall be unlawful for any person or persons to place or deposit garbage, garden trash, brush or rubbish upon the premises of another, whether the premises are improved or vacant, or upon any street, alley, park, road or rock pit, pool, lake or any of the tidal waters of the Gulf of Mexico or the bays and bayous within or adjacent to the corporate limits of the Town of Longboat Key.

12.4. Refuse Thrown From Motor Vehicles Constitutes Violation.

The driver of any motor vehicle from which any garbage, garden trash or rubbish is thrown, ejected, or emitted shall be prima facie guilty of a violation hereof.

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12.5. Burning and Burying.

1.1. The burning or burying of garbage or rubbish is prohibited.

1.2. The burning of garden trash and brush is permitted in amounts not exceeding 125 cubic feet provided that precautionary measures are taken against the spread of fire and that such fires be attended until fully extinguished.

(Amend Ord. 139, Sec. 2 7-9-68)

12.6. Brush.

1.1. Burning Prohibited without license. The burning of brush in amounts exceeding 125 cubic feet is prohibited within the corporate limits of the Town unless a permit to burn brush has been obtained from the Town Manager.

1.2. Accumulation of Brush Prohibited. All accumulations of brush shall be removed or otherwise effaced from the public view within thirty (30) days of the start of accumulation thereof. Upon application, the Town Manager may extend the time for accumulation upon satisfaction showing that the accumulation will be removed within a reasonable time.

1.3. Permit for Burning Required. Application for a permit to burn brush shall be made to the Town Manager and shall be accompanied by the payment of Ten Dollars (\$10.00) in cash or by check made payable to the Town of Longboat Key. The application shall show the name and address of the applicant, the time, date and location at which the burning of brush is to be undertaken and the approximate amount of brush to be burned. The Town Manager shall have reasonable discretion in determining the terms of the permit to be granted, including the permissible amount of brush to be burned at any one time, the location of the burning in relation to existing structures and the safety precautions to be taken to prevent the spread of fire. The permit shall specifically provide that the use of auto tires or tubes or other products manufactured from the derivatives of petroleum, shale oil or nitro cellulose is expressly forbidden, that all burning of brush shall be done under the supervision of the owner or his agent, that no fire shall be left unattended until the same has been fully extinguished, and that the permit is valid for a period of thirty (30) days from the date of issuance and shall apply to one location only. Permits shall be posted at the location designated therein and said location shall at all times be subject to inspection by the Town Manager or a police officer of the Town, and any violation of the terms of said permit shall be unlawful.

(Source Note: Ord. 25, Section 1-3 Adopted 1-28-58 was repealed and replaced by Ord. 129, adopted 8-8-67)

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Chapter 13 HEALTH AND SANITATION

PART I Sanitation

13-1. Rules Adopted by Reference.

There is hereby adopted by reference as part of this Chapter 13 all in accordance with authority conferred upon the Town by Florida Statutes, Section 165.19 and other applicable statutes the Florida Sanitary Code promulgated as rules of the State Board of Health, Chapters 170a, 170b, and 170c, pursuant to Section 120.121 (2) Florida Statutes.

(Ord. 77-1 1-14-64)

13-2. Rules Adopted by Reference Penalty.

Every person found guilty of a violation of any provision of this Chapter 13 part III, including any provision of the said sections of the Florida Sanitary Code, which is hereby adopted by reference, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed sixty (60) days, or by both such fine and imprisonment.

(Ord. 77-3 1-14-64)

13-3. Septic Tank Construction: License Required.

No septic tank shall be constructed or installed within the Town until a license therefor has been issued by the building inspector of the Town.

(Ord. 38-1 1-24-59)

13-4. Same: Fee Required.

No such license shall be issued until the type, size and location of such septic tank has been approved by the building inspector and the applicant has paid a license fee of Five Dollars (\$5.00) per permit. Each septic tank shall require an individual permit

(Ord. 38-2 1-24-59; Amend. Ord. 109-1 1-11-66)

PART II Pest Control

13-201. Mosquito Pools Prohibited.

It shall be unlawful for any person to create, keep, maintain or permit a collection of water or debris in which mosquitos may breed or multiply and the maintenance, creation, keeping or permitting of such water or debris is hereby declared to be a public nuisance.

(Ord. 28-1 6-10-58)

13-202. Same: Water Prima Facie Evidence.

Water in which live mosquito larvae is found shall be prima facie evidence of a violation hereof.

(Ord. 28-2 6-10-58)

13-203. Enforcement by Town Manager.

Responsibility for the enforcement of the provisions of this Chapter within the boundaries of the Town be and the same is hereby vested in the town manager; provided that the town manager may request the assistance of and act through the Mosquito Control Commission.

(Ord. 28-3 6-10-58)

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13-204. Town Manager May Alleviate Condition.

When any person has been found guilty of a violation hereof and such violation continues for a period of five (5) days after such conviction, the town manager may alleviate and cure the condition causing the nuisance and the cost thereof shall be a lien upon the property, enforceable in the same manner as tax liens in the town are enforceable.

(Ord. 28-4 6-10-58)

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PART III REGISTRATION OF CERTAIN EMPLOYEES

13-301. Application.

This Chapter shall apply to every person employed in any night club, any distributor, place or business handling liquor, beer or wine in any form, places of amusement, hotels, motels, rooming houses, apartment houses, restaurants and bath houses; also, to every person employed for the purpose of doing ground or yard maintenance. This Chapter shall also apply to the owners of any such night club and any distributor, place or business handling liquor, beer or wine in any form, and if such owner is a firm, partnership or body corporate, then this Chapter shall apply to the members of such firm or partnership and the officers of such body corporate.

(Ord. 98-1 2-23-65)

13-302. Registration Required.

Every person mentioned in the preceding section shall register within twenty-four hours from the time of their employment in a book of registration to be kept by the chief of police of the Town.

(Ord. 98-2 2-23-65)

13-303. Fingerprinting and Photographing Required.

Every person required to be registered under section 1 shall also be fingerprinted and photographed at the time of registering by the police department of the Town.

(Ord. 98-3 2-23-65)

13-304. Identification Cards To Be Issued.

Identification cards shall be issued to each person registering under the provisions of this Chapter. This identification card shall be renewed by the holder thereof each twelve months thereafter by registration as required by this Chapter.

(Ord. 98-4 2-23-65)

13-305. Fee Charged

For the purpose of defraying the expense of enforcement of this Ordinance, a fee of fifty cents shall be paid for each identification card or renewal thereof issued under the provisions of this Chapter.

(Ord. 98-5 2-23-65)

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Chapter 14 LICENSES

14-1. License Tax Imposed.

That a license tax be and the same is hereby levied upon, and shall be collected from every individual, partnership or corporation exercising the privileges of carrying on or engaging in the businesses, or occupations hereinafter specifically enumerated. As fixed hereinafter, each of said amounts unless otherwise specifically stated, will be the amount payable as a license tax for exercising such privilege of carrying on or engaging in such business, or occupation mentioned, for each annual period as hereinafter enumerated, and it shall be unlawful for any individual, partnership or corporation to carry on or engage in any business or occupation herein described and designated without having complied with the terms of this chapter and paid the license taxes provided for herein as follows:

SCHEDULE

1. 1. Any contractor doing work within the town, whether the main place of business of the said contractor be in the town or other area \$40.00.

Contractor is defined as any individual, partnership or corporation engaged in the building industry as a general contractor, plumber, electrician, mason or other craftsman and involved in the construction or alteration of any building or structure in the town.

1. 2. Any subcontractor doing work within the town, whether the main place of business of said subcontractor be in the town or other area \$20.00

Subcontractor is defined as any individual, partnership or corporation engaged in the building industry as a craftsman involved in the construction or alteration of any building or structure in the town and performs such work for a contractor.

(Ord. 60-1 12-26-61)

14-2. Same; More Than One Location.

For any person operating any of the businesses provided for in this Chapter, at more than one location in the town, each location shall be considered a separate business and a separate license therefor shall be required.

(Ord. 60-1 12-26-61)

14-3. Tax Collected by Town Clerk.

All license taxes required by this chapter shall be collected by the town clerk and shall be due and payable the first day of February of each year; provided however, that any business which shall begin within six months of due date for the tax herein provided for, may secure license for one-half (1/2) of the amount provided.

(Ord. 60-2 12-26-61)

14-4. License to Be Displayed; Application Required.

Each person, partnership or corporation required to pay a license tax required by this chapter, shall make application for such license and shall use the form provided for that purpose, giving all the information required therein so that a proper determination can be made of the amount of license tax due. The person, partnership, or corporation possessing an occupational license, issued pursuant to the terms of this Chapter, shall publicly display said license in the office or place of business of such person, partnership or corporation which is located within the town.

(Ord. 60-3 12-26-61)

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14-5. Information Required on Application.

The application referred to in Section 3 of this Chapter shall, among other things, contain the following information: Where application is made by any person doing business or trading under a trade or fictitious name, the application shall show the name, residence and address of each person owning any interest in the business to be conducted under such trade or fictitious name; and in the event that such business or any interest therein be owned by a corporation and operated under a trade or fictitious name other than that of the name of such corporation, the application shall contain the name and principal place of business of such corporation.

(Ord. 60-4 12-26-61)

14-6. Unpaid Tax: Penalty.

Any license tax due and remaining unpaid thirty (30) days after having become due and payable shall be increased by a penalty of three per cent (3%) per month from the time so due and payable. The town clerk shall collect the penalty provided for in this Section with such delinquent license taxes.

(Ord. 60-5 12-26-61)

14-7. Evidence of Competency Required.

Any person, partnership or corporation seeking an occupational license in any of the building trades will submit evidence of competency which evidence may be a license issued by any county or municipality in Florida and which license shall be effective at the time application is made to the town.

(Ord. 60-6 12-26-61)

14-8. Exemption from Other Taxes.

License taxes imposed and collected by this Chapter shall not be construed to exempt from other forms of taxation the property used in the licensed business or occupation.

(Ord. 60-7 12-26-61)

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Chapter 15 MUNICIPAL COURT (Reserved for Expansion)

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Chapter 16 OFFENSES

16-1. Acts Declared Misdemeanors by Laws of State of Florida Forbidden.
It shall be unlawful to commit, within the limits of the town any act which is or shall be recognized by the laws of the State of Florida as a misdemeanor; and the commission of such acts is hereby forbidden.

(Ord. 4-1 12-5-55)

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Chapter 17 PARKS (Ordinance 13)

17-1. General Authority.

The Commission may on its own motion, or upon the petition of an interested party, close and discontinue any public park or street within the corporate limits of Longboat Key, Florida.

(Ord. 13-1 4-13-56)

17-2. Procedure.

Any interested party may sign and file with the town clerk a petition praying for the closing and discontinuing of any public park or street located within the town limits. Such petition shall state the interest of petitioner, fully and legally describe the road or park sought to be closed and discontinued, and shall set forth the names of all abutting property owners and the legal description of each individual parcel and the owner thereof abutting on such street or park. Such petition shall state fully petitioner's reasons for desiring such road or park to be closed and discontinued. The facts set forth in such petition shall be sworn to by the petitioner.

(Ord. 13-2 4-13-56)

17-3. Public Hearing Required: Notice.

Upon petition being filed as provided herein, or upon the motion or resolution of the Commission acting on its own motion, the Commission may, in its absolute discretion it deems the facts set forth in the petition warrant the closing or discontinuing of the public park or street described therein, adopt a resolution fixing the date for a public hearing thereon at least fourteen (14) days subsequent to the filing of said petition. A notice of such hearing, giving the time and place thereof, shall be published once in a newspaper published in the county in which the road is located, said publication being at least seven (7) days prior to the time and date set for such hearing.

(Ord. 13-3 4-13-56)

17-4. Action by Commission.

After the public hearing is held, as provided herein, and the Commission finds:

A. That the public park or street has not been used as such or that any prior use has been abandoned, or

B. That the public park or street is of no benefit to the town and the public, or

C. That the closing and discontinuing of the public park or street is to the best interest of the public, then in any of such events, the Commission may, in its absolute discretion, by resolution, close and discontinue such public park or street.

(Ord. 13-4 4-13-56)

17-5. Recording.

Upon the adoption of any resolution closing and vacating and discontinuing any public park or street a copy of such resolutions, duly certified or acknowledged by the town clerk, shall be recorded in the Public Records in the office of the Clerk of the Circuit Court of the county in which such street or park is located.

(Ord. 13-5 4-13-56)

17-6. Deposit of Expenses.

Accompanying each petition filed as provided herein, shall be a deposit in such amount as the Commission may from time to time

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prescribe to fully and adequately pay any expenses, including but not limited to the expense of publication and recording connected with action on such petition.
(Ord. 13-6 4-13-56)

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Chapter 18 PENSIONS

18-1. Federal Social Security Act Applicable to Certain Town Employees.

It is hereby declared to be the policy and purpose of the town to extend, effective as of the 1st day of January, 1960, to the employees and officials thereof not excluded by law, nor excepted herein, the benefits of the system of Old Age and Survivors Insurance, and authorized by the Federal Social Security Act, and Amendments thereto, and by Chapter 650 Florida Statutes, as amended, and to cover by such plan all services which constitute employment as defined in Section 650.02 Florida Statutes performed in the employ of said town by employees and officials thereof, except the town attorney, building inspector, the town commission and municipal judge.

(Ord. 45-2 12-22-59; amend Ord. 50-2 4-27-60)

18-2. Certain Employees Excluded.

There is hereby excluded from this Chapter any authority to include in any agreement entered into under Section 18-3 hereof, any service, position, employee, or official now covered by or eligible to be covered by an existing retirement system.

(Ord. 45-3 12-22-59; amend Ord. 50-2 4-27-60)

18-3. Mayor Authorized to Execute Necessary Agreements.

The Mayor, (or other Chief Executive Officer), is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Florida Industrial Commission, as State Agency, for the purpose of extending the benefits provided by said system of Old Age and Survivors Insurance to the employees and officials of this town, as provided in the above sections, which agreement shall provide for such methods of administration of the plan by said Town, as are found by the State Agency to be necessary and proper, and shall be effective with respect to services in employment covered by such agreement performed on and after the 1st day of January, A. D., 1960.

(Ord. 45-4 12-22-59; amend Ord. 50-4 4-27-60)

18-4. Withholding Authorized.

Withholdings from salaries, wages, or other compensation of employees and officials for the purpose provided in the above sections are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid over to the State Agency designated by said laws or regulations to receive such amounts.

(Ord. 45-5 12-22-59; amend Ord. 50-5 4-27-60)

18-5. Town Share Shall be Appropriated.

There shall be appropriated from available funds derived from General Funds and Cigarette Funds, such amounts, at such times, as may be required to pay promptly the contributions and assessments required of the Town as employer by applicable State or Federal Laws or Regulations, which shall be paid over to the lawfully designated State Agency at the times and in the manner provided by law and regulation.

(Ord. 50-6- 4-27-60)

18-6. Town Shall Keep Records.

The town shall keep such records and make such reports as may be required by applicable State or Federal Laws or Regulations, and shall adhere to the regulations of the State Agency.

(Ord. 45-7 12-22-59; amend Ord. 50-6 4-27-60)

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18-7. Terms of Social Security Act Adopted.

The town does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of Title II of the Social Security Act as amended, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement.

(Ord. 45-8 12-22-59; amend Ord. 50-8 4-27-60)

18-8 Town Clerk Custodian of Funds.

The town clerk is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the town, and the town clerk is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purpose of this Chapter.

(Ord. 45-9 12-22-59; amend Ord. 50-9 4-27-60)

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Chapter 19. PEDDLERS AND SOLICITORS.

19-1. Definitions. Any person, firm or corporation not keeping a regular place of business open at all times in regular business hours and at the same place, and offering for sale goods, wares and merchandise, shall be named solicitors, peddlers, door to door sales persons, itinerant merchants or transient vendors under this chapter and shall be defined as a peddler. All persons who keep a regular place of business open at all times in regular hours and at the same place who shall elsewhere than at such regular place of business personally or through their agent offer for sale or sell and at the time of such offering for sale, deliver goods, wares and merchandise shall also be defined as a peddler.

(Ord. 138. 5-28-68)

19-2. Persons Exempt. This Chapter shall not apply to those who sell or offer for sale, in person or by their employees, ice, wood, milk, butter, eggs, fish, fruits or other family supplies of a perishable nature grown or produced by them and not purchased by them for sale. A dairyman who uses upon the streets of the Town, one or more vehicles may sell and deliver from his vehicles, milk, butter, cream and eggs in the Town without procuring a Peddler's license. Nothing in this section shall be construed to require of any farmer a Peddler's license for the privilege of selling or peddling farm products produced by him. Provided further, the provisions hereof shall not apply to any local firm, person or corporation which shall sell, peddle or solicit in behalf of any public or charitable cause not for profit. (Ord 138 5-28-68)

19-3. Peddling Without License Declared a Nuisance; Penalty. Soliciting orders by peddlers within the municipal limits of the Town for the sale, or selling, or exhibiting, goods, wares, merchandise or magazines and/or disposing of and/or peddling the same without first obtaining a license is declared a nuisance and punishable as a misdemeanor unless the following provisions are complied with. (Ord. 138 5-28-68)

19-4. License Required. Any person, firm or corporation defined as a peddler desiring to engage in solicitation shall first make application for and obtain a license from the police department before peddling within the municipal limits and for the privilege of peddling in this Town there shall be paid a levy of Five (\$5.00) Dollars. Said license shall be effective for one year from date of issue unless revoked for cause and no license fee shall be prorated. Applications shall be on a form prescribed by the Town Manager.

(Ord. 138 5-28-68)

19-5. Assigning License, License Non-Transferrable, Where Peddler May Sell. Any person, firm or corporation licensed as a peddler shall endorse his name on the license and such license shall not be transferrable. Such license shall confer authority to sell at any house or place within the Town.

(Ord. 138 5-28-68)

19-6. Failure To Show License Upon Demand Deemed a Misdemeanor. Any person selling or offering to sell as a peddler shall exhibit his license on demand to any citizen to whom he sells or offers to sell or barter and upon his failure or refusal to do so he shall be subject to the penalties for peddling without a license. (Ord. 138 5-28-68)

19-7. Permits May Be Denied On Reasonable Grounds. Any person, firm or corporation may be denied permission to peddle either upon the public streets or on private premises by the police department in exercise of its reasonable judgement and police powers. (Ord. 138 5-28-68)

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19-8. Posting Notice Of Ordinance Required. Appropriate notices shall be posted at the north and south entrances to the Town of Longboat Key along State Road 789 which signs shall adequately give peddlers notice that permits are required. (Ord. 138 5-28-68)

19-9. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed. (Ord. 138 5-28-68)

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Chapter 20 PLUMBING

20-1. Southern Standard Building Code Part III - Plumbing 1962-63 Edition, Adopted by Reference.

There is hereby adopted by reference as Chapter 20 of this Code, in accordance with authority conferred upon the Town by Florida Statutes Section 165.191 and other applicable statutes, the Southern Standard Building Code Part III - Plumbing 1962-63 Edition with the modifications, changes and additions hereinafter set forth in Section 20-2 hereof. Any reference in said Southern Standard Building Code - Plumbing 1962-63 Edition that uses the word "city" shall mean "Town".

(Ord. 79-1 1-14-64)

20-2. Modifications, Changes, and Additions to Southern Standard Building Code part III - Plumbing 1962-63 Edition.

The following modifications, changes and additions to said Southern Standard Building Code Part III - Plumbing 1962-63 Edition are hereby adopted:

(1) 106.3 SCHEDULE OF PERMIT FEES:
(change to read)

Plumbing Permit	\$3.00 Ea.
Fixtures - 1st twelve	\$1.00 Ea.
House Sewer 4" not over 100' long	\$2.00 Ea.
each add. 100' or fraction	\$1.00 Ea.
Larger Sewers; 1st 100' or fraction	\$1.00 Ea.
per inch of diameter	
Each add. 100' or fraction per	
inch	\$.50 Ea.
Trailer Connection	\$1.00 Ea.
For installation, alteration or	
Repair of water piping and/or	
water treatment equipment	\$2.00 Ea.
Repair, Alt. or drainage or vent	
piping	\$2.00 Ea.
For Re-inspection or additional inspection	\$3.00 Ea.

(2) 109.2 QUALIFICATION OF PLUMBERS:
(add to Section)

A Certificate of Competency may be held on an inactive basis for a period of three (3) years for Five Dollars (\$5.00) per year. On or before the end of the third year the Certificate must be activated or dropped. Except in case of extreme hardship an inactive Certificate may be activated only during the first fifteen (15) days of October and the first fifteen (15) days of April. Hardship cases must be approved by the Licensing Board and the Board of County Commissioners of the County which has issued a Certificate of Competency.

(3) 302 BUILDING DRAINS:

The distance shall be three (3) feet rather than ten (10) feet.

(4) 417.1 Delete the entire section.

(5) 703.5 PROHIBITED TRAPS:

(Add to Section)

(f) Drum Traps

(g) Tubular traps shall be not less than 20 U. S. Gauge.

(6) 907.1 PUBLIC USE:

(Change to read)

Water closet bowls for all public, commercial, or industrial buildings shall be of the elongate type.

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(7) 907.6 SEATS:

(Second sentence to read)

All seats of water closets provided for public, commercial, or industrial buildings shall be of the open-front type.

(8) 908 URINALS:

(add to)

All urinals shall have integral traps either floor or blow out wall type.

(9) 911.2 CONSTRUCTION:

(add to last line)

"Provided shower floor is dropped two (2) inches below finished floor, or a concrete curb is installed three (3) inches above the floor level of the building. Curb shall be poured integral with the floor."

(10) 1206.2 First line change type K to type L.

(b) Add. All water pipes shall be wrapped or coated with approved asphalt mixture when passing through concrete floors, or in contact with concrete.

(11) 1211 Add a new item.

In areas designated by the Health Department, all well pumps for home use shall be of an approved deep-well type installed to the depth determined by the Health Department.

(12) 1211.1 WATER SUPPLY CONTROL:

Said section shall be changed to read as follows:

A main shut-off valve shall be installed on each water service between the meter and the building in an accessible location.

(13) 1212.1 WATER SERVICE PIPE:

(Add to first paragraph)

Water service pipe size shall be for:

(a) Residence, Duplex, or not more than 26 fixture units	3/4"
Four (4) apartments or not more than 36 fixture units	1"
Eight (8) apartments or not more than 72 fixture units	1 1/4"
Sixteen (16) apartments or not more than 136 fixture units	1 1/2"
Thirty-two (32) apartments or not more than 264 fixture units	2"

(b) DEMAND LOAD:

The demand load in the building water supply system shall be based on the number and kind of fixtures installed and probable simultaneous use of these fixtures.

(c) SIZE OF HOT WATER MAIN:

The hot water main shall mean that part of the piping from the hot water heater, shall be 3/4 inch inside diameter, except as set forth in Section 1213.3.

(14) 1213.1 ADD TO:

Not more than three (3) fixtures shall be supplied from any one (1) 1/2 inch line (hot or cold). Sillcocks or hosebibs shall be off of not less than 3/4" main.

(15) 1213.3 SIZE OF FIXTURE SUPPLY:

The sizes shown are I.D. A fixture is defined as a pipe connecting one (1) or more fixtures to the main. The branch line supplying a hot water heater having a capacity of twenty (20) gallons or more shall be 3/4 inch valve in line to heater. A branch line supplying a hot water heater of less than (20) gallons capacity shall have a main of the same size as the opening on the heater. All fixture branches supplying one (1) or more fixtures or appliances shall be not less than 1/2 inch inside diameter to a point where they emerge from floor or wall.

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- (16) 2113.8 HAZARD AND NOISE: (Add to)
Air chamber fifteen (15) inches long or equal shall be provided on each lavatory or wash basin.
- (17) 1215.5 RELIEF OUTLET WASTES:
(Add to)
All relief valve tail lines shall be 3/8 inch or larger and run to outside of enclosed building in a safe place.
- (18) 1216.4 Add new section:
No water heater shall be allowed to be installed in the attic or loft of any building without a pan with suitable drain run to the outside. Drain shall be not less than 3/4 inch.
- (19) 1301.3 ABOVE-GROUND PIPING:
(Change to read)
Soil and waste piping for the drainage system shall be cast iron, type L copper, lead or brass.
- (20) 1301.4 UNDERGROUND PIPING WITHIN BUILDINGS:
(Change 1st sentence to read)
(a) All soil and waste piping within building when underground shall be cast iron or type K copper.
(b) No horizontal soil drains underground shall be smaller than four (4) inch.
(c) Three (3) inch vertical soil stack for second floor may receive one (1) bathroom group plus one (1) kitchen sink.
(d) All mains or branch soil, waste and vent pipe and fittings in any building not over two (2) stories in height shall be of standard weight cast iron.
(e) In buildings over two (2) stories in height standard weight cast iron pipe and fittings may be used in the top two (2) stories. The remainder of the building shall have extra heavy cast iron pipe and fitting.
- (21) 1302 BUILDING SEWER:
(Change to read)
The building sewer shall be installed in a separate trench from the water service pipe, or separated vertically by one (1) foot of earth. The sewer shall be of cast iron or vitrified clay sewer pipe with neoprene joints, except all sewers from building to septic tanks shall be of cast iron.
- (22) 1304.2 FIXTURE UNITS PER FIXTURE OR GROUP:
(Add to)
All residential type washing machines shall be valved at three (3) fixture units and shall have minimum size trap of two (2) inches.
- (23) 1305.5 MINIMUM WET VENTS:
(a) Six (6) fixture units except urinal slop or kitchen sinks shall be vented with a two (2) inch individual vent, common vent, wet vent, stack vent, loop or circuit vent.
(b) When more than six (6) fixture units, the vent shall be three (3) inches minimum to the highest branch.
(c) No horizontal wet vent shall exceed fifteen (15) feet in length.
- (24) 1306.2 WASTE STACKS SERVING KITCHEN SINKS:
(Change to read)
Waste pipes from kitchen sinks shall be not less than 3" in diameter to the highest branch, with accessible cleanout located outside the building. Above that point the size of the stack shall be governed by the total number of fixture units vented by the stack.

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(25) 1409.3 DISTANCE OF FIXTURE TRAP FROM VENT:
The distance shown is from trap to vent or drain. All fixture traps to be a maximum of five (5) feet from weir of trap to vent. No arm shall be smaller than 1 1/4".

1 1/4 inch	5 feet
1 1/2 inch	5 feet
2 inch	5 feet

The maximum distance from floor drains shall be:

2 inch	5 feet
3 inch	6 feet
4 inch	10 feet

(26) 1422.3 FIXTURE BRANCHES:

(Add new section)

Major or minor fixture branches connected below a water closet branch shall be vented.

(27) 1502.1 INSIDE CONDUCTORS:

Conductors placed within a building or pipe shaft shall be cast iron, type L copper, brass, lead, or galvanized wrought iron.

INSPECTION REQUIRED:

The minimum number of inspections shall be:

1st inspection	Under Floor
2nd inspection	Under Floor
Sewer inspection	
Final inspection	

(Ord. 79-2 1-14-64)

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Chapter 21 POLICE DEPARTMENT

21-1 Mayor to Appoint Officers and Employees

The Commission does hereby consent to the organization of a police department by the Mayor, and for the appointment of police officers and such other employees as may from time to time be deemed necessary, by the Mayor with the advice and consent of the Commission, as provided by law.

(Ord. 16-1 7-16-56)

21-2. Officers to Protect Public Peace.

The officers so appointed as provided by law, shall protect the public, peace and good order, assure the observance of law, and in addition enforce all of the police ordinances of the town and all of the laws of the State of Florida and of the United States now or hereafter made, within the municipal limits of the town.

(Ord. 16-2 7-16-56)

21-3. Officers to Have Powers, Rights and Duties of Police Officers.

In order to carry out their duties, the police officers of Longboat Key shall have all of the powers, rights and duties of police officers provided by law.

(Ord. 16-3 7-16-56)

21-4. Officers to Serve Without Compensation unless Otherwise Provided by Town.

The police officers of the town appointed as provided herein shall serve without compensation unless otherwise provided by the town.

(Ord. 16-4 2-16-56); amend New.

21-5. Mayor to Regulate and Administer Police Department.

The Mayor shall have the power and authority to regulate and administer the police department of the town and with the approval and consent of the Commission to discipline, suspend or discharge any police officer of the town when in his opinion such action shall be necessary or desirable.

(Ord. 16-5 7-16-56)

21-6. Only Authorized Persons May Wear Uniforms and Use Police Equipment.

It shall be unlawful for any person who is not a duly appointed and acting member of the Police Department of the town, or a special officer thereof:

6. 1. To wear, in the town, the prescribed uniform, badge, or other insignia of the members of the police Department of the town or that of any other police or law enforcement body, or any distinctive part of any such uniform or uniforms, any part of which is similar to a distinctive part of the prescribed uniforms of the members of the Police Department of this town or of any other police or law enforcement agency;

6. 2. To wear, in the town, any other uniform or badge, or other police equipment which causes such person to resemble a police officer of the town or any other police or enforcement agency;

6. 3. To operate or cause to be operated any motor vehicle within the town with a siren, blinker light or any insignia thereon bearing any resemblance to any insignia used by the Police Department of the town or of any other police or law enforcement agency;

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6. 4. To cause any vehicle to be equipped or operated within the town with radios that can be tuned to the town police frequency without written permission from the Chief of Police.
(Ord. 78-1 1-14-64)

21-7. Other Authorized Law Officers May Wear Uniforms and Use Police Equipment.

The foregoing provisions shall not be construed to prevent persons specifically authorized by the laws of the United States of America, the State of Florida, or any municipality or governmental subdivision of the State of Florida, to wear a prescribed uniform which uniform may be similar but not identical to the prescribed uniform of the members of the Police Department of the town while any such persons are in performance of their official duties.
(Ord. 78-2 1-14-64)

21-8. Exception: Watchmen in Certain Cases and Emergency Vehicles.

8. 1. The provisions of this Chapter shall not be construed to prevent any person who is employed as a watchman or guard for an established business firm or who is employed in guarding private residences or in an armored car service which service financial institutions from wearing customary uniforms and performing duties related to security of specifically designated private properties while any such person so employed is upon any such private property and while any such person is going to and from his residence to such private property which is being guarded, provided however, that while being upon any public streets, sidewalks, rights of way or public property located within the town any such person shall not display a badge and shall take all necessary precautions that his person does not, by use of uniform or otherwise, resemble any police officer of the town or that of any police or law enforcement agency.

8. 2. The provisions of Section 6. 3. herein relating to use of sirens and blinker lights shall not be construed to apply to any emergency vehicles so designated by law or ordinances of this town, and shall not be applicable to ambulances.
(Ord. 78-3 1-14-64)

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Chapter 22 STREETS AND SIDEWALKS

22-1. Drainage Culvert Construction: Permit Required.

No drainage culvert shall be constructed within any right of way easements dedicated to public use and accepted by the town by any person, concern or corporation without first making application for and obtaining a permit from the town to construct such culvert.

(Ord. 97-1 1-12-65)

22-2. Same: Form of Application.

Application shall be made to the town manager and shall be in a form acceptable to the town manager and shall be in conformity with the town's master plan for drainage facilities.

(Ord. 97-2 1-12-65)

22-3. Same: Fee.

An application fee of three dollars (\$3.00) shall accompany said application to partially offset the processing and inspection costs.

(Ord. 97-3 1-12-65)

22-4. Same: Town Manager May Remove for Violation.

Any non-compliance with this Chapter shall result in an order by the town manager to remove any culvert illegally constructed or to provide acceptable as built plans and the required fee within thirty (30) days of said order.

(Ord. 97-4 1-12-65)

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CHAPTER 23 SUBDIVISIONS

23-1. Title and Purpose.-

This Chapter shall be known as the Longboat Key Subdivision Code. This Chapter shall apply to all single-family residential subdivisions, applications for the construction of which are submitted after the effective date of this Chapter. The purpose of this Chapter is to correlate the subdividing and subdivision of land for stable and economically sound development of the town; to create a healthful and desirable atmosphere in which to live and work; to provide for the efficient, adequate and economic supply of utilities and services where required by development and growth; to prevent traffic hazards; to provide for safe and convenient traffic circulation, both vehicular and pedestrian; to provide adequate roads and streets in the town and to generally promote, protect and improve the public health, safety, comfort, convenience and general welfare.

23-2. Planning and Construction.

All planning and construction involved in development of subdivisions shall conform with the town code and Ordinances, regulations and standards on file in the town office and shall be subject to state laws applying to health regulations and approvals and the employment of registered professional engineers and land surveyors where applicable. This particularly applies to surveying, platting, storm sewers, sanitary sewers, water supply and fire protection. Provisions for other utilities such as telephone lines, power and light lines, gas lines and street lighting may be involved and shall conform with state, county and town regulations and such orderly arrangement and construction as the town may consider practicable.

23-3. Definitions.

3.1. SUBDIVISION. The term shall be deemed to mean the recorded subdivision of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or if the dedication of a new street is involved, any division of a parcel of land. A division of land for agricultural purposes into lots or parcels of three (3) acres or more and not involving a new street, shall not be deemed a subdivision. The term subdivision includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

3.2. Single-Family Residential Subdivision. A subdivision consisting of lots for detached buildings designed for and occupied exclusively as a residence by one (1) family.

3.3. Plat. A map or plan for the division of a parcel of land.

3.4. Lot. The smallest unit on a plat within a subdivision which may be utilized for private purposes.

3.5. Irregular Lot. Any lot not rectangular in shape.

3.6. Corner Lot. Any lot located at the intersection of two or more roads or streets, or located on a curve whose radius is 125' or less measured from the adjacent right of way line.

3.7. Street. A right of way for vehicular traffic and which is available to use of the general public.

3.8. Dead End Streets. Dead End Streets are streets when the entrance and the exit are one and the same.

3.9. Swale Drainage. Any surface indentation or depression having a maximum ratio of depth to width of one (1) to four (4) on each side of the center line.

3.10. Underground Drainage Provision. Any type of completely covered water carrying conduit.

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23-4. Subdivision and Plat Requirements.

4.1. Plat Requirements. All plats shall be in accordance with the laws of the State of Florida regarding the preparation and filing of same. Plats shall also comply in all respects with the zoning regulations in effect at the time the plat is approved by the Commission regarding land use and lot area. The final plat shall include the following:

- (1) Primary control points approved by the town manager with descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (2) Tract boundary lines, right of way lines of streets, easements and other right of way and property lines, residential lot lines, building set back lines and any other information which will clearly set forth the intent of the development. All shall have accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
- (3) Name and right of way width of each street or other right of way or easements. Proposed streets which are in alignment with other streets either existing or proposed shall bear the same name as such existing or proposed streets.
- (4) Location, dimensions and purposes of any easement.
- (5) Number to identify each lot site.
- (6) Letters to identify each block where lot numbers may be duplicated.
- (7) Location and description of permanent reference monuments, which shall be placed on all streets at all angle points, street intersections, the point of curvature and points of tangency of curves and at any other places which will facilitate the reproduction of the plat lines on the ground. Where block corners are curved, points of intersection may be monumented instead of points of curvature and points of tangency.
- (8) Names of record owners adjoining unplatted land.
- (9) Reference to recorded subdivision plats of adjoining platted land by record name.
- (10) Title, scale, north arrow and date.
- (11) Area of each non-rectangular lot. This may be on a tabulated sheet certified to by the surveyor.

4.2. All final plats will be drawn in India ink on tracing cloth 18 inches wide by 25 inches long, including a three (3) inch binding margin on the left hand side. The scale of all plats shall not be smaller than one (1) inch to each one hundred (100) feet shown on the plat.

4.3. All lands within the boundaries of the plat shall be accounted for either by blocks, lots, parks, streets, alleys, or excepted parcels. All areas on such plat designed for public use shall be dedicated to public use. All areas so designated shall meet all requirements of this Chapter.

4.4. No plat shall be approved for lands extending beyond the bulkhead line of the town.

4.5. All lands shown on a plat shall be reasonably suitable and safe for the purposes for which the lands are intended to be used and developed.

23-5. Subdivision Street and Road Requirements.

5.1. Location of Streets. All subdivision streets and roads shall be located so that present and future traffic and other road requirements may be adequately and fully accommodated. Where practical subdivision streets shall not enter major highways at intervals of less than five hundred (500) feet.

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5.2. Rights of Way.

(1) All streets shown on a plat shall have a right-of-way at least fifty (50) feet in width. When the town has adopted a comprehensive road plan and such plan shows a right-of-way wider than the minimum herein prescribed, then such street right-of-way shall be at least as wide as shown thereon.

(2) Street intersections shall be as nearly at right angles as practicable; no intersection shall be at an angle of less than sixty (60) degrees.

(3) Tangents on reverse curves. A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves (P. R. C.) on all arterial and collector streets.

5.3. Curbs. All streets and roads shall have curbs which shall be constructed of Portland Cement Concrete and may be either a standing curb with integral gutter or a twenty-four (24) inch wide valley gutter. Curbs must be constructed in accordance with specifications set forth in a construction code for curbs as adopted and amended from time to time by the town and on file in the office of the town clerk.

5.4. Minimum Pavement Width. The minimum paved traveled way width of all streets shall be twenty-two (22) feet. This 22 feet shall be exclusive of curb and gutter or valley gutter.

5.5. Private Roads. If a Plat shows areas thereon designated as private roads or streets, such areas shall meet all requirements of this chapter for public streets except that it shall not be dedicated to public use. When a private street or road is shown on a plat of a subdivision, the Commission may at the time of final plat approval require reasonable evidence that adequate provision has been made for the future maintenance thereof without cost or expense to the town.

5.6. Construction of Streets and Roads. All streets and roads in new subdivisions shall consist of a properly prepared subgrade, an approved road base and an asphaltic or other approved wearing surface. All construction shall be in accordance with the approved plans and specifications as well as with the graphic standards and construction specifications set forth in a construction code for streets and roads as adopted and amended from time to time by the town and on file in the office of the town clerk. Any and all required tests shall be at the expense of the subdivider. Tests shall be performed by a duly licensed engineer acceptable to the town.

5.8. Dead End Streets. Subdivision of property abutting a street shall be provided with a turn-around at the end thereof, having a street right of way diameter of at least seventy-five (75) feet. The paved traveled way shall have a diameter of not less than seventy (70) feet.

5.9. Half-Streets. Subdivision of property abutting a street accepted prior to the adoption of this Chapter shall provide sufficient street width to afford at least a twenty-five (25) foot right of way from the center line of the existing street. Dedication of public or designation of private half streets shall not be permitted unless the development plan requires the construction of the entire width of the street and the abutting owner agrees in writing to plat the other half of the street as a public or private street.

5.10. Major Highways. When a subdivision contains or abuts a major highway, either existing or proposed, the street design of the subdivision shall conform to the access requirements and design of such major highway. In order to promote traffic safety and to avoid the creation of hazardous traffic situations, the subdivision shall be so designed as to prohibit access to a state or federal highway from individual lots or parcels.

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5.11 Street Signs. All streets shall be provided with street name signs which shall be erected at all street intersections. The size, shape and design of the said signs shall be approved by the town manager.

5.12. Sidewalks. When a plat of a subdivision shows sidewalks thereon, such sidewalks shall at least meet the following requirements:

(1) Sidewalks shall be not less than four (4) feet wide; of concrete construction; and not less than four (4) inches thick, reinforced with steel and structurally sound.

(2) Sidewalks shall be located at least five (5) feet from the paved portion of a street right of way and at least twelve (12) inches from the boundary of the street right of way. All sidewalks shall be located entirely within the street right of way.

23-6 Subdivision Drainage Requirements.

6.1. Scope. A complete drainage system shall be provided. All areas within the subdivision, including lots, streets, alleys and other areas must be suitably drained. In addition, if the drainage runoff from outside the subdivision passes over or through areas of the subdivision, such runoff shall be included in the drainage system design. All drainage shall be so designed that it leads to a positive and adequate outfall.

6.2. CRITERIA. The drainage system shall be designed for floods resulting from rain storms of (a) 25 year intervals for major drainageways, (b) 10 year intervals for all other drainage. Either the "rational formula" or other acceptable methods commonly employed for drainage work shall be used in hydraulic calculations. Rainfall intensity data shall be taken from established references. Ultimate land uses shall be assumed for selection of the proper runoff co-efficient whether within the subdivision or not. Weighted runoff co-efficients may be applied where different co-efficients apply within the area comprising drainage basin.

6.3 Culverts. Minimum pipe diameters of all culverts shall be fifteen (15) inches. Drainage pipe shall be reinforced concrete pipe. Pipes not subjected to wheel traffic loads may be of nonreinforced concrete. All culverts under roadways shall have suitable headwalls made of concrete or reinforced concrete block. Reinforced concrete block structures will only be allowed where they contain reinforcing steel and the blocks are poured with concrete. All concrete block structures shall be finished outside with a coating of cement.

6.4. Drainage Structures. Drainage structures such as headwalls, weirs, or other structures shall be designed hydraulically and structurally in accordance with accepted engineering practices and in accordance with the standard plans of the Town. Whenever underdrains are required, they shall be placed eighteen (18) inches outside of the curb and with a slope parallel to the curb. Minimum size of such pipe shall be four (4) inch perforated.

6.5. Plans and Specifications. All plans and specifications related to the above shall be prepared by an engineer registered in the State of Florida.

23-6½. Seawall Requirements.

6½.1. Plans and Specifications. All plans and specifications for seawalls shall be prepared by a duly licensed engineer.

6½.2. Construction. All seawall construction shall be accomplished under the supervision of the registered engineers who prepared the plans and specifications or his duly appointed successor. (Ord. 115-1 10-11-66)

23-7. Subdivision Lot Requirements.

7.1. Lot Area Requirements. No lot shall have an area or frontage less than that required in the zoning district in which such land is located and in no event shall a lot have an area of less than ten thousand (10,000) square feet. All lots shall abut on a public or private street and shall have sufficient frontage thereon to provide convenient and adequate direct access thereto.

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7.2. Easements. All subdivision plats shall contain a dedication to the town of the following easements:

(1) An easement of five (5) feet in width on each side of all side lot lines for surface or underground drainage, but limited if used to one side of any one lot. Where more than one lot is intended as a building site, the outside five (5) feet of the side boundaries of the lots involved shall be subject to said easement as if such building site was one lot. When the site of the easement is fixed by use, the site thereof shall not thereafter be modified except by resolution of the Commission.

(2) The rear five (5) feet of all lots within a subdivision, except those which abut on water, shall be dedicated as an easement for underground and overhead utilities and underground and surface drainage. If lots abut on water and do not abut on a public street then the front five (5) feet of such lots shall be dedicated to the town for such purposes.

(3) The front five (5) feet of all lots abutting a turn around at the end of a dead end street shall be dedicated as an easement for underground and overhead utilities and underground and surface drainage.

7.3. Dedications. All right of way easements, drainage easements and drainage structures and lands shown on a plat intended for the use of the public shall be dedicated to the town at no expense to the town.

23-8. Subdivision Procedures.

8.1. Preliminary Approval. A preliminary application sketch of the proposed subdivision shall be submitted to the town manager for consideration and approval prior to the actual drafting of a preliminary plat. The sketch shall show in scale the entire layout including streets, lots, blocks and proposed public areas, if any. A preliminary application sketch of the proposed subdivision shall also be submitted to the Health Department of the County in which the subdivision is located, for consideration prior to the actual drafting of a preliminary plat shall be prepared by a registered engineer, which shall show all drainage, street layouts, lot layouts and other features to be included in the final plat. The developer shall file three (3) copies of the preliminary plat with the town manager and one (1) copy with the County Health Department. The Planning and Zoning Commission shall consider the preliminary plat at its next meeting after the plat is filed with the town manager. The Board of Health which has jurisdiction shall be furnished with: (a) a copy of the preliminary plat, (b) sub-soil analysis and ground water determinations by means of a number of test borings of at least one (1) per acre of the proposed subdivision. Soils shall be examined to a depth of four (4) feet. (c) Percolation tests may be required if deemed necessary by the Health Department. (d) where it is proposed to install essential public water and/or sewage disposal systems, plans and specifications of these utilities must be submitted by the subdivider to the Florida State Board of Health through the local Health Department for their approval.

8.2. After consideration of the preliminary plat by the Health Department of the county in which the subdivision is situated, the town manager and the Longboat Key Planning and Zoning Commission, the preliminary plat shall be submitted to the Town Commission with their recommendations in writing. Accompanying the plat when submitted shall be a certificate of apparent record ownership prepared and certified by a duly licensed and solvent title information company transacting business within the county in which such subdivision is

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located, showing fee simple title of the property shown on the plat in the application, and showing also all encumbrances to such title. If the preliminary plat complies with the requirements of this Chapter and the other Chapters, Ordinances, and Regulations of the town, the town commission shall approve such preliminary plat.

8.3. After approval of the preliminary plat by the Town Commission the applicants shall perform or cause to be performed all construction and other work required by this Chapter applicable to such preliminary plat.

8.4. After satisfactory evidence of the completion of the work applicable to such plat required by this Chapter has been presented to the Commission, the final plat may be prepared and the Commission shall cause its approval to be endorsed thereon.

8.5. A filing fee to cover the cost of investigation and inspection in the amount of Fifty Dollars (\$50.00) for the preliminary plat shall be paid at time of filing.

8.6. Accompanying the final plat at the time that it is presented to the Commission for approval shall be:

(1) A filing fee of two Hundred Dollars (\$200.00) for the final plat plus a fee of Two Dollars (\$2.00) for each lot shown thereon in excess of twenty (20).

(2) A letter from the Board of Health of the county in which the subdivision is located, which letter shall give approval of the subdivision.

(3) A written statement from the town manager approving the final plat.

(4) The written approval of street names by the Post Office Department.

(5) An affidavit showing ownership of and liens against the land encompassing the subdivision dated within five (5) days of the presentation of the final plat.

8.7. Final approval of a plat of a subdivision shall constitute acceptance for maintenance of all streets, easements, and other areas and structures dedicated to public use shown thereon when the same is constructed and completed in accordance with the requirements of this Chapter.

8.8. The Commission may from time to time by Resolution make reasonable regulations concerning the procedures to be followed in making application for approval of plats.

8.9. If an applicant desires to record a sub-division plat in the public records of the county in which such land is situated after the preliminary approval thereof by the Commission as herein provided but prior to the completion of all construction and other work required by this Chapter applicable to such preliminary plat, the applicant may file the final plat for approval together with a bond meeting the requirements hereinafter set forth. The applicant shall also file with the final plat a certificate made by a responsible, duly registered civil engineer made to the Town (prepared at the cost of the applicant), certifying accurately the estimated cost of all major categories of subdivision construction work required to be made prior to final approval of the plat of the subdivision. The bond may be either a cash bond or a surety bond made by a solvent surety company legally authorized to do business in the State of Florida. The Commission by resolution may in its discretion accept any other security deemed equal to the aforesaid surety bond. The bond or other security shall meet the following requirements:

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(1) The bond shall be for the use of the town and all persons supplying the obligor or its contractors or subcontractors, or some or any of them, with labor, services, materials and/or supplies used directly or indirectly in and about the construction of all subdivision improvements required by the subdivision regulations of the Town for or in connection with the approval of the plat for which application for final approval is made.

(2) The bond shall be in the penal sum of one hundred ten percent (110%) of the estimated cost of construction to be completed prior to final approval of the plat.

(3) The bond shall be in a form satisfactory to the town attorney.

(4) The bond shall be for a term sufficient for the obligor to reasonably complete the subdivision improvements as the same may be extended from time to time by the Commission, and for a period of one (1) year after final acceptance of such subdivision improvements by the town.

(5) The condition of the bond shall be that if the obligor shall in all respects fully comply with, carry out and construct, erect and build the improvements shown on the subdivision plans on file in the office of the town manager in accordance with the Code, Ordinances and Regulations of the town and any additions, amendments or alterations thereof which are approved by the town, and shall complete all of said work within the time prescribed or within such extended period of time to which the town may agree, and shall promptly make proper payments to all persons supplying the obligor or its contractors or subcontractors with labor, services or materials used directly or indirectly by it or them or some of them in the prosecution of said work and shall promptly repair or replace any of said improvements to the condition required by the subdivision Code of the town should the same because of defective materials, engineering or workmanship require such repair or replacement within one (1) year after final inspection and acceptance of said improvements by the town, then the bond shall be void, otherwise to remain in full force and effect; and if the obligor shall fail or refuse to complete the work set forth in the subdivision plans on file with the town manager within the time prescribed or extensions thereof, then the town may complete such work and pay therefor with the proceeds from the bond; and if the obligor shall fail or refuse to pay persons supplying labor, services, materials or supplies used directly or indirectly by the obligor or its contractors or subcontractors, or some or any of them, in the prosecution of the work set forth in the subdivision plans on file in the office of the town manager, then such persons may enforce payment therefor against this bond in the manner authorized by law; and if the town is responsibly required to expend funds in the enforcement of the requirements of the Longboat Key Subdivision Code, then the town may enforce payment thereof against said bond.

(6) If cash or other liquid security is posted in lieu of a surety bond, on application the town manager may release a sum equal to seventy-five percent (75%) of the cost of the work completed in each major category of subdivision construction work upon certification by the subdivision project engineer of the obligor showing the percentage of completion of each major category of subdivision construction work. Twenty-five percent (25%) of the bond shall be retained for a period of one (1) year after final acceptance of the subdivision work by the town unless the Commission at its discretion reduces the said retained percentage.

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8.10. All final plats shall contain all the certificates required by the county wherein the plat is to be recorded as well as dedication certificates for streets, roads, easements and other lands intended for the public use.

8.11. A certificate prepared by the registered engineer who supervised the construction of the subdivision work shown on the plat shall be submitted prior to acceptance of the plat or release of the bond, certifying that the construction complies to the plans in all respects. If the project engineer is relieved of his duties at any time the developer shall notify the town manager of the name of the new project engineer. All governmental units and agencies having any jurisdiction over the subdivision shall be furnished "As Built" revisions to the plans, where made. The subdivider shall furnish the town with sufficient prints during construction, and after completion of the work, with two (2) sepias of all construction plans corrected to accord with the construction as built, together with two (2) sepias of the recorded plat. Final release of the bond will not be given until these sepias are delivered to the town manager.

(Source Note; Ord. 33, sections 1-8, adopted 9-22-58 was repealed and replaced by Ord. 91, sections 1-9, adopted 9-8-64)

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Chapter 24 SWIMMING POOLS (Reserved for Expansion)

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Chapter 25 TAXATION

25-1. Excise Tax Imposed on Cigarettes.

An excise or privilege tax in addition to all other taxes of every kind imposed by law is hereby levied and imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution and use of cigarettes in the territorial limits of the Town for cigarettes of standard dimensions as defined by the general law of the State in the following amounts:

1.1 (a) upon all cigarettes, as herein defined, four inches long or less, five and one-half mills on each cigarette.

(b) upon all cigarettes, as herein defined, more than four inches long and not more than six inches long, eleven mills on each cigarette.

(c) upon all cigarettes, as herein defined, more than six inches long, twenty two mills on each cigarette.

1.2 The description of cigarettes contained in paragraphs (a), (b) and (c) of subsection 1.1 are hereby declared to be standard as to dimensions for taxing purposes as provided in this ordinance and should any cigarette be received, purchased, possessed, sold, offered for sale, given away or used of a size other than of standard dimensions, the same shall be taxed at the rate of one cent on each such cigarette.

1.3 Where cigarettes as described in subsection 1.1 (a) above, are packed in varying quantities of twenty (20) cigarettes or less, the following rate shall govern:

(a) Packages containing ten (10) cigarettes or less require a five and one-half cent (5½¢) tax; and

(b) Packages containing more than ten (10) but not more than twenty (20) cigarettes require an eleven cent (11¢) tax.

1.4 Where cigarettes, as described in subsection 1.1 (b) above, are packed in varying quantities of twenty (20) cigarettes or less, the following rates shall govern:

(a) Packages containing ten (10) cigarettes or less require an eleven cent (11¢) tax; and

(b) Packages containing more than ten (10) but not more than twenty (20) cigarettes require a twenty two cent (22¢) tax.

1.5 Where cigarettes, as described in subsection 1.1 (c) above, are packed in varying quantities of twenty (20) cigarettes or less, the following rates shall govern:

(a) Packages containing ten (10) cigarettes or less require a twenty two cent (22¢) tax; and

(b) Packages containing more than ten (10) but not more than twenty (20) cigarettes require a forty four cent (44¢) tax.

(Ord. 1, secs. 1, 2, 3, 4, 5, 11-21-55; amend Ord. 72-1 7-1-63; amend Ord 136 sec. 1, 4-1-68)

25-2. Florida Beverage Department to Collect Tax.

The tax levied and imposed herein shall be collected by the Beverage Department of the State in the manner prescribed in Chapter 210, Florida Statutes. (Ord. 1-6 11-21-55; amend Ord. 72-2 7-1-63)

25-3. Fund Allocated to Special Fund.

All funds received by the town by virtue of this Chapter shall be paid into a separate fund to be designated "cigarette tax fund" and shall be used and expended only for the purposes specified in Section 21-03, Florida Statutes. (Ord. 1-7 11-21-55; amend Ord. 72-3 7-1-63)

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Chapter 26 TRAFFIC

26-1 Adoption of Chapter 186 Florida Statutes by Reference.

The Florida model traffic ordinance provided for in Chapter 186 Florida Statutes is hereby adopted in full by reference except as hereinafter modified, pursuant to Section 186.02 Florida Statutes.

26-2 Land between High and Low Tides Prohibited as Roadway.

Land between high and low tides shall not be used as a roadway and such use is hereby prohibited and any violation shall be punishable as provided in said Florida Model Traffic Ordinance Section 186.49 Florida Statutes.

26-3 Land between High and Low Tides Prohibited as Roadway — Exception for Emergency Vehicles.

The prohibition of Section 26-2 of this Ordinance shall not apply to an emergency vehicle when such vehicle is being operated in accordance with the provisions of Section 186.0173 Florida Statutes, and the said section 186.0173, as hereby adopted, is modified by addition to subsection (1) thereof the following:

"(e) Employ the land between high and low tides as a roadway."

(Source Note: Ord. 8, section 1-3 adopted 2-6-56 was repealed and replaced by Ord. 127, adopted 7-11-67).

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Chapter 27 (Reserved for Expansion)

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Chapter 25 WATER AND SEWER (Reserved for Expansion)

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Chapter 29 ZONING

29-1 Title. This ordinance shall be known as "Longboat Key Zoning Code."
(Ord. 112-1 9-13-66)

29-2 PURPOSES. The purpose of this Code is to provide regulations in accordance with a comprehensive plan and design to lessen congestion on highways and to facilitate transportation; to secure safety from fire, panic, pestilence and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to provide regulations for the dredging, improving, filling and development of submerged lands; to prevent erosion; to govern the use of land and water areas; to preserve the natural and scenic beauty and attractiveness of roadsides and waterfrontages; to protect homes, churches and schools from nuisances and undesirable influences; and in general to secure the recognized advantages of building and zoning regulations in effect in progressive communities of the State of Florida and the United States of America.
(Ord. 112-2 9-13-66)

29-3 Establishment of Districts: Provision for Official Zoning Map.

3.1 Official Zoning Map — The Town is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3 of Ordinance Number 112 of the Town of Longboat Key, Florida," together with the date of the adoption of this Code.

If, in accordance with the provisions of this Code and Chapter 176, State Statutes, and the Charter of the Town of Longboat Key, Florida, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Commission, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the Town Commission, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the Town Clerk. The amending Ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this Code which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code. Any unauthorized change of whatever kind by a person or persons shall be considered a violation of this Code and punishable as provided under Section 16 of this Code.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Town Clerk (or specify other place easily accessible to the public) shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the Town.

3.2. Replacement of Official Zoning Map — In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Commission may

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29.17. Severability of Ordinance.

The provisions of this ordinance are hereby declared to be severable and if any part thereof shall be held by court of competent jurisdiction to be unconstitutional, such ruling shall not affect the validity of the remainder thereof.
(Ord. 112 1-17 9-13-66)

NOTE: Ordinance 112 amended Chapter 29 of the Code of Ordinances and is a complete revision of Ordinance 15 6-18-56 as amended by the following ordinances: Nos. 17, 19, 27, 48, 49, 52, 57, 58, 62, 64, 69, 75, 83.

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4.5. Apartment hotel. An apartment building designed primarily for permanent residents with ten (10) or more units furnishing services customarily provided by hotels, including, but not limited to, a central office or lobby, room service, food service and daily maid service.

4.6. Arts and crafts. The making of artifacts in a home where no labor, other than members of the family, is employed; where there is no retail sales display; and where there is no advertising sign or other public notification of such activity.

4.7. Building - height of. The vertical distance measured from the curb level to the highest point of the roof surface of a flat roof, to the decline of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of a building, provided the distance thereon from the street line is not less than the height of such grade above the established curb level.

4.8. Bungalow courts. A group of two or more detached single-family dwellings under a single ownership on one or more adjoining lots designed primarily for transient or semi-permanent housekeeping, including cooking facilities, and having a separate outside entrance on the ground floor level for each single-family dwelling.

4.9. Private club. Buildings exclusively occupied by fraternal or social organizations or associations operated exclusively for the comfort and convenience of its members.

4.10. Statement of Zoning Compliance. A statement signed by the Administrative Officer setting forth that a building or structure complies with this ordinance, or that a building or structure or parcel of land or water area may be lawfully employed for a specified use or both.

4.11. Curb elevation. The elevation of an established curb in front of a building measured at the center of such front. When no curb elevation has been established, the Administrative Officer shall establish such elevation or its equivalent for the purpose of this Chapter.

4.12. Dwellings.

(1) **Single-family dwellings.** A detached building designed for and occupied as a residence by one family.

(2) **Two-family dwellings.** A detached building designed for and occupied as a residence by two families.

(3) **Multi-family dwellings.** A building detached for, or occupied by, two or more families. The term shall be understood to include duplexes, apartment buildings, apartment hotels, and all other family dwellings of a similar character, but shall not include hotels.

(4) **Family.** An individual; or two or more persons related by blood, marriage, or legal adoption living together; or a group of individuals of not more than six (6) persons not related by blood or marriage but living together as a single housekeeping unit. Foster children are considered part of a family.

4.13. Garage Apartment. An accessory building with storage capacity for one or more motor vehicles, above which or appurtenant to which is attached a permanent or semi-permanent residence for not more than one family.

4.14. Hotels.

a. **H2 Hotel.** Dwelling units under a common ownership interest and under a single management furnishing sleeping accommodations or apartments to transient tenants, and services customarily provided by hotels, including, but not limited to, a central office or lobby, twenty-four hour desk and telephone service to each unit, complete food and room service and daily maid service;

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and otherwise complying with the requirements of the Florida State Hotel and Restaurant Commission. Additional detached sleeping accommodations and apartments may be constructed on hotel premises as provided herein, and, food and other accessory services may be furnished in said detached units.

b. H1 Hotel. Dwelling units under a common ownership interest and under a single management, furnishing sleeping accommodations or apartments to transient tenants, and services customarily provided by hotels, including, but not limited to, a central office or lobby, room service, food service and daily maid service; and otherwise complying with requirements of the Florida State Hotel and Restaurant Commission. Additional detached sleeping accommodations and apartments may be constructed on hotel premises provided herein, and food and other accessory services may be furnished in said detached units.

c. For the purposes of this section, a dwelling unit shall be defined as a sleeping room with bath, flush toilet, lavatory, and storage closet.

d. For the purpose of this section, a dwelling unit in an apartment hotel shall be construed to be a dwelling unit as herein defined plus kitchen facilities.

4.15. Lodging house. A building other than a hotel where sleeping rooms are provided for one or more transient or permanent tenants for compensation.

4.16. Lot. A parcel of land which is or may be equipped with one or more principal and accessory buildings, including the open spaces required by this ordinance.

a. Corner lot. A lot abutting upon two or more streets at their intersection.

b. Lot lines. The lines bounding a lot as defined herein.

1. Front lot line. Any lot line fronting on a street.

2. Rear lot line. The lot line opposite the front line, or lines, as provided in paragraph (b) 1 of this section. In the case of an irregular, triangular or gore-shaped lot it shall mean a line within the lot at least ten (10) feet parallel to and at the maximum distance from the front lot line.

3. Side lot lines. Any lot line not a front lot line or a rear lot line.

4.17. Non-conforming use. The use of a building or land that does not conform with the regulations of the district in which it is situated.

4.18. Building. Any structure, assembled, erected, or constructed, for temporary or permanent use on any lot within the corporate limits of this city, except the following:

a. Fences, not exceeding six (6) feet in height.

b. Boat docks, the average elevation of which does not exceed the average elevation of any seawall attached thereto, or not exceeding six feet in height above mean high water line.

1. A seawall is defined as any structure designed to prevent encroachment or erosion by wave action from the Gulf of Mexico and or Sarasota Bay.

c. Fender and mooring piling not exceeding nine (9) feet in height above mean high water line.

d. T.V. antenna, flag poles, clothes poles, mail boxes, electric power, and telephone poles and lines.

4.19. Structural alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

4.20. Street. Any roadway either dedicated to public use or used as a non-dedicated principal access to two or more buildings.

4.21. Yard. An open unoccupied area of land surrounding a building.

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unobstructed from the ground to the sky, except as otherwise provided herein. A driveway or off-street parking area may be a portion of a yard.

a. Front yard. A yard across the full width of the lot, extending from the edge of the overhang on the front line of the building to the front line of the lot.

b. Rear yard. A yard across the full width of the lot, extending from the edge of the overhang on the rear line of the building to the rear line of the lot.

c. Side yard. A yard between the edge of the overhang on the side line of the building and the adjacent side line of the lot, extending from the front yard to the rear yard. If there be no front yard, the side yard shall be considered as extending to the front line of the lot, and if there be no rear yard, the side yard shall be considered as extending to the rear line of the lot.

d. Waterfront yard. A yard on lots abutting a waterfront extending between the edge of the overhang of the building and the mean high water line and/or retaining wall, whichever is closest to the building.

e. When two or more principal buildings are located on a lot there shall be provided around each such building a yard which shall meet the minimum yard set-back requirements of the district; the required yard for each building shall be determined by measuring from the building overhang and extending outward the distances provided for in the particular district.

4.22. Parking area. A portion of a lot of a shape and surface for parking one motor vehicle for each two hundred fifty (250) square feet thereof, each space of which is directly or indirectly accessible by motor vehicle from a street on which the lot abuts.

4.23. Public beach. Public or private lands abutting on the waters of Sarasota Bay or the Gulf of Mexico used by one, or more, persons as an entrance to, or exit from, the adjacent waters, or for sunning, camping, picnicking, or for other similar activities, provided that privately owned lands used for such purposes by the owner or owners thereof, and their invited guests, shall not constitute a public beach.

4.24. Motel. A building, on a lot or lots in single ownership, and under single management, furnishing sleeping accommodations or apartments primarily to transient tenants, including, but not limited to, a central office or lobby; and otherwise complying with the requirements of the Florida State Hotel and Restaurant Commission.

Additional detached sleeping accommodations and apartments may be constructed on motel premises provided herein, and other accessory services may be furnished in said detached units.

4.25. Rental unit. Any dwelling unit permitted under the terms of this Ordinance to be rented for periods of one day or longer.

4.26. Medical clinic. Any building used for medical or surgical examination and or treatment of out-patients.

4.27. Permitted uses. Any building, or part thereof, erected, altered, or used, or land or water used, in whole or in part, permitted under the terms of this Ordinance.

4.28. Floor area. All livable, fully enclosed floor areas, including screen porches and breezeway, and excluding garages and carports, or accessory buildings, whether attached or detached, shall be considered "floor area" for the purposes of this Ordinance.

4.29. Special approval. Any use permitted by the Board of Adjustment, as specified in individual district regulations, when such use is compatible to

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surrounding uses; will not create additional traffic hazards or parking problems; and does not deviate from the terms of this Ordinance.

4.30. Variance. Any exception to the terms of this Ordinance permitted by the Board of Adjustment, as specified in individual district regulations or in other sections of this Ordinance, when such exception does not meet the minimum area or other requirements, and when non-use of affected property would constitute a hardship not self-imposed.

(Ord. 112-4 9-13-66; Amend Ord. 140-1-2 8-13-68)

29.5. Rules for the Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

5.1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

5.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

5.3. Boundaries indicated as approximately following city limits shall be construed as following city limits;

5.4. Any platted lot divided by a zoning district boundary shall be construed as being entirely within the zoning district within which most of the lot falls, unless it is specifically intended that such boundary should divide the platted lot.

5.5. Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

5.6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 previously, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

5.7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

(Ord. 112-5 9-13-66)

29.6. General Regulations.

6.1. No building shall be erected, reconstructed or structurally altered or repaired, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

6.2. No building shall be erected, reconstructed or structurally altered or repaired to exceed the height, number of stories or size provisions herein established for the district in which such building is located.

6.3. No lot area shall be so reduced or diminished that the yards or other open spaces required herein shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereinafter set forth.

6.4. No yard nor other open space required for any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided, further, that no yard or open space on an adjoining property or street shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

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6.5. Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one building on one lot, except as herein provided.

6.6. No schools, churches, theatres or other public meeting places shall be located within two hundred fifty (250) feet of State Road 789 (Gulf of Mexico Drive).

6.7. No loudspeakers, dumps, shall be permitted in any district; nor shall any truck, trailer, tent, automobile, streetcar, bus, aeroplane, boat or barge, garage, barracks or barrack-type military building, shanty, lean-to or other improvised or temporary type structure be used or permitted for dwelling purposes in any district.

6.8. No public beach shall be permitted in any district.

6.9. No property shall be subdivided, alienated, sold or transferred in any manner inconsistent with the terms of this Ordinance.

6.10. No natural grades of the upland or Gulf bottoms within three hundred (300) feet of the mean high water line of the Gulf of Mexico shall be lowered unless the owner thereof shall present sufficient evidence that such lowering will not increase erosion by salt water bodies, wind action, or by surface or rain water. Such evidence shall be presented to the Town Manager in a form prescribed by him together with a fee of three dollars (\$3.00) and if approved he shall issue a permit which shall set forth the extent to which said natural grades may be changed. Such work shall be done under the supervision of the Town Manager.

6.11. No land shall be graded or elevations or grades changed in such a way as to change the natural flow of surface waters.

6.12. Pumps to maintain dry pits shall not be used and are prohibited in the construction of canals or other excavations when such excavations exceed an area of five thousand (5000) square feet below the water table.

6.13. All buildings and other structures shall be at least equal to the requirements of the Southern Standard Building Code.

6.14. No livestock, fowl or domestic animals other than ordinary household pets shall be kept or maintained in any district.

6.15. Where a commercial, marina, or high density hotel district abuts a residential district a landscaped buffer area of not less than ten (10) feet in width measured at right angles to the property lines shall be established along the entire length or contiguous to the property lines and said area shall be so designated and planted as to be eighty (80%) percent or more opaque when viewed horizontally at any point between two feet and six feet above average ground level.

(Ord. 112-6 9-13-66; Amend Ord. 140-3 8-13-66)

29.7. Off-Street Parking and Loading Regulations.

7.1. Parking Space Requirements:

(1) Single-family dwellings, two(2) spaces for each dwelling unit.

(2) Multi-family dwellings, one and one-half (1.5) spaces for each dwelling unit.

(3) Churches, temples, or places of worship, funeral homes, public buildings, theatres, auditoriums, areas and places of assembly, at least one (1) space for each three (3) seats.

(4) Retail business, commercial, professional or personal service establishments, kennels, animal hospitals, libraries, museums, medical or dental offices or clinics, and office buildings, one (1) space for each two hundred fifty (250) square feet devoted to retail sales or to actual retail use for commercial, pro-

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feesional, or personal services. Shopping centers shall be required to have one (1) space for each one hundred (100) square feet.

(5) Country clubs, golf clubs, tennis clubs, and organizations designed to provide outdoor sporting or recreational activities, one (1) space for each five (5) members, or one (1) space for every four hundred (400) square feet of floor space or floor area of the primary building or buildings associated with the organization, whichever requirement is greatest.

(6) Hotel apartment, one (1) space for each rental unit.

(7) Hospitals and sanitariums, one (1) space for each patient bed.

(8) Nursing homes, rest homes, and convalescent homes, one (1) space for each two (2) patient beds.

(9) Hotels, motels, and bungalow courts, one (1) space for each guest room or one (1) space for each bathroom whichever is greatest, plus one (1) space for each three (3) employees, and in addition, space as required elsewhere for auxiliary commercial use.

(10) Private clubs, lodges, fraternities, and sororities, one (1) space for each five (5) seats in the largest assembly area in the building, plus one (1) space for each guest room, if any.

(11) Restaurants, or other eating places (non-drive-ins), one (1) space for each (4) seats, plus one (1) space for each three (3) employees.

(12) Rooming houses, boarding houses, and dormitories, one (1) space for each two (2) beds.

(13) Marinas. One (1) space for each two slips plus one (1) space for each two hundred fifty (250) square feet of floor area devoted to retail sales, plus one (1) car space for each four (4) passenger capacity in a charter boat, and, in addition, spaces as required elsewhere for auxiliary commercial uses.

7.2. LOCATION REQUIREMENTS

(1) Such parking space as required in this section shall in no part exist upon, and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.

(2) Parking spaces for all one and two family dwellings shall be located on the same lot with the main buildings.

(3) Parking spaces for all other uses shall be provided on the same lot with the main building, or not more than three hundred (300) feet distant, as measured along the nearest pedestrian walkway, provided that such area is under the same ownership as the principal use.

(4) Parking requirements for two (2) or more uses, of the same or of different types, may be provided by the establishment of the required number of spaces for each use in a common parking area, provided that all such uses being served by a common parking area are under the same ownership.

(5) Off-street parking areas shall be set back a minimum of ten (10) feet from all rear and side property lines and five (5) feet from all front property lines.

7.3. Off-Street Loading Requirements:

(1) Every institution, commercial, or industrial building or similar use having a floor area of ten thousand (10,000) square feet or more, and requiring the receipt or distribution by vehicle of materials or merchandise, shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof.

(2) Retail operations, wholesale operations, and industrial operations with a gross floor area of less than ten thousand (10,000) square feet shall provide

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sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.

(3) Every off-street loading and unloading space shall have direct access to a street or alley, and shall have the following minimum dimensions:

Length: 30 feet Width: 12 feet Height: 14 feet
(Ord. 112-7 9-13-66)

29.8 DISTRICTS

8.1. R-1A Single Family Residential District (Large Estates)

The R-1A District is intended to apply to an area predominately developed with single-family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses. The lot areas are large and the district is designated to preserve and protect the characteristics of large estate residential uses.

(1) Principal Uses.

a. Principal Uses. Within any R-1A District, no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. Single-family dwellings.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses.

1. Garage, carport or space for the housing or parking of private automobiles when located on the same lot and not involving the conduct of any business.

2. A name plate not exceeding two square feet in area.

3. Arts and crafts as herein defined.

4. Non-commercial piers and landing places.

5. Other customary accessory uses of single-family dwellings.

(2) Special Exception.

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception:

1. Ordinary public utility uses and rights-of-way, provided, however, that all above ground utility uses, except aerial cables, be provided with a 5 foot visual buffer wherever such use adjacent to a residential lot, and further, that all above ground structures connected with such uses be so designated and constructed so that it is compatible with adjacent uses.

(3) Prohibited Uses.

a. All uses not specifically permitted within the R-1A District are prohibited.

(4) Area Regulations.

a. The following regulations shall apply to any building erected or any use of land within the R-1A District:

1. Minimum lot size. All lots shall contain a minimum of 30,000 square feet of area with a minimum width of 100 feet fronting a street.

2. Maximum lot coverage. No building shall occupy more than thirty-five (35%) of its lot area.

3. Minimum floor area. Any principal building erected within the R-1A District shall contain a minimum of one thousand five hundred (1,500) square feet of floor area.

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4. Maximum building height. No building shall be erected to exceed three (3) stories or thirty-five feet in height.

5. Minimum yard set-backs. Any building erected within the R-1A District shall conform to the following minimum yard set-backs:

Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet in depth.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

6. Off-Street Parking. See Section 7 of this Ordinance.

7. Uses for which no Area Regulations are specified in this District shall be subject to the Area Regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as condition for special Approval. In such cases, where more than one set of regulations are established for a single use, the most restrictive regulations shall apply.

8.2. R-1B Single-Family Residential District (Small Estates)

The R-1B District is intended to apply to an area predominately developed with single family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses. The lot areas are small and the district is designated to preserve and protect the characteristics of small estate residential uses.

(1) Principal Uses

a. Principal Uses. Within any R-1B District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. Single-family dwellings.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses.

1. Garage, carport or space for the housing or parking of private automobiles when located on the same lot and not involving the conduct of any business.

2. A name plate not exceeding two square feet in area.

3. Arts and crafts as herein defined.

4. Non-commercial piers and landing places.

5. Other customary accessory uses of single-family dwellings.

(2) Special Exception

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted on special exception.

1. Ordinary public utility uses and right-of-way, provided, however, that all above ground utility uses, except, aerial cables, be provided with a 5 foot visual buffer wherever such use adjacent to residential lot, and further, that all above ground structures connected with such uses be so designated and constructed so that it is compatible with adjacent uses.

(3) Prohibited Uses

a. All uses not specifically permitted within the R-1B District are prohibited.

(4) Area Regulations

a. The following regulations shall apply to any building erected or any use of land within the R-1B District.

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1. Minimum lot size. All lots shall contain a minimum of 15,000 square feet of area with an average width between the front and rear lines to be at least 100 feet with at least 40 feet fronting on street.

2. Maximum lot coverage. No building shall occupy more than thirty-five (35%) percent of its lot area.

3. Minimum floor area. Any principal building erected within the R-1B District shall contain a minimum of one thousand five hundred (1,500) square feet of floor area.

4. Maximum building height. No building shall be erected to exceed three stories or thirty-five (35) feet in height.

5. Minimum yard set-backs. Any building erected within the R-1B district shall conform to the following minimum yard set-backs:

Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet in depth.

Back yard: There shall be a back yard of not less than ten (10) feet in depth.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

6. Uses for which no Area Regulations are specified in this District shall be subject to the Area Regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as condition for Special Approval. In such cases where more than one set of regulations are established for a single use, the most restrictive regulations shall apply.

8.3. R-1 Single-Family Residential District (Low Density)

The R-1 District is intended to apply to an area predominately developed with single family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses. The lot areas are small and the district is designed to preserve and protect the characteristics of low density residential uses.

(1) Principal Uses.

a. Principal uses. Within any R-1 District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. Single-family dwellings.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses:

1. Garage, carport or space for the housing or parking of private automobiles when located on the same lot and not involving the conduct of any business.

2. A name plate not exceeding two square feet in area.

3. Arts and crafts as herein defined.

4. Non-commercial piers and landing places.

5. Other customary accessory uses of single-family dwellings.

(2) Special Exception.

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception:

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1. Ordinary public utility uses and rights-of-way provided, however, that all above ground utility uses, except, aerial cables, be provided with a 5 foot visual buffer wherever such uses adjacent to a residential lot, and further, that all above ground structures connected with such uses be so designed and constructed so that it is compatible with adjacent uses.

(3) Prohibited Uses.

- a. All uses not specifically permitted within the R-1 District are prohibited.

(4) Area Regulations.

- a. The following regulations shall apply to any building erected or any use of land within the R-1 District.

1. Minimum lot size. All lots shall contain a minimum of 10,000 square feet of area with an average width between the front and rear lines to be at least 100 feet with at least 40 feet fronting on street.

2. Maximum lot coverage. No building shall occupy more than thirty-five (35%) percent of its lot area.

3. Minimum floor area. Any principal building erected within the R-1 District shall contain a minimum of twelve hundred (1200) square feet of floor area.

4. Maximum building height. No building shall be erected to exceed three stories or thirty-five (35) feet in height.

5. Minimum yard set-backs. Any building erected within the R-1 District shall conform to the following minimum yard set-backs:

Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Rear yard: There shall be a rear yard of not less than ten (10) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet in depth.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

6. Uses for which no Area Regulations are specified for in this District shall be subject to the Area Regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as conditions for Special Approval. In such cases where more than one set of regulations are established for a single use, the most restrictive regulation shall apply.

8.4. R-1S Single-Family Residential District (Medium Density)

The R-1S District is intended to apply to an area predominately developed with single family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses. The lot areas are small and the district is designed to preserve and protect the characteristics of medium density residential uses.

(1) Principal Uses.

- a. Principal uses. Within any R-1S District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. Single family dwellings.

- b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses:

1. Garage, carport or space for the housing or parking of private automobiles when located on the same lot and not involving the conduct of any business.

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2. A name plate not exceeding two square feet in area.
3. Arts and crafts as herein defined.
4. Non-commercial piers and landing places.
5. Other customary accessory uses of single-family dwellings.

(2) Special Exception

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception:

1. Ordinary public utility uses and rights-of-way, provided, however, that all above ground utility uses, except aerial cables, be provided with a 5 foot visual buffer wherever such use adjacent to residential lot, and further, that all above ground structures connected with such uses be so designed and constructed so that it is compatible with adjacent uses.

(3) Prohibited Uses.

a. All uses not specifically permitted within the R-1S District are prohibited.

(4) Area Regulations.

a. The following regulations shall apply to any building erected or any use of land within the R-1S District.

1. Minimum lot size. All lots shall contain a minimum of 7,000 square feet of area with an average width between the front and rear lines to be at least 60 feet with at least 30 feet fronting on street.

2. Maximum lot coverage. No building shall occupy more than thirty (30%) percent of its lot area.

3. Minimum floor area. Any principal building erected within the R-1S District shall contain a minimum of seven hundred fifty (750) square feet of floor area.

4. Maximum building height. No building shall be erected to exceed three stories or thirty-five (35) feet.

5. Minimum yard set-backs. Any building erected within the R-1S District shall conform to the following minimum yard set-backs:

Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Rear yard: There shall be a rear yard of not less than ten (10) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet in depth.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

6. Uses for which no Area Regulations are specified for in this District shall be subject to the Area Regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as condition for Special Approval. In such cases where more than one set of regulations are established for a single use, the most restrictive regulation shall apply.

8.5. R-2 One, Two and Multiple Family Dwelling District (Medium Density)

The R-2 District is intended to apply to an area predominately developed with one, two and multiple family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses. The lot areas are small and the district is designated to preserve and protect the characteristics of medium density one, two and multiple dwelling uses.

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(1) Principal Uses

a. **Principal uses.** Within any R-2 District, no building, structure, land or water, shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. Single-family dwellings, subject to the area regulations of the R-1 District.

2. Two family dwelling.

3. Multiple family dwellings.

b. **Accessory Uses.** The following uses may be used in conjunction with one or more of the principal uses:

Same as in the R-1A District, and in addition:

1. Customary accessory uses of two-family dwellings.

2. Customary accessory uses of multiple family dwellings.

(2) Special Exception

a. **When,** after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception:

Same as in the R-1A District, and in addition:

1. Churches and accessory uses.

2. Ordinary public utility uses and right-of-way, provided, however, that all above ground utility uses except aerial cables be provided with a five (5) foot visual buffer wherever such use is adjacent to residential lot, and, further, that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.

3. Day nurseries and nursery schools.

4. Dockage and rental of boats, including the sale of marine fuels, lubricants and small dockside repairs, when operated in conjunction with one or more of the principal uses; such facilities shall be enjoyed exclusively by residents of the subject premises and their invitees and shall not be made available to the general public except in an emergency.

(3) Prohibited Uses.

a. All commercial and industrial uses.

b. All other uses not specifically permitted.

(4) Area Regulations.

a. The following regulations shall apply to buildings erected or any use of land within the District:

A. Two Family:

1. **Minimum lot size.** All lots shall contain a minimum of 10,000 square feet of area with an average width between the front and rear lines to be at least 60 feet with at least 30 feet fronting on street.

2. **Maximum lot coverage.** No building shall occupy more than thirty (30%) percent of its lot area.

3. **Minimum floor area.** Any principal building erected within the R-2 District shall contain a minimum of six hundred fifty (650) square feet for one bedroom; seven hundred fifty (750) square feet for two bedroom, floor area.

4. **Maximum building height.** No building shall be erected to exceed three (3) stories or thirty-five (35) feet in height.

5. **Minimum yard set-backs.** Any building erected within the R-2 District shall conform to the following minimum yard set-backs:

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Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet in depth.

Rear yard: There shall be a rear yard of not less than ten (10) feet in depth.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

B. Multiple Family:

1. Minimum lot size. All lots shall contain a minimum of 15,000 square feet plus 5,000 square feet for each unit over 3 in the first story and 4,000 square feet for each unit on the second story and 3,000 square feet for each unit on the third story with a minimum of 100 feet fronting a street.

2. Maximum lot coverage. No building shall occupy more than thirty (30%) percent of its lot area.

3. Minimum floor area: Any principal building erected within the R-2 District shall contain a minimum of six hundred fifty (650) square feet for one bedroom and seven hundred fifty (750) square feet for the two bedroom floor area.

4. Maximum building height. No building shall be erected to exceed three (3) stories or thirty-five (35) feet in height.

5. Minimum yard set-backs: Any building erected within the R-2 District shall conform to the following minimum yard set-backs: Same as for two-family dwellings.

6. Uses for which no Area Regulations are specified for in this District shall be subject to the Area Regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as condition for Special Approval. In such cases where more than one set of regulations are established for a single use, the most restrictive regulations shall apply.

7. Maximum density: No more than ten (10) living units per gross acre.

8.6. M-1 Marina District.

All Marina Districts are intended to apply to an area used exclusively for a marina and related retail stores.

(1) Principal Uses.

a. Principal uses. Within any M-1 District no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. Rental of open wet storage.
2. Sale of marine fuel and lubricants.
3. Sale of bait and fishing equipment.
4. Rental of boats and/or motors, and the maintenance thereof.
5. Rental of dock space for charter boats not exceeding six (6) passenger capacity.
6. Dockside repairs only to boats of others.
7. Launching ramp.
8. Sale of sundries.

b. Accessory Uses. The following accessory uses may be used in conjunction with one or more of the principal uses:

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1. Accessory buildings customary to a marina operation shall be permitted after the main retail building has been completed.

(2) Prohibited Uses.

a. No pier or wharf or other structure projecting into the water beyond the property line shall be constructed, reconstructed, maintained or structurally altered which

1. Has any superstructure, building, equipment or facility erected, placed, located or maintained thereon and which is more than three (3) feet in height above such pier or wharf.

2. Is constructed so as to interfere with the riparian rights of other property owners.

3. Extends beyond the mean high water line in excess of thirty (30) feet except this limitation may be exceeded where the Board of Adjustment grants a special exception in a manner prescribed by law.

4. Is constructed outside an area bounded by lines drawn at right angles to an intersecting, at points thirty (30) feet inside, a line drawn between the points at which side lines of the property intersect the water line.

(3) Area Regulations.

a. The following are minimum land and building requirements:

1. There shall be a minimum land area of not less than 15,000 square feet.

2. Said land area shall have not less than 100 feet water front as measured between the points at which the side lines of the property intersect the water line.

3. There shall be not more than one (1) retail store building with a minimum of two hundred (200) square feet and a maximum area of six hundred (600) square feet.

4. Not more than one (1) single family dwelling may be erected and maintained which shall have a floor area of not less than 600 square feet in the case of a one bedroom house and 750 square feet in the case of a two bedroom house.

8.7. M-2 Marina District

(1) Principal Uses.

a. Principal Uses. Within any M-2 District no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. All uses included in M-1.

2. Sale of marine equipment and supplies but not including motors.

3. Operation of a motel and/or boathel.

4. Rental of dock space for charter boats of more than six (6) passenger capacity.

b. Accessory Uses.

1. Restaurant.

2. Bar and package liquor sales.

(2) Prohibited uses.

Those prohibited in an M-1 District.

(3) Area Regulations.

a. The following are minimum land and building requirements:

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1. There shall be a minimum land area of not less than 15,000 square feet.
2. Said land area shall have not less than 100 feet water front as measured between the points at which the side lines of the property intersect the water line.
3. Any retail store building shall have a minimum area of 1200 square feet.
4. Any motel and/or boatel shall have the land area required in an H-1 District.

8.8. M-2A Marina District

(1) Principal Uses.

a. Principal Uses. Within any M-2A Marina District no building, structure, and or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. All uses permitted in M1 and M2.
2. Covered wet storage of boats.
3. Sale of boats and/or motors.

(2) Prohibited Uses.

Those prohibited in an M-1 District.

(3) Area Regulations.

a. The following are minimum land and building requirements:

1. There shall be a minimum land area of not less than 15,000 square feet.
2. Said land area shall have not less than 100 feet water front as measured between the points at which the side lines of the property intersect the water line.
3. Any retail store building shall have a minimum area of 1200 square feet.

8.9. M-3 Marina District

(1) Principal Uses.

a. Principal Uses. Within any M-3 Marina District no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. All uses as permitted in M-1, M-2 and M-2A.
2. Storage of all types for boats.
3. Repair facilities for boats up to and including forty-two (42) feet in length.
4. Marine lifts and/or railways.

(2) Special Exception.

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception.

1. Repair facilities for boats over forty-two (42) feet.

(3) Prohibited Uses.

Those prohibited in an M-1 District.

(4) Area Regulations.

a. The following are minimum land and building requirements:

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1. There shall be a minimum land area of not less than 15,000 square feet.
2. Said land area shall have not less than 100 feet water front as measured between the points at which the side lines of the property intersect the water line.
3. Any retail store building shall have a minimum area of 1200 square feet.

8.10. T-1 Mobile Home Park District

The T-1 District is intended to apply to an area predominately developed with mobile home dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses.

(1) Principal Uses.

a. Principal Uses. Within any T-1 District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. Mobile home park with a minimum of 50 spaces.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses.

1. Accessory patio enclosures and storage building customarily associated with mobile home residences.
2. Retail store buildings, which may contain a restaurant, lounge, small shops and service establishments intended to serve the inhabitants of the mobile home park subject to the area regulations of the C-1 District.
3. Outdoor recreation facilities operated in conjunction with the principal use.
4. Other accessory uses customarily associated with mobile home parks.

(2) Special Exception None

(3) Prohibited Uses All uses not specifically permitted within the T-1 District are prohibited.

(4) Area Regulations.

a. The following regulations shall apply to any mobile home park erected or any use of land within the T-1 District.

1. The State Sanitary Code on Mobile Home Parks shall be followed, effective at the date of the adoption of this ordinance.

8.11. H-1 Hotel and Motel District

The H-1 District is intended to apply to an area predominately developed with hotels, motels, apartment hotels and bungalow courts or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan) is appropriate to such uses.

(1) Principal Uses.

a. Principal Uses. Within any H-1 District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. Hotels, motels, apartment hotels and bungalow courts.
2. Multiple-family dwellings subject to the area regulations of the R-2 District.

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3. Private clubs and lodges.
4. Golf and country clubs.
5. Office buildings.

b. Accessory Uses.

1. Restaurant, lounge, small retail shops and service establishments and recreation facilities when operated in conjunction with one or more of the principal uses.
2. Dockage and rental of boats, including the sale of marine fuels and lubricants and small dockside repairs, when operated in conjunction with one or more of the principal uses.
3. Day nurseries and nursery schools when operated as an accessory use to one or more of the principal uses.
4. Customary accessory uses of hotels and motels, multiple family dwellings, office buildings, private clubs and golf and country clubs.

(2) Special Exception.

- a. When, after a review of an application and completion of the procedure as required by this ordinance, the following uses may be permitted by special exception:

Ordinary public utility uses and rights-of-way, provided, however, that all above ground utility uses except aerial cables be provided with a 5 foot visual buffer wherever such use is adjacent to residential lot, and, further that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.

2. Churches and accessory uses.
3. Single-family dwellings subject to the area regulations of the R-1 District.

(3) Prohibited Uses.

- a. All commercial uses except as specifically permitted herein.
- b. Commercial parking lots not operated as an accessory use to one or more of the principal uses.
- c. All residential uses except as specifically permitted herein.
- d. All other uses not specifically permitted.

(4) Area Regulations.

- a. The following regulations shall apply to buildings erected or any use of land within the District:

A. Hotels, Motels and Apartment Hotels.

1. Minimum lot size: All lots shall contain a minimum of 20,000 square feet plus 2,000 square feet for each unit over 7 in the first story and 1500 square feet for each unit on the second and third stories with a minimum of 100 feet fronting a street.
2. Maximum lot coverage: No building shall occupy more than sixty (60%) percent of its lot area.
3. Minimum floor area: Any principal building erected within the H-1 District shall contain a minimum of three hundred (300) square feet per unit for apartment hotels exclusive of lobby and other accessory uses.
4. Maximum building height. No building shall be erected to exceed three (3) stories or thirty-five (35) feet in height.
5. Minimum yard set-backs. Any building erected in the H-1 District shall conform to the following minimum yard set-backs.

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Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet.

Rear yard: There shall be a rear yard of not less than ten (10) feet in depth.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

6. Maximum density: No more than twenty (20) living units per acre.

B. Bungalow Courts.

1. Minimum lot size: All lots shall contain a minimum of 15,000 square feet plus 3,600 square feet for each unit over 3 with a minimum of 100 feet fronting a street.

2. Maximum lot coverage: No building shall occupy more than thirty (30%) percent of its lot area.

3. Minimum floor area: Any principal building erected within the H-1 District shall contain a minimum of six hundred fifty (650) square feet for one bedroom and seven hundred fifty (750) square feet for two bedrooms.

4. Maximum building height: No building shall be erected to exceed three (3) stories or thirty-five (35) feet in height.

5. Minimum yard set-backs: Any building erected in the H-1 District shall conform to the following minimum yard set-backs.

Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Side yards: There shall be provided on each side yard of every dwelling a side yard of not less than five (5) feet except ten (10) feet shall be allowed between the last building and side lot line.

Waterfront yards: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

C. Private Clubs and Lodges; Office Buildings.

1. Minimum lot size: All lots shall contain a minimum of 15,000 square feet with a minimum of 100 feet fronting a street.

2. Maximum lot coverage: No building shall occupy more than thirty (30%) percent of its lot area.

3. Minimum floor area: Any principal building erected shall contain a minimum of 1,200 square feet.

4. Maximum building height: No building shall be erected to exceed three (3) stories or thirty-five (35) feet in height.

5. Minimum yard set-backs: Any building erected shall conform to the following minimum yard set-backs.

Front yard: There shall be a front yard of not less than twenty (20) feet in depth.

Side yards: There shall be provided on each side of every dwelling a side yard of not less than ten (10) feet.

Waterfront yard: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet in depth.

D. Golf and Country Clubs.

1. Minimum golf course size: The minimum golf course size shall be 9 holes with a total length of at least 2,250 yards and shall contain one (1) acre for every seventy (70) yards of length.

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2. Minimum floor area of club house: Each club house shall contain a minimum floor area of 1,200 square feet.

3. Minimum club house lot size: All lots shall contain a minimum of 12,000 square feet.

4. Maximum club house lot coverage: No building shall occupy more than thirty (30%) percent of its lot area.

5. Location: A club house shall be located adjacent and contiguous to a golf course.

6. Off-Street Parking. See Section 7.

7. Uses for which no Area Regulations are specified for in this District shall be subject to the Area Regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as condition for Special Approval. In such cases where more than one set of regulations are established for a single use, the most restrictive regulation shall apply.

8.12. H-2 Large Hotel, Motel and Multiple-Family District.

The H-2 District is intended to apply to an area predominately developed with large hotels, motels, and multiple-family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan) is appropriate to such uses.

(1) Principal Uses.

a. Principal Uses. Within any H-2 District, no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

1. Hotels, motels and apartment hotels.
2. Multiple-family dwellings.

b. Accessory uses. The following uses may be used in conjunction with one or more of the principal uses.

1. Restaurant, lounge, small retail shops and service establishments and recreational facilities when operated in conjunction with one or more of the principal uses.
2. Dockage and rental of boats, including the sale of marine fuels and lubricants and small dockside repairs when operated in conjunction with one or more of the principal uses.
3. Day nurseries and nursery schools when operated as an accessory to one or more of the principal uses.
4. Bungalow courts with no minimum unit requirement when operated in conjunction with one or more of the principal uses.
5. Customary accessory uses of large hotels and motels, multiple family dwellings and country clubs.

(2) Special Exception.

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by Special Exception:

1. Ordinary public utility uses and rights-of-way, provided however, that all above ground utility uses except aerial cables be provided with a five (5) foot visual buffer wherever such use is adjacent to residential lot, and, further that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.
2. Churches and accessory uses.

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3. Restaurants and lounge not operated as an accessory use.
4. Private clubs and lodges and accessory uses.
5. Office buildings and accessory use.

(3) Prohibited Uses.

- a. All commercial uses except as specifically permitted herein.
- b. Commercial parking lot not operated as an accessory use to one or more of the principal uses.
- c. All residential uses except as specifically permitted herein.
- d. Any storage except as an accessory use and then only enclosed storage areas, shall be permitted.

(4) Area Regulations.

- a. The following regulations shall apply to buildings erected or any use of land within the District.

A. Hotels, Motels, Apartment Hotels and Multiple-Family Dwellings

1. Minimum lot size: All lots shall contain a minimum of 30,000 square feet plus the following:

- a. Ground floor: 1200 square feet per unit in excess of 15.
- b. Second and third stories: 1200 square feet per unit.
- c. Fourth to sixth stories: 900 square feet per unit.
- d. Over 6 stories: 600 square feet per unit.
- e. All lots shall have a minimum width of 150 feet fronting

a street.

2. Maximum lot coverage. No building shall occupy more than sixty (60%) percent of its lot area.

3. Minimum floor area. Any principal building erected within the H-2 District shall contain a minimum of 300 square feet per unit for hotels and motels; 400 square feet per unit for apartment hotels; and 650 square feet per unit for multiple family dwellings.

4. Maximum building height: 15 stories.

5. Maximum density. No more than 30 living units per gross acre.

6. Minimum yard set-backs. Any building erected within the H-2 District shall conform to the following yard set-backs:

Front yard: There shall be a front yard of not less than twenty-five (25) feet plus 3.5 inches for each foot of building height over 35 feet except that no front yard over 40 feet shall be required.

Rear yard: There shall be a rear yard of not less than ten (10) feet plus 3.5 inches per foot of building height over 35 feet except that no rear yard over 35 feet shall be required.

Side yard: There shall be provided on each side yard of every dwelling a side yard of not less than ten (10) feet in depth, plus 3.5 inches per foot of building height over 35 feet except that no side yard over 25 feet shall be required.

Waterfront yard: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

B. Bungalow courts, private clubs and lodges, golf and country clubs and office buildings.

1. Bungalow courts, private clubs and lodges, golf and country clubs and office buildings are subject to the area regulations of the H-1 District.

2. Uses for which no Area Regulations are specified for in this District shall be subject to the Area Regulations specified for such use else-

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where in this Code or shall be subject to regulations imposed by the granting authority as conditions for Special Approval. In such cases where more than one set of regulations are established for a single use, the most restrictive regulations shall apply.

8.13. G-1 Golf and Country Club District.

The G-1 District is intended to apply to an area used exclusively for a golf and country club.

(1) Principal Uses.

a. Principal Uses. Within any G-1 District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. The use and improvement of lands as a course for the game of golf in accordance with generally recognized standards and rules therefor.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses:

1. Clubhouse and other buildings which, with the premises thereof, may contain restaurant and beverage facilities for the sale of food and beverages, alcoholic or otherwise, recreation room facilities, locker rooms and shops for the sale of golfing and other sporting and accessory equipment and paraphernalia connected with the activities conducted on the premises.

2. Tennis Courts.

3. Swimming pools.

4. Putting greens.

5. Practice driving ranges.

6. Maintenance areas.

7. Storage of tools and equipment used in connection with maintenance of the premises.

8. Garaging and rental of mechanized vehicles for use on the golf course.

9. Comfort stations.

10. Other accessory uses customarily provided on a golf course.

(2) Area Regulations.

Golf and Country Clubs are subject to the Area Regulations of the H-1 District.

8.14. C-1 Limited Commercial District.

The C-1 District is intended to apply to an area predominately developed with limited commercial buildings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such uses. The lot areas are small and the district is designated to preserve and protect the characteristics of limited commercial buildings.

(1) Principal Uses.

a. Principal uses. Within any C-1 District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

1. Banks and offices, including medical clinics and office buildings.

2. Bakery, the products of which are sold only at retail on the premises.

3. Laundromats: laundry and dry cleaning pick-up stations.

4. Service and repair shops, including but not limited to beauty salons, barber shops, shoe repair, hat cleaning, radio and t.v. repair, watch and clock repair.

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5. Restaurants, lounges, tea rooms, cafeterias, delicatessens and other eating establishments including dance and entertainment.

6. Florists: interior decorating, antique shops.

7. Studios, photography, art, music, dancing.

8. Retail stores, including but not limited to: apparel, book, confectionery, department, drug and sundries, electrical, food and grocery, furniture, paint, haberdashery, costume jewelry, hardware, leather goods, millinery, modiste, notions, photographic supplies, package liquors, sporting goods, radio and t.v., phonographic records, stationery, shoe, toy, tailor, variety, art goods and artists supplies, business machines, music stores.

9. Commercial parking lots.

10. Private clubs.

11. Any other retail store or service establishment that is consistent with those included above, and further that will be in harmony with the spirit of this Code and Comprehensive Plan.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses:

1. Enclosed storage spaces.

2. Drive-in service windows and similar facilities so long as they do not provide exits and or entrances on State Road 789.

3. One single-family dwelling for use by owner or lessee which shall be attached to principal purpose building.

(2) Special Exception.

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception:

1. Churches

2. Hospitals

3. Ordinary public utility uses and right-of-way, provided, however, that all above ground utility uses except aerial cables be provided with a five (5) foot visual buffer wherever such use is adjacent to residential lot, and, further, that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.

4. Day nurseries and nursery schools.

5. A pier or wharf in cooperation with a yacht club for the following uses: rental of open wet storage, sales of marine fuels and lubricants and temporary dockage while using club facilities.

(3) Prohibited Uses.

a. Wholesale establishments.

b. Cemeteries or public uses of an industrial nature.

c. Any storage except as an accessory use and then only enclosed storage areas shall be used.

d. Service stations, automobile repairs or storage garage.

e. New and used automobile, trailer or farm equipment sale and service.

f. Drive-in establishments except drive-in windows as an accessory use.

g. Fabricating, manufacturing or processing activities.

h. Transportation terminal.

i. Second hand merchandise establishment.

j. Any other commercial or industrial use deemed obnoxious or detrimental to the public health, safety, and welfare.

k. Residential uses except as an accessory use.

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(4) Area Regulations

a. The following regulations shall apply to buildings erected or any use of land within the District.

Principal Uses:

1. Minimum lot size: All lots shall contain a minimum of 5000 square feet with 50 feet minimum width fronting a street.

2. Maximum lot coverage: None

3. Minimum floor area: Any principal building erected within the C-1 District shall contain a minimum of 1200 square feet on the ground floor.

4. Maximum building height: No building shall be erected to exceed six (6) stories or sixty-five (65) feet.

5. Minimum yard set-backs: Any building erected in the C-1 District shall conform to the following minimum yard set-backs.

Front yard: There shall be a front yard of not less than twenty (20) feet.

Rear yard: There shall be a rear yard of not less than 15 feet unless a service alley with a minimum width of 20 feet is provided and then no rear yard shall be required.

Side yards: There shall be provided side yards of not less than ten (10) feet unless all structures are fire-resistive or fire-proof, and then no side yard shall be required except that no structure shall be constructed within twenty (20) feet of a residential zone.

Waterfront yard: There shall be provided on all lots abutting waterfront, a waterfront yard of not less than ten (10) feet.

6. Uses for which no area regulations are specified for in this District shall be subject to the area regulations specified for such use elsewhere in this Code or shall be subject to regulations imposed by the granting authority as conditions for Special Exception. In such cases where more than one set of regulations are established for a single use, the most restrictive regulations shall apply.

8.15. C-1A Restricted Commercial District

The provisions of the C-1A Restricted Commercial District are intended to apply to an area developed as a planned shopping center or by its location or planned development designated in the Comprehensive Plan is appropriate to such uses. The provisions of the C-1A District are intended to protect the character of planned shopping centers and insure that such character shall be appropriate to the surrounding uses and that conditions and safeguards shall be established to assure, insofar as possible, that the development will protect and enhance the value of surrounding property, in addition to achieving other public purposes. In order to assure that all requirements of the C-1A District are met, no area shall be zoned to C-1A until all plans for development are approved by the Town Commission subject to the recommendation of the Zoning Commission.

(1) Location.

Planned shopping center shall be permitted only if they have at least 300 feet abutting on arterial street.

(2) Permitted Uses.

a. Principal Uses. No building, structure, land or water shall be used, in whole or in part, except for one or more of the following uses.

1. Banks and trust companies, and other financial institutions.
2. Professional and business offices.
3. Bakery, the products of which are sold at retail on the premises.

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4. Laundromat, laundry and dry cleaning pick-up stations.
5. Service and repair shops including but not limited to: beauty salons, barber shops, shoe repairing, hat cleaning, radio and television repair, watch and clock repair.
6. Restaurants, tea rooms, cafeterias, delicatessens and other eating and drinking establishments.
7. Studios, photography, art, music and dancing.
8. Florists, interior decorating, antique shops.
9. Retail stores, including but not limited to: book, confectionery, department, drug and sundries, food and grocery, furniture, hardware, paint, haberdashery, costume jewelry, leather goods, millinery, modiste, notions, phonograph and phonograph records and supplies, package liquors, sporting goods, radio and television, office supplies and stationery, shoe, toy, tailor, variety, art goods and artist's supplies, business machines, music stores.
10. Indoor theatre, indoor amusement enterprises, including but not limited to: bowling alley, pool and billiards.
11. Any other retail store or service establishment that in the judgment of the Zoning Commission are consistent with those included above and will not detract from the character of the shopping center and, further, is in harmony with the spirit of this Code and the Comprehensive Plan.
- b. Accessory Uses. The following accessory uses may be used in conjunction with one or more of the following principal uses:
 1. Enclosed storage spaces.
 2. Drive-in service windows and similar facilities so long as they do not provide exits and or entrance on State Road 789.
 3. Ordinary public utility uses and rights-of-way, provided, however, that all above ground utility uses except aerial cables be provided with a 5 foot visual buffer wherever such use is adjacent to residential lot, and, further that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.

(3) Prohibited Uses.

- a. The following uses are specifically prohibited in the C-1A District.
 1. Residential dwellings.
 2. Commercial nursery or greenhouse.
 3. Business using outdoor displays, canopies or sheds.
 4. Fortune tellers and clairvoyants.
 5. Churches, cemeteries and public uses of an industrial nature.
 6. Trailer camps, courts or parks.
 7. Wholesale establishments, except offices.
 8. Mortuary or funeral homes.
 9. Laundries — automobile, commercial, cleaning and dyeing plants.
 10. Storage yards or any outside storage of goods, or any facility specifically designed or used for storage purposes except as an accessory use subject to the provisions of this article.
 11. Service stations, auto repairs and storage garages.
 12. New and used automobile, trailer or farm equipment sales and service facilities.
 13. Drive-in services — restaurants, dairy bars, laundries, etc., parked on or adjacent to streets, highways or roads.
 14. Sales from stands, wagons, trucks, etc. on vacant property or parked on or adjacent to streets, highways or roads.

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15. Shops — carpenter, sheet metal, paint, sign painting, silver plating, soldering, upholstery, umbrellas, bicycle or motorcycle rental or repair, exterminating, second-hand or rummage, feed, tire re-capping, live bait, taxidermy, woodworking.

(4) Submission of a Development Plan with Request for Rezoning.

a. Any petition and or request for rezoning to a C-1A District shall be accompanied by certain information concerning ownership of lands involved, proposals for financing development, and such other material as may be necessary to demonstrate that the petition or request is a bona fide move for actual development and not merely an attempt for special advantage. This material shall indicate a time schedule for development.

1. Development Plan. In addition to the aforementioned information, development plans covering the entire tract proposed for the planned shopping center, indicating existing conditions and development for an additional area including at least 300 feet from the boundaries of such tract, or such greater distance as may be indicated by circumstances of the case, shall be submitted with the petition and or request for rezoning. Existing natural features shall be indicated as well as existing streets, easements, utility installations, lot lines, and structures, with indications as to use.

The plan will show, with dimensions, a properly organized and conveniently related arrangement of buildings, off-street parking and loading facilities, internal automotive and pedestrian circulation, entrances and exits to public streets and pedestrian ways, service areas and facilities, drainage, utility connections, landscaping, fencing and walls, exterior lighting on the premises, size, location and orientation of signs, and relation to and safeguards for all property surrounding the tract.

2. Approval of Vehicular Circulation Plan, Parking and Loading Facilities. The portions of the plan relating to location and design for ingress and egress, traffic controls, arrangement of off-street parking and loading, and internal circulation pattern shall be referred to a qualified engineer for study, and no approval shall be granted without his written approval of plans submitted, or, if his approval is conditional, approval will be contingent upon the inclusion of the conditions into the plan. Additional conditions and safeguards on such matters may be included by the Zoning Commission and or Town Commission.

3. General conditions which may be attached. In reviewing the proposed development plan, the Zoning Commission may recommend and the Town Commission may condition approval on specified changes in the proposal. Where conditions are attached, approval will be withheld except upon written agreement by the applicant to conform to such conditions.

In particular, where the site plan indicates potential adverse effects on the neighboring property, the Zoning Commission may recommend and the Town Commission may require re-arrangement of the plan, increased yard widths, walls or fences, vegetative screening, or other arrangements or devices necessary to provide reasonable protection.

4. Rezoning to a C-1A District shall become null and void if actual building construction has not commenced within twelve (12) months after such rezoning is established.

(5) Area Regulations.

a. The following regulations shall apply to buildings erected or any use of land within the District:

1. Minimum property size: A planned shopping center shall be constructed on a tract of land of not less than three (3) acres.

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2. Maximum building height: No building or structure shall exceed six stories or 65 feet in height.

3. Minimum yard set-back: The development plan of a planned shopping center shall provide safeguards for all property surrounding the tract whereon the shopping center is to be located.

4. Off-Street Parking. See Section 7.

8.16. C-2 General Commercial and Marina District.

The C-2 District is intended to apply to an area predominately developed with general commercial buildings and marinas or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan), is appropriate to such use.

(1) Principal Uses.

a. Principal Uses. Within any C-2 District, no building, structure, land or water shall be used, constructed, reconstructed, or structurally altered except for one or more of the following uses:

All principal uses permitted in the C-1 District and in addition:

1. Service stations with facilities for minor repairs.
2. Drive-in establishments, but not drive-in restaurants.
3. Marinas; including the following:
 - a. Rental of boat and or motors.
 - b. Rental of boat slips or dock space.
 - c. Boat storage, wet or dry, open or enclosed.
 - d. Rental of dock space for charter boats.
 - e. Sale of marine equipment, bait, marine fuels and lubricants.
 - f. Boat and motor sales.
 - g. Boat service and repair, including travel lifts and other equipment for removing boats up to 42 feet in length.
 - h. On-shore lodgings subject to the area regulations of the H-1 District.
 - i. Accessory retail uses subject to the area regulations specified for such uses.
4. Printing establishments.
5. Any other commercial establishment deemed to be no less objectionable to the character of the district than those permitted.

b. Accessory Uses. The following accessory uses may be used in conjunction with one or more of the principal uses:

1. Enclosed storage spaces.
2. Drive-in service windows and similar facilities so long as they do not provide exits and or entrances on State Road 789.
3. One single family dwelling for use by owner or lessees which shall be attached to principal purpose building.

(2) Special Exception

a. When, after a review of an application and completion of the procedure as required by this Code, the following uses may be permitted by special exception.

1. Veterinary hospital; dog and cat kennel.
2. Sign painting.
3. Storage rooms and enclosed warehousing not operated as an accessory use.
4. Ordinary public utility uses and right-of-way, provided, however, that all above ground utility uses except aerial cables be provided with a 5 foot

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visual buffer wherever such use is adjacent to residential lot, and, further, that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.

5. Bus station.

(3) Prohibited Uses.

- a. Open storage areas except as specifically permitted.
- b. Fabricating, manufacturing or processing activities.
- c. Transportation terminals except bus stations.
- d. Wholesale establishments.
- e. Second hand merchandise and establishments.
- f. Drive-in restaurants.
- g. Any other commercial or industrial use deemed to be equally obnoxious or detrimental to the public health, safety and welfare.
- h. Residential uses except as accessory use.

(4) Area Regulations

- a. The following regulations shall apply to buildings erected or any use of land within the District.

Principal Uses:

- A. All commercial uses except marinas and service stations:
Same as in the C-1 District

B. Service Stations:

1. Minimum lot size: All lots shall contain a minimum of 10,000 square feet with a minimum width of 100 feet fronting a street.
2. Maximum lot coverage: None
3. Minimum floor area: Any principal building erected shall contain a minimum of 400 square feet exclusive of interior servicing area.
4. Maximum building height: No building shall be erected to exceed two (2) stories or 25 feet.
5. Minimum yard set-backs: Any building erected shall conform to the following minimum yard set-backs.
 - a. Gasoline pumps, air dispensing equipment, service islands shall be set back a minimum of 25 feet from the property line.
 - b. Rear set-back: Same as for other principal uses.
 - c. Side set-back: There shall be provided side yards of not less than ten (10) feet on each side.
6. Tank Storage: All receptacles, tanks, or facilities for the storage of combustible products in excess of 200 gallon quantities shall be located underground.

C. Marinas.

1. Minimum lot size: All lots shall contain a minimum of 15,000 square feet within a minimum width of 100 feet water frontage measured between the points at which the side lines of the property intersect the water lines.
2. Maximum lot coverage: None.
3. Minimum floor area: Any principal building erected shall contain a minimum of 1200 square feet.
4. Maximum building height: No building shall be erected to exceed three (3) stories or 35 feet.
5. Minimum set-backs:
General: Thirty (30) feet from any abutting residential district.
6. Piers, wharfs, and other structures projecting into public waters beyond the mean high water line.

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a. No superstructure, building, equipment, or facilities shall be located or maintained on any pier or wharf over three (3) feet in height above such pier or wharf.

b. None shall be so constructed as to interfere with the riparian rights of other property owners.

c. Where consistent with the riparian rights of adjoining property owners, none shall be constructed except within an area bounded by lines drawn at right angles to an intersection at points thirty (30) feet inside, a line drawn between the points at which side lines of the property intersect the water line.

8-17. P-1 Public and Quasi-Public District.

The P-1 District is intended to apply to an area predominately developed with public and quasi-public uses, or by its location, trend of development or planned development designated in the Comprehensive Plan, is appropriate to such uses. It is intended to group such uses within P-1 Districts to eliminate possible land use conflicts between public and quasi-public uses and other types of uses and, because of the geographic character of Longboat Key, to concentrate public and quasi-public uses in a location that is readily accessible and convenient to all inhabitants and parts of Longboat Key.

(1) Permitted Uses.

a. Principal Uses. Within any P-1 District, no building structure, land or water shall be used, constructed or reconstructed or structurally altered except for one or more of the following uses.

1. Parks and playgrounds.
2. Public grounds.
3. Swimming pools.
4. Public and quasi-public wooded areas.
5. Schools, public and private but not those operated as a commercial enterprise.
6. Golf courses, club houses, shuffleboard courts, tennis courts, and other types of facilities intended for outdoor and or indoor recreation.
7. Governmental buildings and uses.
8. Community Center.
9. Marinas, when owned or leased and operated as a public facility.
10. Churches and other places of worship.
11. Chamber of commerce.
12. Hospital.
13. Aircraft landing strip.
14. Police and fire stations.
15. Any other public or quasi-public use that is consistent with those permitted uses herein listed that will be in harmony with the spirit of this Code and with the Comprehensive Plan.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses, providing that no accessory building is used until the main building is completed:

1. Small commercial establishments including small restaurants, and dining areas, intended to serve the public visiting or employed within one or more of the principal uses when such establishment is operated as a part of one or more of the principal uses.

2. Ordinary public utility uses and right-of-way, provided, however, that all ground utility uses except aerial cables be provided with a 5 foot visual buffer wherever such use is adjacent to residential lot, and, further, that all above ground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.

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(2) Prohibited uses.

- a. All uses not specifically permitted within the P-1 District are prohibited.

(3) Area Regulations.

a. The plans for all uses constructed within the P-1 District will be reviewed by the Zoning Commission and forwarded to the Town Commission for approval, who will, upon the advice of qualified personnel, ascertain that proposed lot sizes, lot coverage, floor area, building heights, yard set-backs, and off-street parking provisions are adequate to meet the requirements of this Code, and, further, that such uses are harmonious to the adjacent uses and to the area.

b. Uses permitted in the P-1 District that are permitted in other Districts elsewhere in this Code shall conform to the Area Regulations for such uses specified in the District in which they are permitted.

8.18. Q-1 Interim District.

The Q-1 District is intended to apply to a large undeveloped area where no trend of development or detailed plans for development have been established. The Q-1 District is intended to temporarily conserve such areas until such time as rezoning to an appropriate use district is accomplished.

(1) Permitted Uses.

a. Principal Uses. No land or water shall be used, in whole or in part, except for one or more of the following uses:

1. Clearing and/or filling.
2. Normal maintenance of the land, including minor grading, landscaping, and other beautification techniques not involving the construction and/or use of structures.
3. Construction and use of drainage control facilities.
4. Any other use which is clearly intended as a measure for land conservation.

b. Accessory Uses. The following uses may be used in conjunction with one or more of the principal uses:

1. Temporary storage area which will be used for a period not longer than six (6) months, for temporary storage of equipment and/or materials used for one or more of the principal uses.

(2) Prohibited uses.

- a. All uses not specifically permitted in the Q-1 District are prohibited.

(3) Area Regulations: None.

(Ord. 112-8 9-13-60; Amend Ord. 137-1 4-9-68; Amend Ord. 140-4 8-13-68; Amend Ord. 141-1-6 8-13-68)

29.9. Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, and Non-Conforming Uses of Structures and Premises.

9.1. Intent.

Within the districts established by this ordinance or amendments that may later be adopted there exists lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

9.2. Sub-Standard Lots of Record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lots are located. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

9.3. Non-Conforming Uses of Land.

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- (2) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
- (3) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to which the regulations specified by this ordinance for the district in which such land is located.

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9.4. Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its non-conformity;
- (2) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

9.5. Non-Conforming Uses of Structures.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
- (3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally compatible or more compatible to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
- (4) Any structure, or structure and land in combination, in or on which non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed;
- (5) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;
- (6) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

9.6. Repairs and Maintenance.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs,

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or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 per cent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

9.7. Uses Under Special Approval Provisions Not Non-Conforming Uses.

Any use for which a special approval is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.
(Ord. 112-9 9-13-66)

29.10 Supplementary District Regulations.

10.1. Visibility at Intersections.

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

10.2. Fences and Walls.

Notwithstanding other provisions of this ordinance, fences and walls may be permitted in any required yard, or along the edge of any yard, provided that no fence or wall along the sides or front edge of any front yard shall be over three feet in height and shall be set back from the property line one and one-half feet.

10.3. Visual and Aural Buffers.

A visual and aural buffer with a minimum width of five (5) feet measured at right angles to the property line shall be required along the entire length of side and rear lot lines, except where such lot lines abut a street, by any commercial or hotel or motel use abutting a residential district; by any service station abutting any adjacent use; by any marina abutting any adjacent use; by any mobile home park abutting any adjacent use.

10.4. Buffering Material

Buffering materials shall consist of decorative fencing or walls not to exceed the height of six (6) feet and or decorative trees and shrubs. Buffers shall be attractively landscaped and neatly maintained, and shall otherwise be unoccupied except for permitted utilities. Said buffering is to provide adequate reciprocal visual and aural screening, and protect property values on adjacent land uses and shall not be less than eighty (80) per cent opaque.

10.5. No school, church or public meeting place shall be located within 250 feet of State Road 789.
(Ord. 112-10 9-13-66)

29.11 Administration.

11.1. The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the administrative officer appointed from time to time by the Town Commission.

11.2. Plans.

All applications for building permits as required by this ordinance shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape

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and dimensions of the lot to be built upon, the exact size and location of the lot and the building and accessory buildings existing, and the lines within which the proposed building, structure or excavation shall be erected, made or altered and such other information with regard to the lot and neighboring lots as may be necessary to enable the administrative officer to determine that the proposed structure and the use of the premises will conform to the provisions of this chapter. A record of such applications, plats, plans and building permits shall be kept in the office of the administrative officer. All dimensions shown on plats and plans relating to the location and size of the lot to be built upon shall be based upon an actual survey, and the lot shall be staked out on the ground before construction is started.

(Ord. 112-11 9-13-66)

29.12 Building Permit, Certificate of Occupancy.

12.1. No building, electrical, plumbing or earth work pertaining to said construction or other specified work herein, shall be started; no structure shall be placed, erected, altered, remodeled or extended until application for permit has been made in accordance with the provisions of this ordinance; and no work in connection with the foregoing shall be started until a permit is issued covering all work to be done.

12.2. No land within the corporate limits of Longboat Key, Florida, shall be occupied or used, and no structure hereafter shall be erected, structurally altered or changed in use, except as provided in this ordinance, and a certificate of occupancy for such structure shall have been issued by the Administrative Officer.

12.3. Application for a certificate of occupancy, either for the whole or a part of a new building, or for alteration of an existing building, shall be made coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building or part of same shall have been completed in conformity with the provisions of this ordinance.

12.4. A certificate of occupancy for a change in the use of existing structures shall be applied for and issued before any such structure shall be occupied or used, or such building changed in use, and such certificate shall be issued within ten (10) days after the application has been made, provided such proposed use is in conformity with the provisions of this ordinance.

12.5. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a non-conforming use existing at the time of the passage of this ordinance; and such certificate shall state that the use does not conform with the provisions of this ordinance. For the purpose of complying with this requirement the Administrative Officer shall mail such certificate to the occupants or owners of all such property within ninety (90) days after the passage of this ordinance.

12.6. A record of all certificates of occupancy shall be kept on file in the office of the Administrative Officer, and a copy of the records shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

12.7. No fees shall be charged for an original certificate of occupancy, as required herein; but for each copy of an original certificate there shall be a charge of One Dollar (\$1.00) which shall be remitted to the Town Treasurer by the issuing officer.

12.8. A fee as specified by the Southern Standard Building Code, as amended by Ordinances of the Town of Longboat Key, shall be charged for

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issuance of a building permit, which shall be remitted to the Town Treasurer by the issuing officer.

(Ord. 112-12 9-13-66)

29.13 Interpretation -Purpose.

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. Where this ordinance imposes a greater restriction upon the use of a building or land, or upon the height, bulk or size of a building or structure, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits or by easements, covenants, or agreements, the provisions of this ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or land, or upon the height, bulk or size of a building or structure, or require larger open spaces than are required under the regulations of this Code, such provisions shall govern.

(Ord. 112-13 9-13-66)

29.14 Changes and Amendments.

14.1. The regulations, restrictions and district boundaries herein established, or which may be subsequently established, may from time to time be amended, supplemented, changed or repealed, as provided by law.

14.2. Procedure for Application.

The procedure for application for changes to the Zoning Ordinance shall be as follows:

(1) A petition for such change shall be filed with the Town Clerk. In cases where a request to rezone lands is made, the petition shall include the names and addresses of all owners of the said land; the names and addresses of property owners immediately adjacent and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such area; the new zone classification desired; a legal description of the land proposed to be rezoned; the area, in square feet, of the land proposed to be rezoned and, the reasons for such zone change. The petition shall be signed by fifty per cent (50%) of the owners of said lands. A fee of twenty-five dollars (\$25.00) shall be paid by the petitioners at the time said petition is made, and the petitioner(s) shall make subsequent payments to cover all costs of advertising for the public hearings.

(2) Any rezoning requests initiated by The Town Commission of the Town of Longboat Key shall be subject to the same procedure specified in Section 13.2, a, except that no signatures shall be required nor any fee charged for such request.

(3) Any one petition for rezoning of lands shall contain a request for change to no more than one zone classification.

14.3. Rezoning Procedure.

(1) Referral to Zoning Commission. Upon receipt of a petition or request for rezoning as prescribed, the Town Clerk shall refer said petition to the Zoning Commission for their consideration and recommendation.

(2) Public Hearing Required. Promptly upon receipt of said petition or request for rezoning, the Zoning Commission shall set a date for a public hearing on said petition or request and publish legal notice of said hearing, giving the time and place of it, at least fifteen (15) days prior to the date of said public hearing. This legal notice shall be published in a newspaper of general circulation within the Town of Longboat Key. In addition, a copy of said legal notice shall be mailed to all owners of property involved in the petition or request and

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— Amended
by ord # 198

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Prior to the final decision of the Board, the application for special approval may be submitted to the Zoning Commission for its recommendation as to the disposition of the application and as to appropriate conditions and safeguards which may be included.

In granting any special approval, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the special approval is granted, shall be deemed a violation of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special approval is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special approval.

In considering an application for Special Approval, the Zoning Commission and Board of Adjustment shall consider, among other things, the following particulars:

- a. That the use will be reasonably compatible with surrounding uses.
- b. That the land and or building area involved is adequate under the terms of District Regulations.
- c. That a parking problem will not be created.
- d. That unusual traffic hazards will not be created.
- e. That excessive traffic will not be generated on adjacent residential streets.
- f. That any minor nuisances or hazards incidental to the special approval will be adequately separated and buffered from adjacent uses.

In no case shall special approval constitute any variance from the terms of this ordinance, or grant approval to establish or expand any use not conforming to the intent of the regulations in the district affected.

15.7. Decision of Board of Adjustment.

In the exercise of its powers the Board of Adjustment may in conformity with the provisions of Chapter 176, Florida Statutes, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as sought to be made, and to that end shall have all the powers of the Administrative Officer or the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or any amendment or supplement thereto, or to effect any variation of such ordinance or supplement or amendment thereto.

(Ord. 112-15 9-13-66)

29.16. Violation, Remedies and Penalty.

In case any building is or is intended to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is or is intended to be used in violation of this ordinance, the Attorney for Longboat Key, in addition to the remedies herein provided, is hereby authorized to institute any appropriate action or proceeding at law or equity to prevent, restrain, correct or abate such violation.

Any person, firm or corporation violating any of the provisions of this ordinance, or Chapter 176 Florida Statutes, shall for each violation, upon conviction thereof, pay a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) or shall be imprisoned for not less than two (2) days nor more than ten (10) days, or both. Each day that any violation is permitted to exist shall constitute a separate offense.

(Ord. 112-16 9-13-66)

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a. A written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure, or buildings in the same district;

2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

3. That the special conditions and circumstances do not result from the actions of the applicant;

b. Notice of public hearing shall be specified elsewhere in this ordinance;

c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney;

d. The Board of Adjustment shall make findings that the requirements pertaining to the submission of a written application have been met by the applicant for a variance;

e. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

The Board of Adjustment may grant a variance to allow a temporary use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district, providing that such use shall not exist over a period of two (2) years.

3. Special Approval. Conditions Governing Applications; Procedures.

To hear and decide only such special approval as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special approval should be granted; and to grant special approval with such conditions and safeguards as are appropriate under this ordinance, or to deny special approval when not in harmony with the purpose and intent of this ordinance. A special approval shall not be granted by the Board of Adjustment unless and until:

a. A written application for a special approval is submitted indicating the section of this ordinance under which the special approval is sought;

b. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special approval is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special approval is sought, at the City Hall, and in one other public place at least 15 days prior to the public hearing;

c. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

d. The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special approval and that the granting of the special approval will not adversely affect the public interest.

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Chairman, who shall have the right to vote on all questions coming before said Board.

15.2. Proceedings of Board of Adjustment.

The Board shall meet at least once each month and at such other times as the Board may determine, or upon the call of the Chairman. The Board shall adopt its own rules of procedure and shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Chairman of the Board, or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Every rule and regulation, and every amendment or repeal thereof, shall be filed in the office of the Board and shall be a public record.

15.3. Appeals.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or bureau of the Town of Longboat Key affected by any decision of the Administrative Officer. Such appeal shall be taken by filing with the Administrative Officer, and with the Board of Adjustment, a notice of Appeal specifying the grounds thereof, within thirty (30) days from the rendering or entry of the decision, order or rule from which the appeal is taken. The notice of appeal shall specify the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

15.4. Stay of Proceedings.

An appeal stays all proceedings and furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by Court of Record upon application, on notice to the officer from whom the appeal is taken and on due cause shown.

15.5. Hearing of Appeal: Notice Required.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give due public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

15.6. Powers and Duties of the Board of Adjustment.

The Board of Adjustment shall have the following powers and duties.

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Officer, in the enforcement of this ordinance or Chapter 176, Florida Statutes.

2. Variances, Conditions Governing Applications, Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance or any amendment or supplement thereto would result in an unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

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to all owners of property immediately adjacent and in the rear thereof extending three hundred (300) feet from the street frontage of such area.

(3) In its consideration of rezoning petitions or requests, the Zoning Commission shall consider and evaluate the proposed changes in relation to all pertinent factors, including the following:

(a) The character of the district and its peculiar suitability for particular uses.

(b) Conservation of the value of buildings and land and encouraging the most appropriate use of land throughout the incorporated area.

(c) The applicable portions of any current civic plans and programs, such as Land Use, Thoroughfares, Neighborhoods, Recreation, Schools, Utilities and Drainage, and Housing.

(d) The needs of the Town of land areas for specified purposes to serve population and or economic activities.

(e) Whether there have been any substantial changes in the character of development of areas in or near an area under consideration for rezoning.

14.4 Action by Town Commission.

a. Following the required public hearing, the Town Commission may, by ordinance, amend, supplement, change or repeal the regulations, restrictions and district boundaries established within the Zoning Ordinance; provided that in the event a written protest against such change, signed by the owners of twenty percent (20%) or more, either of the area included in such proposed change or of those immediately adjacent and in the rear thereof extending five hundred (500) feet therefrom, or of those directly opposite thereto extending five hundred (500) feet from the street frontage of such area, if any; such amendments, supplements, changes or repeal provisions shall not become effective except upon the favorable vote of not less than five (5) members of the Town Commission.

14.5. Minimum Size of Zoning Districts.

No district shall be herein established which shall contain an area of less than ninety thousand (90,000) square feet, except, public and quasi-public and marina districts may contain an area of less than ninety thousand (90,000) square feet but not less than fifteen thousand (15,000) square feet. In the computation of the necessary square footage to meet this requirement contiguous areas of the same district classification may be added to the area sought to be rezoned. Each district designation shall be deemed to be a different district and only districts of the same classification may be combined in making the computation of the necessary square footage.

(Ord. 112-14 9-13-66)

29.15 Board of Adjustment.

15.1. There is hereby established a Board of Adjustment. The word "Board", when used in this ordinance shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members to be appointed by the Mayor, subject to confirmation by the Town Commission. Members shall be appointed for staggered terms, one member's term shall expire in 1967, two members' terms shall expire in 1968 and two members' terms shall expire in 1969. Thereafter, upon the expiration of each of such terms, members shall be appointed for terms of three (3) years. Members of the Board may be removed for cause by the Mayor, subject to the confirmation of the Town Commission, upon written charges and after public hearing. Vacancies on the Board shall be filled for the unexpired term by the Mayor, subject to the approval and confirmation of the Town Commission. The Board shall elect its own

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by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (the date of adoption of map being replaced) as part of Ordinance No. _____ of the Town of Longboat Key, Florida."

3.3. Districts --- In order to regulate and redistrict the location of trades and industries, and the location and use of buildings erected, altered or repaired for specified uses; to regulate and limit the height and bulk of buildings, hereafter erected, altered or repaired; to regulate and determine the area of yards and other open spaces; and to regulate and limit the density of population, the Town of Longboat Key is hereby divided into the following classifications of Districts which shall be known as:

R-1A	Single-Family Residential District (Large Estates)
R-1B	Single-Family Residential District (Small Estates)
R-1	Single-Family Residential District (Low Density)
R-1S	Single-Family Residential District (Medium Density)
R-2	One, Two and Multiple-Family Residential District (Medium Density)
M-1	Marina District
M-2	Marina District
M-2A	Marina District
M-3	Marina District
T-1	Mobile Home Park District
H-1	Hotel and Motel District
H-2	Large Hotel and Motel and Multiple Family Dwelling District
G-1	Golf and Country Club District
C-1	Limited Commercial District
C-1A	Restricted Commercial District (Planned Shopping Centers)
C-2	General Commercial District
P-1	Public and Quasi Public District
Q-1	Interim District

(Ord 112-3 9-13-66)

29-4 Definitions.

4.1. Generally, words used in the present tense include the future, words in a singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," the word "shall" is mandatory and not directory; the word "may" is permissive.

4.2. Accessory buildings. A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, but shall not include trailers, trucks, tents, automobiles, street cars, buses, beached boats or barges, barracks or barrack-type structures or other discarded military buildings, shanties, lean-tos or other improvised or temporary type dwellings.

4.3. Alley. Secondary access to property which is located between the rear or sides of adjacent properties and which is designed exclusively for service use.

4.4. Apartment building, or multi-family dwelling. A single building containing three or more family dwelling units, designed primarily for permanent independent housekeeping, including cooking facilities, by families living entirely separate and apart from one another.

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**A BILL
TO BE ENTITLED**

AN ACT TO ABOLISH THE PRESENT MUNICIPAL GOVERNMENT OF THE TOWN OF LONGBOAT KEY, IN THE COUNTIES OF MANATEE AND SARASOTA, AND STATE OF FLORIDA, AND TO ESTABLISH, ORGANIZE AND CONSTITUTE A MUNICIPALITY TO BE KNOWN AS "TOWN OF LONGBOAT KEY" IN THE COUNTIES OF MANATEE AND SARASOTA, STATE OF FLORIDA; TO PROVIDE A CHARTER FOR SAID TOWN; TO FIX ITS TERRITORIAL LIMITS AND BOUNDARIES; TO PROVIDE FOR ITS GOVERNMENT, AND PRESCRIBE ITS JURISDICTION, POWERS AND PRIVILEGES; TO PROVIDE FOR MISCELLANEOUS PROVISIONS RELATING TO SUCH ESTABLISHED MUNICIPALITY, AND TO PROVIDE FOR A REFERENDUM FOR THE APPROVAL OF THIS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. ABOLISHMENT OF PRESENT MUNICIPALITY. That the present municipal government existing under the name of Town of Longboat Key be, and the same is, hereby abolished. C. 1540, §1, Special Acts 1957

Section 2. TITLE TO PROPERTY RESERVED TO NEW MUNICIPALITY. That the title rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees, liens, suits, actions and choses in action, held or owned by the existing municipality shall pass to and the same hereby are vested in the municipal corporation organized under this law to succeed the municipality abolished. No pending cause shall be abated by this transition.

C. 1540, §1, Special Acts 1957

Section 3. OBLIGATION OF CONTRACTS PRESERVED. That no debt or contract of the present municipality, including bonds heretofore issued shall be impaired or voided by this Act, but all such debts and obligations shall pass to and be binding upon the new municipality which is hereby organized and created. C. 1540, §1, Special Acts 1957

Section 4. OFFICERS HOLD OVER UNTIL SUCCESSORS QUALIFY: EXISTING ORDINANCES CONTINUED. That all officers hereinbefore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this Act; and all existing ordinances of the said municipality, not in conflict with the provisions of this Act shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

C. 1540, §1, Special Acts 1957

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Section 5. ESTABLISHMENT OF NEW MUNICIPALITY. The inhabitants of the Town of Longboat Key, as its limits are hereinafter established, shall be and continue to be a body politic and corporate to be known and designed as the Town of Longboat Key, and as such shall have perpetual succession, and existence. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959

Section . BOUNDARIES. That the corporate limits of the Town of Longboat Key in Sarasota and Manatee counties, Florida, be and the same are hereby fixed, defined, established and particularly described as:

Begin at Meander Corner No. 8 lying on the line between Section 15 and Section 22, as shown on the official Government Township Plat of Township 35 South, Range 16 East. Said Meander Corner lies approximately 145 feet east of the center line of Gulf of Mexico Drive (State Road 789).

1. Thence run North 10 degrees 30 minutes East a distance of 7,560 feet for a Point of Beginning.
2. Thence South 49 degrees 30 minutes East 12,300 feet.
3. Thence South 35 degrees East, 39,660 feet to the westerly line of the city limits of the City of Sarasota, Florida.
4. Thence South along the city limits of the City of Sarasota, Florida, 1,860 feet.
5. Thence South 41 degrees West through New Pass and crossing the center line of New Pass Bridge 325 feet North of the center of the draw span, 7,860 feet into the Gulf of Mexico.
6. Thence North 35 degrees West, 40,380 feet.
7. Thence North 49 degrees 30 minutes West, 15,330 feet to a point in the mouth of Longboat Pass.
8. Thence North 69 degrees 44 minutes East, 5,300 feet.
9. Thence North 40 degrees 30 minutes East, 4,470 feet to the point of Beginning.

All lying and being in Manatee and Sarasota counties, Florida, and containing 10,848 acres.

All of the foregoing bearings are referred to true North. And adjustments necessary to satisfy Calls 1 to 5, must be made by equal linear adjustments to Calls 3 to 6. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959

Section 7. POWERS OF THE TOWN. That the Town of Longboat Key hereby established and organized, shall have full power and authority to acquire, take, hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits, for the use, benefit, welfare and best interest of said municipality, by purchase, lease, grant, gift, devise, condemnation or otherwise; issue and sell bonds, upon its property both within and without its corporate limits, or on the earnings thereof, or both, for any lawful municipal purpose; to adopt and enforce local police, housing, zoning, sanitary and other similar regulations not in conflict with the laws of the state of Florida; to do whatever is necessary and proper for the safety, health, convenience, and general welfare of its inhabitants; and to exercise all powers of local self-government; to borrow money in anticipation of taxes to be derived from the current assessment for general revenue in an amount not to exceed fifty per cent (50%) thereof, and at a rate of interest not to exceed the then current demand or call money rate per annum, such loan to be repaid from the taxes collected for the current year.

The Town of Longboat Key, in addition to the general powers set forth in this Charter, shall be and is hereby granted the following special powers:

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(a) **Recreational Facilities.** To own, operate and maintain all recreational facilities as may from time to time be necessary or desirable for the public health, safety, and general welfare of the citizens of the Town of Longboat Key, and in the operation and management thereof, to grant and license concessions for the sale and dispensing of drinks, food and merchandise in connection with the operation of any such facility by the municipality or to sell and dispense such commodities itself as part of such operation; to lease from, or, to others, but in no case for a longer term than 10 years, such facilities as the municipality may choose for such purpose; to prescribe, regulate, and at all times control, any charge or demand, paid by or collected from the public in patronizing, enjoying or using any of the privileges afforded by, or tendered through, any such facility; and, in the sole discretion of the municipality, and in the public interest, to absolutely discontinue the use, operation or maintenance of any such facility where no pledge of revenues therefrom has been made, and to vacate, discontinue or withdraw at any time, or from time to time, with like discretion, any concession or leased privilege granted by the municipality for or in connection with the operation of any such facility.

(b) **Hospitals, rest homes and solaria.** To own, operate and maintain, and to lease to others for operation and maintenance hospitals, rest homes and solaria; and to erect buildings and lease buildings and lands for such purposes.

(c) **Acquisition and disposition of real property.** To acquire, take, hold, control and dispose of real property, within or without its corporate limits, by purchase, lease, grant and condemnation or eminent domain proceedings, for the use by said town or the State of Florida as public parks, plazas, colonades, and memorials and for public park purposes and as sites, for public or departmental buildings, colleges, universities, courts of justice or any institution of the State of Florida.

(d) **Group insurance; pension, annuity and retirement system.** To provide for life and/or disability insurance for its employees and/or agents and/or officers on a group insurance plan approved by the said town commission, and to pay all of such portions of the premium or premiums thereon as said commission by resolution may determine; and to establish and create by ordinance a pension, annuity and retirement system for any or all groups of officers or employees employed by said town.

(e) **Transportation for hire.** To regulate the transportation of persons and property for hire over the streets, water and water-ways of the town; to own and operate an automobile, bus, ferry or water transportation system in said town and to make and collect reasonable charges from the users of said system; and to grant to any person, persons, firm or corporation, an exclusive franchise for the use of the streets, or water or water-ways of said town for the operation of an automobile, bus, ferry or water transportation system or any public service, or utility and for the operation of taxicabs, subject to the terms and restrictions of any ordinance of said town; provided, however, that no franchise granted under this Charter shall extend for a period longer than thirty years from the date of such grant, and the town by proper ordinance from time to time shall regulate the speed and class of equipment that shall be required and the charges that may be collected in the operation of any such transportation systems. The town shall also have the right to issue certificates of convenience and necessity for the operation of taxicabs in the town and to limit the number of taxicabs that may be operated therein and to prescribe the maximum fares they may prescribe and collect. Any franchise granted by the town shall contain a clause requiring the owners and holders of such franchise at all times to abide by all reasonable regulations that may be imposed by the town commission.

(f) **Animals and poultry.** To regulate or prohibit the keeping or the running

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at large of poultry, horses, mules, cattle, swine, sheep, goats and other animals within the corporate limits of the town, and to impound the same. The Town shall have power and authority to provide for and authorize the sale of any poultry or animals so impounded, or any portion thereof, upon public notice, for the penalties imposed by an ordinance and the costs, fees, and expenses of such proceedings. The town is further authorized to provide penalties against the owners of poultry and animals for keeping the same within the town or for permitting the same to run at large therein contrary to the ordinances of the town.

(g) Zoning. To regulate the locations and use of buildings, structures and land for trade, industry, residence or other purposes; to establish building and grade lines; and to promulgate and to enforce reasonable building restrictions.

(h) Public places; railroads, aerial conveyances. To regulate and control the use and occupancy of the waters, waterways, water bottoms, wharves, causeways, bridges, beaches, streets, thoroughfares, alleys, parks, public lots and other public places in the town; to prevent the use of the streets by private persons for business purposes or conveniences; to make regulations for the protection of the public where any railroad shall cross or occupy any street, alley or public lot of the town; and to prescribe or regulate the flying height and manner of flight, and the size and design, of aeroplanes and other aerial conveyances over, above or within the area of the town limits.

(i) Waterfront facilities; wharfage charges. To acquire, construct, maintain, and operate or lease public wharves, piers, docks, landing places, warehouses, railroad tracks, spurs, transportation terminals, ferry boats, lighter barges, tugs, ships, self propelled water craft and vessels of all kinds and all means and equipment necessary for the needs of commerce and for the transportation of passengers and freight for hire in and out of the town and to and from other towns and points; to develop, use, sell, lease or otherwise enjoy or dispose of any of its land, riparian, submerged, or of other character, and widen, extend or deepen all channels or navigable waters, and dredge or ballast its land and approaches thereto, and supervise, regulate, and control the wharfage, docking and mooring of vessels, and regulate wharfage, dock and port charges, and the operation of all such facilities within the town limits.

(j) Bulkhead, harbor line, docks, etc. To establish bulkhead and harbor lines, or either, on the shores of the Gulf of Mexico and all other waterways within the corporate limits of the Town of Longboat Key, including bays, bayous, lagoons, and passes and to control the type, length, height, size, spacing and other physical characteristics of docks, wharves, boathouses, and dolphins and also of sea walls, bulkheads, groines and other beach protection devices, and structures.

(k) Fishing. To regulate, and control fishing and the catching and the taking of fish; and to prohibit or regulate the use of nets and seines within the territorial waters of the town; and to provide penalties for the violation of ordinances enacted pursuant thereto.

(l) Toll bridges. To operate and maintain any and all bridges now owned or that may hereafter be acquired by the town as toll bridges and to prescribe regulations for their use.

(m) Rates of public utilities; common carriers. To establish, impose and enforce water rates and rates and charges for gas, electricity and all other public utilities or other services of conveniences operated, rendered or furnished by the town or by any other person, persons, firm or corporation; and to enact ordinances for the correction of abuses and to correct unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property or performing other services of a public nature; provided,

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however, that this subsection shall not apply to any public utility which is regulated by the Florida Railroad and Public Utilities Commission.

(n) Public utilities. To purchase, hire, construct, own, maintain, operate or lease local public utilities, including transportation facilities, electric light, telephone and telegraph systems and works for supplying the town and its inhabitants with water, ice, gas for illuminating and heating purposes and electric energy for illuminating, heating, or power purposes.

The enumeration of particular powers by this Charter shall not be deemed or held to be exclusive, but in addition to the powers hereby expressly granted, and those implied therefrom, or appropriate to the exercise thereof, the said town shall have, and may exercise all other powers which, under the Constitution and laws of Florida it would be competent and appropriate for this section to specifically enumerate. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959

THE TOWN COMMISSION

Section 8. GENERAL DESCRIPTION: The form of government of the Town of Longboat Key provided for under this Act shall be known as the "Commission-Manager-Plan". The Commission shall consist of seven electors to be nominated and elected as hereinafter provided. The Commission shall constitute the governing body with powers as herein provided to pass ordinances, adopt regulations and appoint a Chief Administrative Officer to be known as "Town Manager", and to exercise all the powers herein provided.

C. 1540, §1, Special Acts 1957

Section 9. DISTRICTS. There are hereby created five (5) commission districts in the Town of Longboat Key. All district boundaries shall run as nearly as possible along lot lines or street lines and as nearly as possible in an east-west direction.

The town commission shall revise the boundaries of all districts every five (5) years in order that each district shall have substantially equal electors registered therein. The commission shall also redistrict the town when the registered electors in any district exceed thirty per cent (30%) of the electors in any other district, in order that all districts may have substantially equal electors registered therein; provided that final action on any redistricting ordinance shall be completed by the commission at least sixty (60) days prior to any special, preliminary or general election. A district boundary shall not run through a residential structure, and all residential structures shall lie wholly within one district or another. All districts shall have substantially equal electors registered therein. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959; C. 1512, §1, Special Acts 1959; C. 2432, §2, Special Acts 1961; C. 2432, §3, Special Acts 1961

Section 10. CREATION OF COMMISSION: There is hereby created a Town Commission to consist of seven electors of the Town of Longboat Key. One of such commissioners shall reside in and be nominated from District Number One; one of such commissioners shall reside in and be nominated from District Number Two; one of such commissioners shall reside and be nominated from District Number Three; one of such commissioners shall reside in and be nominated from District Number Four; one of such commissioners shall reside in and be nominated from District Number Five; and two of whom may reside in any district and shall be nominated by the qualified electors of all five districts. Such commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the third day after their election as provided herein; provided, that at the first election

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held under this Charter, one commissioner at large and commissioners residing in the first, third and fifth districts shall be elected for two years, and one commissioner at large and commissioners residing in commission districts two and four shall be elected for one year terms. Thereafter, one commissioner at large and commissioners from odd numbered districts shall be elected in odd numbered years, and one commissioner at large and commissioners from even numbered districts shall be elected in even numbered years for a term of two years; provided that vacancies on the commission shall be filled by the commission until the next annual municipal elections at which time the electors of the Town shall fill the vacancies for the unexpired terms as herein provided for nomination and election of commissioners; and provided further, that any vacancy resulting from a re-call election shall be filled in the manner hereinafter provided.

C. 1540, §1, Special Acts 1957

Section 11. **POWERS.** All powers of the town except such as are vested in the jurisdiction of the municipal court and except as otherwise provided by this Charter, or by the constitution of the state, are hereby vested in the town commission; and, except as otherwise provided by this Charter, or by the constitution of the state, the town commission may by ordinance or resolution prescribe the manner in which any power of the town shall be exercised. Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by the town manager or in any manner prevent the town manager from exercising his own judgment in selecting the personnel of his administration. The commission and its members shall deal with the administrative service solely through the town manager and neither the commission nor any member thereof shall give orders to, nor make requests of, any subordinates of the town manager, either publicly or privately. Any such dictation, orders, requests, or other interference upon the part of the member of the town commission with the administration of the town shall constitute a misdemeanor and upon conviction thereof before a court of competent jurisdiction, any member of the town commission so convicted shall be fined not exceeding two hundred dollars or be imprisoned not exceeding six months, or both, at the discretion of the court, and shall be removed from office; provided, that there is nothing in this provision that in any way limits the right of any member of the commission from inspecting any work being done by any department of the town and publicly, at any meeting of the town commission or at any other meeting or in any other way discuss the work, its progress, expense, or any other detail of municipal business, and suggest any changes that the commissioner believes would be to the benefit of the town and that none of these things would in anyway be regarded as coming under the terms "dictation" or "interference" above referred to in connection with the work of the town manager. C. 1540, §1, Special Acts 1957

Section 12. **QUALIFICATION OF MEMBERS.** Members of the commission shall be residents of the town and have the qualification of electors therein. Commissioners, officers and employees of the town may hold more than one office in the town government of the Town of Longboat Key but shall not be interested in the profits or emoluments of any contract, work or service for the municipality, and any such contract in which any member is or may become interested, shall be declared void by the commission. C. 1540, §1, Special Acts 1957

Section 13. **CANVASS OF CANDIDATES, EXPENDITURES, REPORTS AND PENALTY FOR VIOLATION OF THIS SECTION.**

(a) **Candidate Defined.**

The word "Candidate" shall mean any person who has announced to any

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person, or to the public, that he is a candidate for nomination or election to a certain elective office of the Town of Longboat Key, Florida.

(b) Canvass and Expenditures by Candidate.

A candidate for the office of Town Commissioner may make a personal canvass to secure his nomination or election for a municipal office, and he may procure the circulation of a petition for his nomination, but he shall not personally circulate his own petition. All candidates are subject to State law regarding expenditures allowed in furtherance of their candidacy.

(c) Report of Contributions and Expenditures.

All candidates shall file in the Town Clerk's office five days before election a complete and sworn statement of contributions and expenditures made or incurred for the period up to seven days before election. Such report of contributions shall show the date the contribution was received by the candidate, the person or persons making such contribution and the amount of the contribution. The statement of expenditures shall show all expenditures authorized by the candidate in connection with his campaign for nomination or election, the person, firm or corporation to whom such expenditure was made and the purpose for which such expenditure was made. The statement of expenditures shall also show the total contributions received by the candidate to the date of such report. Within ten (10) days following the election for which the candidate was a candidate or nominee, such candidate shall file with the town clerk a statement of total contributions and total expenditures made by the candidate. Such final statement shall also show all contributions received by the candidate since the last preceding report, if any, and the contributions received which were returned by the candidate to the contributor. Such reports shall be public records of the Town of Longboat Key and open to inspection by the public at any time. All such statements and reports shall be sworn to by the candidate.

(d) Any violation of this section shall be a misdemeanor punishable as provided by law, and in addition thereto, any violation of this section by a candidate shall vacate the office to which such candidate was elected, if any. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959; C. 2432, §3, Special Acts 1961.

Section 14. JUDGE OF ITS OWN ELECTION. The commission shall be the judge of the election and qualification of its own members subject to review by the courts. Any member of the commission who shall be convicted of a felony while in office shall hereby forfeit his office.

Section 15. VACANCIES. Any vacancies in the commission shall be filled until the next annual municipal elections by vote of the remaining members of the commission, provided, that vacancies resulting from a recall election shall be filled in the manner hereinafter prescribed.

C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961.

Section 16. MAYOR. The town commission shall at the time of organizing elect one of its members as Mayor of the town, and one of its members as Vice-Mayor of the town. The Vice-Mayor shall serve in the absence or inability of the Mayor to serve. In case the members of the commission are unable to agree upon the selection of the Mayor or Vice-Mayor within five (5) days after the time fixed herein for their organization meetings, then such officers shall be chosen by lot conducted by the town attorney, who shall certify the results of such lot upon the journal of the commission. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

Section 17. FUNCTIONS AND POWERS OF MAYOR. The mayor shall

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preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments or other necessity arising under the general laws of the state so requires; but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state. He shall be recognized as the official head of the town by the courts for the purpose of serving civil processes; by the government in the exercise of military law; and for all ceremonial purposes. He may take command of the police and govern the town by proclamation during times of grave public danger or emergency, and he shall himself be the judge of what constitutes such danger or emergency. The powers and duties of the mayor shall be such as are conferred upon him by the town commission in pursuance of the provisions of this Charter, and no others. In the absence of the mayor the other members of the town commission shall select one of their number to perform his duties. C. 1540, §1, Special Acts 1957

Section 18. MEETINGS. At 8:00 o'clock P.M. EST, on the Monday following the first annual general election provided for under this Charter and thereafter at such hour on the Monday following each annual general municipal election, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town commission, the newly elected commissioners shall assume the duties of office. Thereafter the town commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month. C. 1540, §1, Special Acts 1957

Section 19. SPECIAL MEETINGS: HOW CALLED. The mayor, or any two members of the commission, may call special meetings of the commission upon at least six hour's written notice to each member, served personally, or left at his usual place of residence; provided, however, that the aforesaid requirement of written notice of special meetings may be waived at said special meeting by the unanimous vote of the commission recorded in the minutes of the meeting. All meetings of the town commission and of the committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep a journal of its proceedings. C. 1540, §1, Special Acts 1957.

Section 20. PENALTY FOR ABSENCE. Absence from four consecutive regular meetings of the commission shall operate to vacate the seat of a member, unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered upon the journal. C. 1540, §1, Special Acts 1957

Section 21. LEGISLATIVE PROCEDURE. A majority of all members elected to the town commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of those present, but not less than three (3) members, shall be necessary to adopt any ordinance or resolution and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959.

Section 22. ORDINANCE ENACTMENT. An action by the town commission of a legislative character shall be by ordinance. Every proposed ordinance

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shall be introduced in written or printed form, and shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be "Be it ordained by the Town of Longboat Key." The clerk shall cause to be delivered to each commissioner a copy of every proposed ordinance at least five (5) days before a second reading, if any. No ordinance, unless it be an emergency measure, shall be passed until it shall have been read at two meetings, not less than one week apart, but such requirement may be dispensed with as to emergency ordinances by unanimous vote of the commission. C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961.

Section 23. EMERGENCY MEASURE. All ordinances passed by the town commission shall become effective thirty (30) days after the date of the passage thereof, except that the town commission may, by unanimous vote of the commission, pass emergency ordinances to take effect at the time named therein. An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate protection and preservation of the peace and safety, health or property, of the town or its inhabitants; or providing for the usual daily operations of the municipality, or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance. Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services, shall be passed as an emergency ordinance. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959; C. 2432, §2, Special Acts 1961.

Section 24. RECORD AND PUBLICATION.

(a) Every ordinance shall upon its final passage be signed by the mayor, or the member of the town commission presiding at the meeting when it was passed, and by the town auditor and clerk; and such ordinance shall be recorded in a book kept for that purpose. Every ordinance of a general and permanent nature shall be published by posting the same in at least three public places for a period of four weeks after the passage thereof; or when and if, there is a newspaper published in the Town of Longboat Key qualified for legal publications according to law, such ordinances shall be published once therein within ten days after its final passage in such newspaper. Provided, however, that this requirement shall not apply to any general revision or compilation of the ordinances of the town made under its authority.

(b) Whenever, in the judgment of the town manager, it is necessary for the better administration of the town's affairs, the town commission may make provision for a general revision and complete codification of all of the ordinances of the town then in force and effect and for the publication, in book or pamphlet form, a sufficient number of copies thereof to serve the reference requirements, from time to time, of all officers, departmental heads and members of boards and commissions of the town, the work of revision and codification shall be done by a capable and experienced lawyer retained by the town manager. With such codification, shall be included in published form the town's charter and any laws amendatory thereof or supplemental thereto and such note, references, addenda and indexes as the revisor deems helpful to the use and understanding of the subject matter. Every such revision or codification, after adoption by the town commission and proclamation of the mayor as shown therein, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.

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(c) amended:
"subject to approval by commission"

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(c) Provided, codes, including the building code and other codes of the Town of Longboat Key, which codes are themselves in printed form, and are on file and available for public inspection at the office of the town auditor and clerk, need not be published in a newspaper in order to become effective, but may by apt reference be made a part of any town ordinance now or hereafter adopted; provided further that where an amendment is made to the general zoning ordinance, by reference to the official town zoning map, that neither the zoning map nor the applicable portion thereof need be published in a newspaper or posted as herein provided. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959.

TOWN MANAGER

Section 25. APPOINTMENT. The town commission shall appoint a town manager who shall be the administrative head of the municipal government under the direction and supervision of the town commission. He shall hold office at the pleasure of the town commission. He shall be chosen solely on the basis of his executive and administrative qualifications, without regard to his political belief, and he need not be a resident of the town or state at the time of his appointment. During the absence or disability of the town manager, the town commission may designate some properly qualified person to temporarily execute the functions of the office. No member of the commission shall receive the appointment as town manager during the term for which he shall have been elected, nor within one year after the expiration of his term.

Section 26. REMOVAL. The town manager may be removed by the town commission; but if removed at any time after having served six months, he may demand written charges and a public hearing upon the same before the commission, and his final removal shall not take effect until such hearing has been set, but the commission may suspend him from office pending such hearing.

C. 1540, §1, Special Acts 1957

Section 27. POWERS AND DUTIES. The town manager shall be responsible to the town commission for the proper administration of all affairs of the town and to that end, his powers are and they shall be:

- (a) Enforcing law. To see that the laws and ordinances are enforced.
- (b) Appointment and removal of employees. Except as hereinafter specifically provided, to appoint and remove all subordinate officers and employees of the town. All appointments shall be made upon merit and fitness alone.
- (c) Supervision of departments and divisions of government. To exercise control and direct supervision over all departments and divisions of the municipal government under this Charter, or which may hereafter be created by the town commission, including public utilities owned by said town.
- (d) Enforcement of franchise. To see that all terms and conditions imposed in favor of the town, or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the town attorney whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (e) To attend all meetings of the town commission unless excused by the mayor and to attend town commission meetings when requested by the mayor or committee chairman, or when he himself may deem it necessary. He shall have the right to take part in the discussions without having a vote.
- (f) Recommendation to commission. To recommend to the commission for adoption such measures as he may deem necessary or expedient in the interests of the town.
- (g) Finances; annual budget. To keep the town commission fully advised as

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to the financial condition and needs of the town and to submit for its consideration an annual budget.

(h) Generally. To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the town commission.

(i) Purchasing agent. He shall be purchasing agent for the town, by whom all purchases of supplies shall be made and he shall approve all vouchers for the payment of same. In the capacity of purchasing agent, he shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall be conformed to such regulations as the town commission may from time to time prescribe; but in any case at least three bids shall be obtained in the purchase or sale of personal property and in the sale of real estate involving the amounts in excess of \$200.00. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959; C. 2432, §1, Special Acts 1961.

ADMINISTRATIVE OFFICES AND DEPARTMENTS

Section 28. HOW CONSTITUTED. The executive and administrative powers of the town not herein otherwise provided for shall be vested in and exercised by the following officers and departments: a town attorney, a municipal judge and three (3) departments as follows: Department of Public Safety and Welfare and Public Works and Department of Records and Department of Finance and Taxation. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959.

Section 29. APPOINTMENT AND DUTIES OF TOWN ATTORNEY. The Town Commission shall appoint a town attorney who shall act as the legal advisor to, and attorney and counsel for, the municipality and all its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned and no contract with the municipality shall take effect until his approval as to form and correctness is endorsed thereon. When required to do so by resolution of the town commission, he shall prosecute and defend for and in behalf of the town, all complaints and controversies in which the town is a party. He shall furnish the town commission, the town manager, the head of any department or any officer or board not included in any department, his opinion on any question of law or relating to their respective powers and duties. The town attorney shall not represent or be attorney for, any utility company or any person, firm or corporation holding a franchise from the town, or any applicant seeking a franchise from the town. Provided, however, that this provision shall not affect any litigation or employment of such town attorney subsequent to his retirement from such position.

In addition to the duties specifically imposed herein, the town attorney shall perform such other professional duties as may be required of him by ordinance or resolution of the town commission, or as are prescribed for town attorneys under the general law of the state which are not inconsistent with the provisions of this Charter and with any ordinance or resolution which may be passed by the town commission. C. 1540, §1, Special Acts 1957.

Section 30. QUALIFICATIONS. The town attorney shall be a lawyer of at least three years experience, admitted to and having authority to practice in all courts of the State, including Federal Courts. C. 1540, §1, Special Acts 1957;

MUNICIPAL JUDGE

Section 31. MUNICIPAL COURT. There shall be and there is hereby established in the Town of Longboat Key a Municipal Court to be known as the

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Longboat Key Municipal Court for the trial of all offenders against the municipal ordinances. Such court shall be presided over by the Mayor, or by a judge other than the mayor, appointed by the town commission. In the event such judge is one other than the mayor, he shall be a lawyer duly admitted to practice law in the State of Florida and shall be appointed by and serve at the pleasure of the commission. In the absence or disability of the municipal judge, the county judge, or in the absence or disability thereof, a justice of the peace may perform the functions of the municipal judge. Sessions of municipal court shall be held at such times and places as the town commission shall by resolution specify.

C. 1540, §1, Special Acts 1957.

Section 32. **POWERS.** The Municipal Judge shall have power by his warrants to have brought before him any person or persons charged with the violation of the town ordinances, and shall have exclusive original jurisdiction over all proceedings of a criminal nature for the violation of any ordinances of the town. In the proper exercise of the functions of the Municipal Court within its jurisdiction as herein defined, the Municipal Judge shall have power and is authorized to issue and cause to be served, any and all writs and processes such as are issued by justices of the peace in the state of Florida, and the police of the Town of Longboat Key are authorized, and it is made their duty, to execute and serve any and all such writs and processes issued out of the said Municipal Court by the Municipal Judge, and to make proper returns upon the same to such court and in the same manner as is required of constables and sheriffs in the execution of similar papers. The Municipal Judge shall have power and authority to take bail for the appearance of an accused person, or in the absence of the Municipal Judge from Longboat Key, such judge may designate one or more town officials or police officers to take bail for the appearance of an accused person. If such accused person fails to appear, the Municipal Judge shall have the power and authority to declare such bond or security estreated. The Municipal Judge shall also have the power and authority to require the attendance of witnesses for the Town and for the accused person, to administer oaths, take affidavits, and to inquire into the truth or falsity of all charges preferred, to decide on the guilt or innocence of the accused, and to fix and impose such penalties by sentence as are prescribed and provided for under the ordinances of the town, and to have all powers incidental and usual to the due enforcement of such town ordinances.

C. 1540, §1, Special Acts 1957; C.1512, §1, Special Acts 1959.

Section 33. **APPEALS.** Procedure: Any person convicted in the municipal court of any offense shall have the right to appeal to the Circuit Court of the Twelfth Judicial Circuit of Florida for Sarasota County. The same practice and procedure provided by law for appeals from the county judge's courts of this State shall govern the practice and procedure of appeals from said municipal court.

C. 1540, §1, Special Acts 1957.

Section 34. **DISPOSITION OF MONEYS COLLECTED AS FINES.** The municipal court shall have authority to preserve order and decorum and shall be invested with the same powers to that end, by fine and imprisonment, as are possessed and authorized to be exercised by criminal courts of record within the State. All fines, penalties and fees collected in the municipal court and by the police of the town shall be part of the revenue of the town and shall be paid to the town treasurer and collector on the day on which collected, and receipt taken therefor. The moneys so paid into the town treasury may, by ordinance of the town commission, be appropriated to any particular fund and shall thereafter be used in accordance with such ordinance. C. 1540, §1, Special Acts 1957.

Section 35. **REMISSION OF FINES AND PENALTIES.** No fine or other penalty imposed by the municipal court shall be remitted except by action of the

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who appoints officers

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to sec. 38

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town commission upon the recommendation of the municipal judge; provided, however, that this shall not be construed as precluding the municipal judge from suspending sentences imposed by such court. C. 1540, §1, Special Acts 1957.

DEPARTMENT OF PUBLIC SAFETY AND WELFARE AND PUBLIC WORKS

Section 36. DUTIES AND RESPONSIBILITIES OF TOWN MANAGER. The town manager, as the administrative head of the town shall be the head of each department provided for under this Charter except the Department of Records and Taxation and the Department of Finance, provided that the Town Manager may, in the discretion of the town commission, be appointed head of the Department of Records and Taxation and of the Department of Finance. He shall be responsible for its successful and businesslike operation. He shall be the active head of the department of public safety and welfare, which department shall have cognizance of all matters making for the welfare of the community, such as the control of its charitable and correctional institutions, works and undertakings of the town except as otherwise provided for under this Charter.

C. 1540, §1, Special Acts 1957.

Section 37. PUBLIC HEALTH. When authorized by ordinance of the town commission, the town manager may appoint a town health officer, whose duty it shall be to enforce the rules and regulations of the state board of health and the ordinances of the town relative to the preservation and promotion of the public health and to recommend such action from time to time as he may deem necessary for the prevention, abatement and suppression of nuisances and for the preservation of the life and health of the inhabitants of the town. The town health officer will also perform such duties with regard to the sanitary inspection of the town and supervision of the production, transportation, storage and sale of food and foodstuffs as is necessary and proper, he will keep or cause to be kept a complete and accurate system of vital statistics and will perform such other duties as may from time to time be required of him by the town manager, under the ordinances or resolutions of the town commission. C. 1540, §1, Special Acts 1957

Section 38. POLICE FORCE. The police force of the Town of Longboat Key shall consist of a Chief of Police, who shall be appointed by, and serve at the pleasure of, the Town Commission, and as many subordinate officers, (patrol) policemen and employees as the Town Commission shall, by ordinance, determine. The chief of police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees, constituting the police force, subject to the approval of the town manager and under such rules and regulations as the town commission may prescribe, or as may be prescribed by the ordinances of the town. The chief of police, during the absence of or disability of the municipal judge, or when the municipal judge is not accessible for the reasonably prompt taking of bail, shall have power and authority to take temporary bail for the appearance of an accused person, and if such person fails to appear, the municipal judge shall have power to declare such bond or security forfeited or estreated; provided, that the municipal judge shall have power at any time after arrest of the accused and before sentence is imposed, on production of the accused before him, to increase or decrease the amount of such bail as fixed by the chief of police and if increased, to commit such accused person to custody until such increased or additional bail is provided. C. 1540, §1, Special Acts 1957.

Section 39. APPOINTMENT OF EXTRA PATROLMEN. In case of riot or other grave emergency and during elections or similar occasions, the chief of police may appoint additional patrolmen and officers for temporary service. No person shall act as a special policeman, special detective, or other special police

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officer for any purpose whatsoever, except on written authority of the chief of police. Such authority shall be exercised only under the direction and control of the chief of police for a specified time. C. 1540, §1, Special Act 1957.

Section 40. CHIEF OF POLICE. The chief of police shall execute the commands of the town commission and all processes issued by authority thereof which shall be issued to him by the mayor. He shall attend in person or by deputy the municipal court during its sittings; execute the commands and processes of said court, aid in the enforcement of order therein and perform such other duties appropriate to his office as may be imposed upon him by law, the ordinances of the town, and by direction of the town manager, consistent with this Act. He shall have the right to suspend any officer or employee of the police force because of incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause, and he shall immediately report the fact of such suspension to the town manager.

C. 1540, §1, Special Acts 1957.

Section 41. FIRE FORCE. The fire force of the town shall consist of a chief, who shall be fire warden, and as many subordinate officers, firemen and employees as the town commission shall, by resolution determine when authorized by ordinance. The fire chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees of the fire force subject to such rules, and regulations, as may be prescribed by the town manager or by ordinance of the town; he shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of his force. In case of riot, conflagration or like emergency, the fire chief may appoint additional firemen for temporary service. The fire chief shall have the right to suspend any officer or employee of the fire force because of incompetency, neglect of duty, drunkenness, failure to obey orders given by proper authority or for any other just or reasonable cause, and he shall immediately report the fact of such suspension to the town manager. C. 1540, §1, Special Acts 1957.

Section 42. PUBLIC WELFARE AND IMPROVEMENTS. The town manager shall manage and control all town owned public utilities operated and managed by the municipality, and the office of the town manager shall be charged with the management and operation of all public works and all charitable and correctional institutions and agencies of the town, enforce all laws, ordinances and regulations relative to the preservation and promotion of public health; shall manage or inspect water, lighting, heating, power and transportation enterprises of the town; shall manage and control the use, construction, improvement, repair and maintenance of all recreational facilities of the town, including parks, play grounds, and public gymnasiums, and social centers; he shall manage and supervise all public improvements, works and undertakings of the town, except as otherwise provided in this Charter; he shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, public highways, drains, ditches, culverts, streams, water courses and all public buildings; he shall manage and control market houses, crematories, sewage disposal plants and farms, and he shall enforce all the obligations of privately owned or operated public utilities which are enforceable by the town; he shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of wastes; and the preservation of tools and appliances belonging to the town and pertaining to the functions of its several departments. C. 1540, §1, Special Acts 1957.

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officer for any purpose whatsoever, except on written authority of the chief of police. Such authority shall be exercised only under the direction and control of the chief of police for a specified time. C. 1540, §1, Special Act 1957.

Section 40. CHIEF OF POLICE. The chief of police shall execute the commands of the town commission and all processes issued by authority thereof which shall be issued to him by the mayor. He shall attend in person or by deputy the municipal court during its sittings; execute the commands and processes of said court, aid in the enforcement of order therein and perform such other duties appropriate to his office as may be imposed upon him by law, the ordinances of the town, and by direction of the town manager, consistent with this Act. He shall have the right to suspend any officer or employee of the police force because of incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause, and he shall immediately report the fact of such suspension to the town manager.

C. 1540, §1, Special Acts 1957.

Section 41. FIRE FORCE. The fire force of the town shall consist of a chief, who shall be fire warden, and as many subordinate officers, firemen and employees as the town commission shall, by resolution determine when authorized by ordinance. The fire chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees of the fire force subject to such rules, and regulations, as may be prescribed by the town manager or by ordinance of the town; he shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of his force. In case of riot, conflagration or like emergency, the fire chief may appoint additional firemen for temporary service. The fire chief shall have the right to suspend any officer or employee of the fire force because of incompetency, neglect of duty, drunkenness, failure to obey orders given by proper authority or for any other just or reasonable cause, and he shall immediately report the fact of such suspension to the town manager. C. 1540, §1, Special Acts 1957.

Section 42. PUBLIC WELFARE AND IMPROVEMENTS. The town manager shall manage and control all town owned public utilities operated and managed by the municipality, and the office of the town manager shall be charged with the management and operation of all public works and all charitable and correctional institutions and agencies of the town, enforce all laws, ordinances and regulations relative to the preservation and promotion of public health; shall manage or inspect water, lighting, heating, power and transportation enterprises of the town; shall manage and control the use, construction, improvement, repair and maintenance of all recreational facilities of the town, including parks, play grounds, and public gymnasiums, and social centers; he shall manage and supervise all public improvements, works and undertakings of the town, except as otherwise provided in this Charter; he shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, public highways, drains, ditches, culverts, streams, water courses and all public buildings; he shall manage and control market houses, crematories, sewage disposal plants and farms, and he shall enforce all the obligations of privately owned or operated public utilities which are enforceable by the town; he shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of wastes; and the preservation of tools and appliances belonging to the town and pertaining to the functions of its several departments. C. 1540, §1, Special Acts 1957.

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DEPARTMENT OF RECORDS

Section 43. TOWN AUDITOR AND CLERK: DUTIES OF. There shall be a town auditor and clerk, who shall be appointed by and serve during the pleasure of the town commissioners and who shall be director of the department of records. He shall issue all warrants for payment of money by the town; he shall keep an accurate account of all monies due to and of all receipts and disbursements by the municipality, and of all its assets and liabilities and of all appropriations made by the town commission. He shall submit to the town commission at its first meeting in each month a complete and comprehensive report covering the next preceding month of the receipts and expenditures and of the financial condition of the town. He shall make and keep a list of the outstanding town bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear and he shall recommend such action from time to time to the town commission as will insure the punctual payment of principal and interest of such bonds. He shall furnish the town manager and town commissioners at any time such reports, data and information as may be necessary to fully inform them as to the financial affairs of the town, and shall furnish the town manager such estimates of the expense of the town government as may be necessary to form the basis of the annual budget and to determine the revenue necessary to be raised each year. C. 1540, §1, Special Acts 1957.

Section 45. PREPARATION OF ESTIMATES. The town auditor and clerk shall make, or cause to be made, estimates of the expenses of any work to be done by the town, shall countersign all contracts made in behalf of the town, and certificates of work authorized by the town commission or any other town official. No contract made in behalf of the town or to which the town is a party, shall be valid unless countersigned by the town auditor and clerk; he shall keep regular books of account, in which shall be entered all indebtedness of the town and which shall at all times show the financial condition of the town, the amount of bonds, orders, certificates or other evidence of indebtedness outstanding and the amount of all bonds, orders, certificates or other evidence of indebtedness which have been redeemed; he shall countersign all bonds, orders, certificates or other evidence of indebtedness of the town and keep accurate account thereof, which accounts shall show for what purpose issued, to whom and the amount thereof; he shall keep account with all disbursing officers and employees of the town, showing the amounts they have received from different sources of revenue, and the amount they have disbursed, as authorized under the ordinances of the town. He shall keep a list of all certificates issued for work or for any other purpose. C. 1540, §1, Special Acts 1957.

Section 46. CERTIFICATION OF FUNDS. No contract, agreement, or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the town commission or be authorized by any officer of the town, unless the town auditor and clerk first certifies to the town commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificates shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the town is discharged from the contract, agreement or obligation. All moneys actually in the treasury to the credit of the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriations involved, that are anticipated to come into the treasury before the maturity of such contract agreement or obligation, from taxes or assessments, or from sales or services, products or by-products, or from any

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town undertaking, fees, charges, accounts and bills receivable, or other claims in the process of collection; and all money applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property and the money to be derived from lawfully authorized bonds sold and in process of delivery, shall, for the purpose of such certificates, be deemed in the treasury to the credit of the appropriate fund and subject to such certification. C. 1540, §1, Special Acts 1957.

Section 47. **AUDIT AND CERTIFICATION OF CLAIMS.** All claims and demands against the town, before they are allowed by the town commission, shall be examined and adjusted and their correctness certified by the town auditor and clerk. He shall keep a record of his accounts and doings and a record of all contracts to which the town is a party, with an index thereto, and such books shall be opened to the inspection of all parties interested. C. 1540, §1, Special Acts 1957.

Section 48. **SYSTEM OF ACCOUNTS AND FORMS.** The town auditor and clerk shall prescribe and require, except as they may be prescribed and required by law, the use of plain and uniform system of keeping books of accounts by all town departments, officers or employees who are charged with the receipt or disbursement of any of the funds of the town, or who may be authorized to purchase materials or supplies or to employ labor for the town; he shall prescribe the forms of vouchers or other evidence of the receipt of money from the town or for the establishment of demands against the town; he shall require periodic report from each department, office, officer, or employee of the town receiving and disbursing funds of the town, showing all sums received and disbursed, from what source and for what purpose. C. 1540, §1, Special Acts 1957.

Section 49. **AUDIT OF ACCOUNTS.** At the end of each fiscal year, and oftener if so required by the town commission, the Town Auditor and Clerk shall audit the accounts of the several departments, officers and employees, and shall audit all other accounts in which the municipality is interested. He shall at all times have access to and may inspect and take copies of all books on which entries are made or are required to be made, relating to the receipt or expenditure of money on account of the town, and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto. The town commission, at the end of each fiscal year of the town, shall cause the books of accounts of the town to be audited by an independent certified public accountant, who shall, upon completion of the audit, deliver to each member of the town commission, the town auditor and clerk and the town manager a copy of said audit and a copy of said audit shall remain on file in the office of the town auditor and clerk for inspection by any person desiring to inspect the same. A summary of said audit furnished to the town as provided by this section shall be published in a newspaper of general circulation in the Town of Longboat Key within a period of not more than thirty days after the completion of any such audit. C. 1540, §1, Special Acts 1957.

Section 50. **MAY ADMINISTER OATHS.** The town auditor and clerk shall have power to administer oaths for the purpose of ascertaining the facts relating to any charge or claims against the town, made or claimed by any person, partnership, association or corporation whatsoever; he shall inquire into and inform himself as to the legality of all claims to be paid out of the town treasury or the reasonableness of the prices charged or claimed for materials, supplies or labor and the facts as to the delivery or rendition thereof to or for the use of the town, and for this purpose he shall have power to require evidence that the amount of any claim is justly due and in conformity to law and ordinances, and

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for that purpose he may summon before him any officer, agent or employee of any department of the municipality, or any other person and examine him upon oath or affirmation relative thereto. C. 1540, §1, Special Acts 1957.

Section 51. FINANCIAL RECORDS AND REPORTS. The accounting procedure established in the office of the town auditor and clerk shall be adequate to provide a record in detail of all transactions affecting the acquisition, custodianship and disposition of values, including cash receipts and disbursements, and such facts shall be so presented in the reports which he is required to render periodically, and shall be supported with such summaries and analytical schedules as may be necessary to show in detail the full account of such transactions for each fiscal year, upon the finances of the town and relation to each department of the town government, including distinct summaries and schedules for each public utility owned and operated. C. 1540, §1, Special Acts 1957.

Section 52. CLOSE AND AUDIT OF ACCOUNTS OF OFFICIALS. Upon the death, resignation, removal or expiration of the term of any officer, the town auditor and clerk shall audit his accounts and if such officer shall be found to be indebted to the municipality, the town auditor and clerk shall at once give notice thereof through the town manager to the town commission and to the town attorney and the latter shall forthwith proceed to collect the sum of such indebtedness. C. 1540, §1, Special Acts 1957.

Section 53. DUTIES IN CONNECTION WITH TOWN COMMISSION. The town auditor and clerk, in his capacity as clerk of the town, shall attend all meetings of the town commission and shall keep a journal of its proceedings, the correctness of which shall be approved by the commission at its next regular meeting. He shall be the custodian of the seal of the town and of all records and papers of a general character pertaining to the affairs of the municipality. C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961.

Section 54. ASSESSOR OF TAXES. The town auditor and clerk shall be ex-officio assessor of taxes for the town. C. 1540, §1, Special Acts 1957.

Section 55. OTHER DUTIES. In addition to the duties specifically imposed under this chapter, the town auditor and clerk shall perform such other duties as may be required of him by ordinance or resolution of the town commission, as well as such duties as may be required of town auditors and town clerks by the general laws of the state, applicable to municipalities and not inconsistent with this charter or with any ordinance or resolution passed by the town commission. C. 1540, §1, Special Acts 1957.

Section 56. TOWN TREASURER AND COLLECTOR. There shall be a town treasurer and collector, who shall be director of the department of finance and taxation, and who shall be employed by and serve at the pleasure of the town commission. As town treasurer he shall be the custodian of all current funds of the municipality and shall keep and preserve the same in such manner and in such place or places as shall be determined by the town commission; provided, that it shall be his duty to invest or deposit in banks in this state, as savings accounts or otherwise, any and all moneys belonging to the town, and collected and held as sinking funds; the investment or deposit of such funds to be done and made by competitive bids therefor, after due notice, or in such other manner as in the judgment of the town commission may be deemed best in the interest of the town. In making investments, the town treasurer may purchase only interest-bearing United States, state, county, school district or municipal bonds on improvement lien certificates and utility revenue certificates of the Town of Longboat Key, but no bond shall be purchased for a higher price than its market

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price at the time of purchase. In making deposits of such sinking funds, the town treasurer and collector may select for that purpose any reputable national, state or savings bank or trust company or federal saving and loan association in the state and obtain the highest prevailing rate of interest for such deposit or deposits. C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961.

Section 57. INTEREST UPON INVESTMENTS OR DEPOSITS. All moneys due as interest upon investments or deposits shall be collected by the town treasurer and collector and placed to the credit of the proper fund of the town, and any and all bonds and securities taken for investments and deposits shall be held by the town treasurer and collector for safekeeping for the benefit of the town. C. 1540, §1, Special Acts 1957.

Section 58. COLLECTIONS. The Town Treasurer and Collector shall receive and collect all moneys belonging to the town, including taxes, license moneys, fines and income from all other sources and he shall collect all special assessments as provided for under this Charter and keep accurate account thereof. C. 1540, §1, Special Acts 1957.

Section 59. PAYMENT: HOW MADE. The Town Treasurer and Collector shall pay out moneys only on checks or warrants signed in the name of the Town of Longboat Key by such officers, not less than two (2), as the Town Commission may from time to time by resolution designate, except bonds and interest-bearing coupons, which when due, may be paid upon presentation, or in case the same are payable in some place other than the Town of Longboat Key, then the money for their redemption shall be sent to the place of payment. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

Section 60. ACCOUNTS OF TOWN TREASURER AND COLLECTOR. The accounts of the town treasurer and collector shall be examined at the end of each month by the town auditor and clerk, to whom the town treasurer and collector shall turn over all warrants, interest coupons, bonds or other evidence of indebtedness of the town which may have been redeemed by him during the month, taking the receipt of the town auditor and clerk therefor, and all such warrants, interest coupons, bonds or other evidence of indebtedness of the town so turned over shall be cancelled by their treasurer and have written or stamped thereon the date of their payment or redemption. C. 1540, §1, Special Acts 1957.

Section 61. REPORTS. At the first meeting of the town commission in each month the town treasurer and collector shall submit a detailed report of receipts and disbursements together with an itemized list of funds budgeted, which report shall be rendered through the town auditor and clerk and bear certificate of the latter as to its correctness. Before the levy by the town commission of any special tax upon any property of the town, or any part thereof, the town treasurer and collector shall furnish to the town manager for the information of the town commission, a schedule of all lots or parcels of land which may be subject to the proposed tax or assessment and which it may be necessary to levy on, which said schedules shall be certified by his affidavit and shall be prima facie evidence of the facts stated therein, in all cases wherein the validity of such tax or assessment shall come in question. Acting upon such schedule the town commission may, if they deem such special tax or assessment legal and just, cause the same to be levied. C. 1540, §1, Special Acts 1957.

Section 62. WARRANTS: HOW PAID. All warrants shall be paid in the order in which they are presented from moneys in the respective funds on which they are drawn. But no warrant for the payment of money shall issue on any fund of the municipality unless and until there are moneys to the credit of the fund to be drawn on with which to pay such warrant. C. 1540, §1, Special Acts 1957.

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Section 63. ACCOUNT OF EACH FUND. The town treasurer and collector shall keep a separate account of each fund or appropriation of the town and of the debits and credits pertaining thereto. He shall prepare receipts in duplicate for all moneys paid into the city treasury, delivering the original receipt to the person paying the same and retaining the duplicate to be turned over to the city auditor and clerk at the time of his monthly settlement with that officer. C. 1540, §1, Special Acts 1957.

Section 64. MONEYS RECEIVED ON ACCOUNT OF SPECIAL ASSESSMENTS. All moneys received on account of any special assessment shall be held by the town treasurer as a special fund from which payment shall be made only on account of the improvement for which such assessment was made and such money shall be used for no other purpose whatsoever. C. 1540, §1, Special Acts 1957.

TRUSTEES OF SINKING FUND

Section 65. SINKING FUND COMMISSION, ITS DUTIES. The Town Commission may by ordinance create the sinking fund commission of the Town of Longboat Key, the members of which shall constitute the trustees of the sinking fund of said town, which said commission shall be composed of the mayor commissioner, two other members and three other experienced and trustworthy citizens and residents of said town who shall be elected by the town commission. The three members elected by the town commission shall hold office for a term of three years, except that the first three members so elected as aforesaid under the provisions hereof shall be elected for the following terms, one of said members shall be elected for a term of three years and at the same election one of said members shall be elected for a term of two years, and one of said members shall be elected for a term of one year, and that after the first election hereunder the town commission shall elect a member of said board (sinking fund commission) annually at the first meeting of the town commission succeeding the regular municipal elections of said town to fill any vacancies as they may occur.

The sinking fund commission shall assume all the powers and duties herein provided as soon as they shall have been elected and qualified. The removal from said town of any member of said sinking fund commission shall vacate his office. The mayor commissioner of the town shall be the chairman of said sinking fund commission and the said commission shall have the power to fix the date, time and place of all regular meetings of said commission, and to provide for the call of special meetings. That said sinking fund commission shall manage and control the sinking funds created and accumulated for the retirement and payment of the principal and interest of all bond issue heretofore or hereafter issued by said town. That it shall be the duty of said sinking fund commission to invest said sinking funds to the best advantage of said town, provided, however, that said funds shall be invested only as is now provided by this Act and pursuant to a vote of five-sixths of the members of said sinking fund commission. The said commission shall so invest said funds as to provide for sufficient cash moneys to be on hand to promptly meet all payments of interest or principal of any of the bonds of said town when the same may be due. C. 1540, §1, Special Acts 1957.

Section 66. HOW CONSTITUTED. The Town Commission shall appoint advisory boards, composed of men and women who are electors or freeholders of the Town of Longboat Key and qualified to act in an advisory capacity as to the project or board to which such person may be appointed. Said boards shall have the powers and duties set forth in a resolution creating said board, and shall advise the Commission as to any matter upon which such recommendation is requested by the said Town Commission, and a resolution providing for said

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advisory board. The members of any such board shall serve without compensation for the time fixed in their appointment, or at the pleasure of the Commission, and their duties shall be to consult and advise with such municipal officers and to make written recommendations to the Town Commission which shall become part of the records of the Town. C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961; C. 1862, §3, Special Acts 1965.

FINANCES AND TAXATION

Section 67. FISCAL YEAR. The fiscal year of the town shall begin on the first day of January of each year and end on the last day of December of each year. C. 1540, §1, Special Acts 1957.

Section 68. ANNUAL ESTIMATE. The town manager, in his annual report covering the operation of the town which it shall be his duty to make and submit to the town commission covering the fiscal year, shall set forth an estimate of the expenditures and revenues of the town for the ensuing year. This estimate shall be compiled from detailed information and in its arrangement the classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the town and shall give in parallel columns the following information:

(a) Detailed estimate of the expense of conducting each department and division of the town government, including all public utilities and enterprises conducted by the town.

(b) Expenditures for corresponding items during the two fiscal years last past.

(c) Amount of supplies and material on hand.

(d) Increase of demands compared with the corresponding appropriation for the last fiscal year.

(e) Such other information as is required by the town commission or as the town manager may deem advisable to submit.

The estimates so given and constituting the recommendation of the town manager as to the amounts necessary to be appropriated for the ensuing year shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the town commission a comprehensive understanding of the needs and requirements of the various divisions of the town government for the ensuing period.

Sufficient copies of the annual report and estimate of the town manager shall be prepared that there may be copies on file in the office of the town manager and clerk for inspection by the public. C. 1540, §1, Special Acts 1957.

Section 69. APPROPRIATION ORDINANCE. The Town Commission shall carefully consider such estimates before passing an appropriation ordinance for the ensuing year. After such appropriation ordinance has been introduced and before passage on second reading, the Town Commissioners shall advertise notice of a public hearing thereon to be published one (1) time in a local newspaper of general circulation in the Town of Longboat Key, stating the time and place the ordinance will be considered and acted upon finally. Such ordinance shall not be passed finally until at least five (5) days after publication of such notice. Prior to final passage, the Commission shall hold a public hearing thereon as provided in such notice and shall hear all interested persons desiring to speak thereon. Following such public hearing and final passage, such appropriation ordinance shall be effective immediately upon its adoption and passage after public hearing if so stated therein. In the event income exceeds the budget estimate, such unappropriated surplus may be appropriated by an appropriation ordinance of the Town as herein provided. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

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Section 70. REVISION OF APPROPRIATION. If at the beginning of the term of office the first town commission elected under this Charter, the appropriations for the expenditures of the town government for the current fiscal year have been made, then the said town commission shall have power by ordinance to revive, to repeal or change said appropriation and make additional appropriations for that year. C. 1540, §1, Special Acts 1957.

Section 71. TRANSFER OF FUNDS. Upon request of the town manager, the town commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department. C. 1540, §1, Special Acts 1957.

Section 72. LIMITATION OF APPROPRIATIONS. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the town, not appropriated as hereinabove provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the town commission to such use as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the town, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriation made by the town commission. C. 1540, §1, Special Acts 1957.

Section 73. PAYMENT OF CLAIMS. No warrant for the payment of any account or claim shall be issued by the town auditor and clerk until such account or claims have been approved by the head of the department for which the indebtedness was incurred and by the town manager, and such officers and their sureties shall be liable to the municipality for all loss and damage sustained by the municipality by reason of corrupt or improper approval of any such claim or account against the municipality. C. 1540, §1, Special Acts 1957.

Section 74. LEVIES. The town commission shall have the right to raise by taxation on the taxable real property within the corporate limits of the Town of Longboat Key, and on licenses, such amounts as may be necessary to carry on the government of said town not to exceed five mills on the dollar of the assessed valuation of such taxable property; and, in addition thereto, shall have the right to levy such additional taxes as may be necessary to pay the interest on, and to provide a sinking fund for the ultimate redemption of the outstanding bonds of said town and such additional bonds of said town as may from time to time be issued in accordance with law; and to pay any lawful judgment which may be secured against the town and which the town may be compelled to satisfy. No tax on real property shall be levied or made a lien on said property or be collected until previously approved by a majority of votes cast in a special election called and held for such purpose. This special election may be participated in only by freeholders who are qualified electors and shall be held in the same manner as provided for in Section 104 of the Charter of the Town of Longboat Key pertaining to the approval of bond issues. C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961.

Section 75. RATE OF ASSESSMENT. The percentage of taxation herein authorized shall in such case be upon the valuation of the taxable property in said town as set forth in the town assessment roll; provided that all taxes shall be uniform upon the same classes of property within the corporate limits of the

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town and that all property shall be assessed at its full cash value. In fixing the full cash value, the town clerk, as ex-officio assessor, may use the assessment rolls of Sarasota and Manatee Counties as they pertain to taxable property in the Town of Longboat Key, provided adequate adjustments are made to equalize the assessments of the properties in these counties. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959; C. 2432, §2, Special Acts 1961.

Section 76. TAX ASSESSMENT ROLL. All property within the town taxable for county purposes shall be assessed and listed for purposes of general taxation on the town tax assessment rolls in the name of the owner when the name of such owner is known to the assessing officer, but real property, the owner or owners of which are unknown to the assessor, shall be listed as the assessing officer shall, from his best information, believe to be the name of the owner or owners thereof. Where two or more lots, tracts, or parcels of land in common ownership are contiguous to one another, the assessor may assess all of the same together; provided, however, that if the owner requests that the same be assessed separately, then the assessor shall comply with such request; except in the said cases, each lot and separate parcel or tract of land shall be assessed separately. C. 1540, §1, Special Acts 1957.

Section 77. DATE OF ASSESSMENT. All property shall be assessed as of the first day of January of the fiscal year for which such assessment is made. C. 1540, §1, Special Acts 1957.

Section 78. PRELIMINARY ASSESSMENT ROLL. Upon his preliminary assessment roll the town auditor and clerk as ex-officio assessor shall indicate, in some convenient manner, the property subject to taxation for each of the purposes for which taxation is authorized. Said assessment roll shall be completed by the assessor and submitted to the equalizing board on the first Monday in March of each year. Said preliminary assessment roll may be prepared in loose leaf form, in a card file record, or in such other convenient form as the town auditor and clerk may determine will promote the efficient assessment, C. 1540, §1, Special Acts 1957.

Section 79. CORRECTION OF ASSESSMENTS. If the town auditor and clerk, in his capacity as ex-officio assessor of taxes, in making his assessment, shall discover that any land in the town was omitted in the assessment roll of either or all of the three previous years, or that any land was illegally sold for taxation and is then liable to taxation, he shall assess such lands for the next fiscal year and shall also assess the same separately for each such year or years as may have been omitted or was illegally sold for taxes, at the cash value thereof at the time, noting distinctly the year or years when such omission occurred, and such assessment shall have the same effect as if made in the year or years when assessments were omitted, and taxes shall be levied and collected thereon in like manner together with the taxes for the year in which assessment is being made; but no land shall be assessed for more than three (3) years arrears of taxes, and all lands shall be subject to be assessed into whomsoever's hands they may come. C. 1540, §1, Special Acts 1957.

Section 80. RETURNS. All persons, corporations or firms owning real property subject to taxation by the Town of Longboat Key, shall be required to make return of the same before the third day of January each year to the town auditor and clerk in his capacity as ex-officio tax assessor of the town. Such return shall be made upon and in conformity with blanks prepared and to be supplied for such purpose through the office of the town auditor and clerk, and such return shall contain a complete list of all the property taxable by the town belonging to

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such person, a corporation, or firm, for which return is made together with the full cash value thereof giving separately an intelligent legal description and the full cash value thereof of each separate lot and parcel of real property; which description and valuation thus returned may be considered by the assessing officer in making assessments, but he shall not be bound thereby. Should any person, corporation or firm omit to make such return, as above required, the assessing officer shall assess the property not thus returned in the name of the owner, if the owner shall be known to him, and where the name of the owner is not known to him, he may assess it in the name of the supposed or reputed owner or occupant or as belonging to an unknown owner and in no case where the real owner has failed to make return of his property as herein required, shall the assessment thereof be declared invalid or as not lawfully made, or the endorsed payment of taxes thereon be refused by reason of such property being assessed otherwise than in the name of the real owner. C. 1540, §1, Special Acts 1957.

Section 81. ASSESSMENT OF PROPERTY OF TRANSPORTATION COMPANIES. Railway and railroad companies, telephone and telegraph companies, street railroads, sleeping car companies, parlor car companies, freight line and equipment companies, boat and steamship lines, bus companies, and airlines, shall be subject to taxation on all real and personal property owned by them or operated within the limits of the municipal corporation, at the same rate of valuation as all other property. Franchises and privileges owned by street railway, telephone and telegraph companies and other corporations, part of which is, and part of which is not, subject to taxation for the various purposes other than ordinary municipal purposes shall be so assessed as to show the valuation or part of the whole valuation, subject to taxation for each purpose. Provided, however, that when assessment of some or all of the property of any company of a type mentioned in this paragraph is now, or shall hereafter, be provided by law to be made by the comptroller of Florida or other state official or board, and reported to the town, then the town auditor and clerk may have his assessment of such property upon the information supplied by said comptroller or other state official or board. C. 1540, §1, Special Acts 1957.

Section 82. PERSONAL PROPERTY. The Town of Longboat Key shall have the right to tax as personal property, all buildings or structures owned by private individuals, corporations or firms and located upon public lands, the use of which for private purposes have been allowed such individuals, corporations or firms under revocable license or other form of grant.

The collection of all personal tax assessments shall be enforceable at any time more than sixty days after the publication of notice of the opening of the town tax books. C. 1540, §1, Special Acts 1957.

Section 83. LICENSES. The town commission is authorized to levy and impose license taxes, by ordinance, for the purpose of regulation and revenue, upon all occupations and upon any and all privileges, and to determine and fix the amounts to be paid, which amounts shall not be limited or restricted by the general revenue laws of the state; to provide for the collection of the same, and to provide penalties for failure or refusal to pay such license taxes.

All such license taxes, so imposed, shall constitute a legal indebtedness to the town which may be recovered in any court of competent jurisdiction, and no property of such debtor shall be exempt from forced sales, after due process of law, for such indebtedness. The town commission may, by ordinance provide for licensing the keeping of dogs and for the destruction of dogs, the owner and keeper whereof shall comply with the regulations prescribed by ordinance in effect thereto, and for the punishment of persons violating the town ordinances on this subject. C. 1540, §1, Special Acts 1957.

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Section 84. PERIOD COVERED FOR LICENSES. Licenses shall be issued for the periods and be transferable as provided by the general laws for state licenses. The agent or agents of non-resident proprietors shall be severally responsible for carrying on business in like manner as if they were proprietors. The fact that any person, firm or corporation reporting himself or itself as engaged in any business calling, profession or occupation for the transaction of which a license is required or that person exhibited a sign or advertisement indicating engagement in such business calling, profession or occupation, shall be conclusive evidence of the liability of such person, firm or corporation to pay a license. C. 1540, §1, Special Acts 1957.

EQUALIZING BOARD

Section 85. HOW COMPOSED. The equalizing board of the town shall be composed of the members of the town commission and it shall meet in the first Monday of March each year. The town auditor and clerk shall be the clerk of such board and shall keep an accurate record of all the changes made in the valuation of property and all other proceedings of such board. C. 1540, §1, Special Acts 1957.

Section 86. MAY ADJOURN FROM TIME TO TIME. The equalizing board may adjourn from day to day until its work is completed and four members shall constitute a quorum to transact business. If no quorum is present, the town auditor and clerk may adjourn the board from day to day and publicly announce the time to which the meeting is to be adjourned. C. 1540, §1, Special Acts 1957.

Section 87. NOTICE OF MEETING TO BE PUBLISHED. Annually, not earlier than fifteen (15) days and not later than five (5) days prior to the meeting of the equalizing board as provided herein the town auditor and clerk shall cause to be published in a newspaper of the town, a notice that the town assessment roll will be submitted to the equalizing board for approval on the date and at the place and time fixed for such meeting and requiring all persons desiring to have corrections made in such roll, whether in the listing, valuation of property or otherwise to file with him on or before the day previous to the meeting of such equalizing board, their petition setting forth their objections to such assessment and the corrections which they desire to have made. C. 1540, §1, Special Acts 1957.

Section 88. COMPLAINTS TO RECEIVE CONSIDERATION. All petitions for the correction of assessments so filed with the town auditor and clerk shall be delivered by him to the equalizing board with the town assessment roll at the first meeting of the board in March and the equalizing board, sitting at the usual meeting place of the town commission shall receive, consider and act upon said petitions and shall give such petitioners or their agents permission to be heard in person or by their attorney in open session, until a proper and equitable determination of the merits of the complaint or complaints may have been made. C. 1540, §1, Special Acts 1957.

Section 89. EQUALIZATION AND CORRECTION OF ASSESSMENT ROLL. The equalizing board shall have the right to change the valuation of assessment of any real and personal property upon the roll by increasing or decreasing the assessment valuation thereof as shall be reasonable and just to render taxation uniform; provided, that the valuation of any real or personal property, as returned by the assessor, shall not be increased without first giving the owner or his agent notice of the intention of the board to so increase it. Such notice shall be by personal service upon the owner or agent or by leaving a copy of the written notice at his usual place of business or last place of residence and

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shall state therein the time when the board will be in session to act upon the matter. C. 1540, §1, Special Acts 1957.

Section 90. OMISSIONS FROM ASSESSMENT ROLLS. The equalizing board must place upon and add to the assessment roll any property subject to taxation, which has been omitted therefrom by the owner or by the assessor and enter the same at such valuation that it will bear an equal and just proportion of taxation. C. 1540, §1, Special Acts 1957.

Section 91. SESSIONS TO BE OPEN. During the session of the equalization board it shall be open to the public. Any person, or his attorney or agent, feeling aggrieved by anything in the assessment roll may apply to the equalizing board in person for the correction of alleged errors in listing or in equalization in the value of his property, and the board may take such action as it may deem just and proper in the premises. C. 1540, §1, Special Acts 1957.

Section 92. FAILURE TO RETURN PROPERTY FOR TAXATION. If the equalizing board has reason to believe that any person has failed to return to the assessor all property required by law to be returned or if any person refuses to swear to the return which he has made, the board may notify the person who has failed to make return or to swear to same, requiring him to appear, and may examine such person on oath in regard to the property in question and if such person so notified shall refuse to appear, the board may fix the valuation of the property at such sum as is deemed just and proper. Any person feeling aggrieved at any decision of the equalizing board in any matter that he has called upon such board to correct, alter or change, with reference to the listing or valuation of his own property, may appeal to the circuit court. C. 1540, §1, Special Acts 1957.

Section 93. COMPLETION OF ROLL. All changes made by the equalizing board shall be noted in the preliminary assessment roll by the town auditor and clerk and within ten (10) days after the equalizing board shall have concluded its examination and correction of the assessment roll it shall be submitted in corrected form duly certified to be by the town auditor and clerk as having been corrected and equalized by the equalizing board, to the town commission, and shall stand as the assessment for the year of the taxable property within the town. C. 1540, §1, Special Acts 1957.

Section 94. LEVY BY THE TOWN COMMISSION. As soon as practicable after the receipt of the assessment roll, the town commission shall determine the amount and fix the rate of taxation and make the annual tax levy for the current year. The town auditor and clerk shall note the several levies on the assessment roll and shall reject in his calculations the fraction of the cent when less than half and count as one (1) cent when any fraction is one-half or over. He shall enter upon said assessment roll such recapitulation as may be necessary to show clearly and concisely the totals of the various tax levies made. To the final assessment roll kept in his office and used in the collection of the taxes, he shall attach a certificate substantially in the following form:

I, _____ town auditor and clerk as ex-officio tax assessor of the Town of Longboat Key, do hereby certify that the foregoing is the assessment roll of the taxable property in the Town of Longboat Key, valued at its full cash value, and that it contains a true statement and description of all personal and real property in the said Town of Longboat Key subject to taxation by said town, and liable to be assessed therefor; that the listing and valuation are as corrected by the equalizing board and as approved and adopted by the town commission and that all requirements of law and ordinance regulating the making of the assessment roll for the Town of Longboat Key have been complied with.

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Dated at Longboat Key, Florida, this _____ day of _____
A.D. 19____.

As Town auditor and clerk and as
Ex Officio Tax Assessor of the Town
of Longboat Key, Florida.

If the assessment roll shall be prepared in loose leaf or card file form, said certificate may be placed upon a separate page or card following the last item of property appearing in the tax roll.

When the assessment and levy of taxes shall have been made in substantially the manner hereinabove set out, such assessment and levy shall be deemed authority for, and a command to, the town auditor and clerk to collect out of the property and from each of the persons, corporations and firms named in the assessment roll, the taxes set down in such roll, opposite each name, corporation or firm, or parcel of land or item of personal property described: and in case the taxes are not paid at the time prescribed by law, the town treasurer and collector shall proceed to collect the same in such manner as is provided by law, and all sums collected are to be held and accounted for by him as required by law and ordinance. C. 1540, §1, Special Acts 1957.

Section 95. FAILURE TO PASS TAX LEVY. If, in any year, the town commission shall fail to pass a levy ordinance or if the levy ordinance in any year shall be invalid or inoperative, the returns of taxes for the fiscal year shall be the same as it was the year before, item for item. C. 1540, §1, Special Acts 1957.

Section 96. DESCRIPTION OF CLASSES OF PROPERTY. For the purpose of assessment, the soil shall be known as "land" and everything attached thereto shall be known as "improvements" and such "improvements" when owned by the tenant, may be assessed in his or her name apart from the land if such "improvements" are subject to taxation. Articles other than "land" or "improvements" shall be known as "personal property" and taxable only as herein provided. C. 1540, §1, Special Acts 1957.

Section 97. TAXES, WHEN PAYABLE. All taxes shall be due and payable as prescribed by ordinance and until otherwise provided shall be payable on the first day of November of each year, or as soon thereafter as the assessment roll shall have been approved by the town commission and the annual tax levy made, of which the town treasurer and collector shall give notice in a newspaper published in said town that the taxes are then due and payable and the date after which they will be collected by levy and sale. All interested persons shall be deemed to take notice of the fact that all real property owned by them within the town is subject to taxation each year, and that said taxes are payable annually on the date above stated. C. 1540, §1, Special Acts 1957.

Section 98. WHEN TAX BOOKS CLOSE. The tax books shall close on the third day of January and the town auditor and clerk shall proceed as hereinafter provided. C. 1540, §1, Special Acts 1957.

Section 99. MAY ISSUE DISTRESS WARRANTS. The town treasurer and collector shall have power to issue distress warrants and alias and pluries distress warrants in the name of the state and town to enforce collection of taxes on property and privileges. Such warrants may be executed by the chief of police or by any constable or sheriff. C. 1540, §1, Special Acts 1957.

Section 100. CONSTITUTE A LIEN. Taxes and assessments, together with the interest imposed for delinquency and cost of collection, shall be and constitute a lien upon the property assessed, superior to all other liens or claims,

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until the same shall be paid. Every tax on personal property shall also be a lien upon the real property of the owner thereof. All such liens shall be enforced as are other liens. C. 1540, §1, Special Acts 1957.

Section 101. COLLECTION OF TAXES—GENERALLY. The town commission shall have power to provide by ordinance for the collection of taxes by the sale of lands and personal property, but the method adopted shall conform in principle to that pursued in the collection of county taxes. Until such ordinance shall have been adopted, the town treasurer and collector shall proceed substantially in the same manner in the collection of taxes and the sale of lands and personal property for nonpayment of taxes and licenses as do county tax collectors under state law; and he shall be subject to the same penalties as are prescribed by the state laws for any violation of the duties imposed on him by this Act. The method authorized and prescribed by this section for the collection of taxes by the sale of real and personal property shall not be exclusive and shall not limit or interfere with the right herein conferred to enforce the lien for taxes on either real or personal property, or both, as other liens are or may be enforced under general law of the State of Florida. Where sales are made by the town treasurer and collector for taxes in substantially the manner provided by law to be pursued by county tax collectors, he shall make reports in duplicate of such sales, and shall keep one of such duplicates on file in his own office and shall file the other with the clerk of the circuit court for the county in which such property is located, who shall record the same in the record of tax sales in his office. The town treasurer and collector shall also file with the said clerk a copy of the newspaper in which the tax sale advertisement was published, within ten days after the sale, and shall also file a copy in his own office. He shall procure and attach to each of said newspapers before filing, the affidavit of the publisher, proprietor, or foreman of such newspaper, that the tax sale notice contained therein was published for the time and in the manner required by law, and specifying the issues of said paper in which said notices appeared. No report or notice of such sale shall be required to be filed with the state comptroller; and no additional copies of said newspaper shall be required to be filed by the publisher with the clerk of the circuit court. Where at any sale of property for taxes made by the town treasurer and collector there is no bidder who is willing to take the property and pay the taxes, costs and charges due thereon, the town treasurer and collector shall bid in the property for the town and shall issue to the town a tax sale certificate for such property. He shall be the custodian of such certificates and the same shall be redeemed through him. Any person may purchase from the town treasurer and collector any certificate of land sold or certified to the town for taxes as certificates of land sold or certified to the county for taxes are purchased from the clerk of the circuit court. C. 1540, §1, Special Acts 1957.

Section 102. SAME—BILL IN EQUITY. All delinquent taxes upon real estate, due the Town of Longboat Key and including those represented by unpaid and uncanceled tax certificates owned by the Town of Longboat Key, may be collected by a bill in equity said bill to contain a description of each and every piece, parcel or lot of land against which any tax has been assessed and which has become delinquent, and whether tax certificates have been issued against said property or not; also the amount of the assessment or assessments, the year or years for which said taxes may be delinquent, the name of the owner thereof, or the person to whom last assessed, and said bill shall not be objectionable because of the multiplicity of parties or the number of the pieces, parcels, or lots of land covered thereby. Upon the filing of said bill it shall be the duty of the clerk of the circuit court to issue a notice substantially as follows:

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"NOTICE"

"In the Circuit Court, _____ County, Florida, in Chancery,
"The Town of Longboat Key, Plaintiff
vs.

"Delinquent Taxes, etc., Defendant

"Notice is hereby given to all persons having or claiming any interest in the following described lands that a bill has been filed in the above styled court, for the purpose of collecting the delinquent taxes on the lands situated within the Town of Longboat Key, in said _____ County, Florida, said lands together with the amount of delinquent taxes, interest, penalties and the owners thereof or the person to whom last witnessed being described and set out as follows, to wit:

(Here follows a description of the lands with the amount of the tax, and owners, or persons to whom last assessed.)

"Any and all persons or corporations interested in said lands are hereby required to be and appear at the office of the Clerk of said Court on or before the First Monday of _____ A.D. 19____, to answer the said bill, else the same will be taken as confessed.

"This notice shall be published for four consecutive weeks in a newspaper of general circulation in the Town of Longboat Key, the publication to be the _____ day of _____, A.D. 19____.

"Clerk of Circuit Court"

A copy of the notice shall be mailed to each of the parties defendant to said bill whose post office shall be known and stated in said bill; also a copy of said notice shall be posted at the front door of the court house, and also published four (4) consecutive weeks in a newspaper to be designated in said notice. The certificate of the clerk that said notice was mailed to each of said defendants whose post office address is known and stated, that a copy was posted and likewise published as above provided, shall be filed in said cause, which shall be sufficient proof thereof to give the court jurisdiction over the parties to said bill, both known and unknown, and the subject matter thereof. And thereafter said cause shall be governed in its prosecution to final decree and sale in accordance with the rules and practices as in other equity suits, and the court shall, upon the final hearing, decree whether said delinquent tax shall be collected, the amount thereof, as against each piece, parcel or lot of land with interest and penalties, fix a reasonable attorney's fee to be allowed the attorney representing the town, (provided, however, that no separate lien shall accrue as attorney's fees or any part of such attorneys' fees on any of the lands foreclosed) which fee and the costs of said proceedings shall be prorated against each piece, parcel or lot of land in proportion to the amount of tax due thereon and in default of the payment thereof for thirty days from the date of said decree, direct that said lands shall be sold at public "out-cry" to the highest and best bidder for cash, and appoint a master or shall authorize and empower the town treasurer and collector to make said sale, after having given thirty days' notice of the time and place of said sale by publication; and at said sale the master or town treasurer and collector, as the case may be, shall sell each piece or parcel or tract of land separately and execute a deed therefor; but before any deed or deeds shall be made to the purchaser or purchasers said sale or sales shall be reported to the court for confirmation.

In the event any piece, parcel, lot or tract of land against which a delinquent tax is being enforced in accordance with the provisions of this law should fail to bring at said sale an amount sufficient to pay the delinquent taxes with interest and penalties and its pro rata share of the cost of said suit with attorney's fee, the

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officer making the sale shall bid the same in for and on behalf of the Town of Longboat Key; but if at said sales, any piece, parcel, lot or tract of land shall sell for more than enough to pay the delinquent tax assessed against said land with interest penalties and its pro rata share of costs and attorney's fees, then and in that case, the surplus shall be paid over to the town treasurer and collector of said town, who shall enter the same upon a record to be known as the "Delinquent Tax Record" which shall show the date of sale, the owner, or persons to whom assessed, to whom sold, the description of each piece of property, the amount of the tax, interest, costs and attorney's fees chargeable against it and the amount of the surplus, which shall be kept separate from other funds of the town for a period of two years, unless sooner claimed by the parties entitled thereto. Upon said surplus being turned over to the town treasurer and collector as aforesaid, he shall notify the persons entitled to the same, if their post office address shall be known, deducting therefrom the cost of such notification. If said surplus is not claimed by and paid to the person or persons entitled thereto within two years it shall be paid into the general fund of the town.

A decree and sale of any land under the provisions of this law shall after the expiration of six months from the date of said sale, forever bar the equity of redemption of said land from said sale, and the deed executed and delivered to the purchaser at said sale shall vest in said purchaser the fee simple title to the land described therein, subject only to the right of redemption hereinabove provided for, but the owner in order to redeem said land, shall pay to the said purchaser or holder under said sale the amount paid for said land at said sale with interest at the rate of eight per centum per annum. C. 1540, §1, Special Acts 1957.

Section 103. ERRORS TO BE REPORTED. The town treasurer and collector shall report to the town commission any errors, double assessments and insolvencies for which he should be credited, giving in each case the names of the parties on whose account the credit should be allowed. C. 1540, §1, Special Acts 1957.

BONDS, ASSESSMENTS AND LIEN CERTIFICATES

Section 104. BONDS. That the town commission shall have the power to provide by ordinance for the issue and sale of negotiable bonds of said town for the purpose of constructing, maintaining, operating, improving, enlarging and extending the waterworks and the sewage system of said town, for rebuilding, reconstructing and restoring the same or any part thereof; and for constructing, repairing, altering, enlarging, improving and furnishing public buildings for said town; and for grading and curbing, or grading, curbing and paving, and for altering, widening and repaving the streets, avenues and thoroughfares of said town and doing the necessary drainage in connection with such work; for sanitary and storm drainage and the construction of canals, ditches and sewers for such drainage within or without the corporate limits of the town; for constructing, altering and repairing viaducts, bridges, underpasses and overpasses for carrying streets, avenues or thoroughfares over or under any railway track or tracks in said town; for constructing, repairing and enlarging a municipal incinerator or incinerators for the consumption of trash, garbage and other refuse; for the purpose of constructing hospitals and libraries, airports, aviation terminals or landing fields and facilities thereof; for the acquisition and establishment of a system for the transportation of persons and property for hire over the streets of the town; for the acquisition and construction of walls, causeways, bridges, and beaches, either within or without the corporate limits of said town; for the acquisition of any local public utilities, including electric light and telephone systems; for the acquisition of lands for public parks and as sites for public buildings of the

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State of Florida; for refunding any pre-existing bonded indebtedness and for any other lawful municipal purpose; but negotiable bonds of said town shall never be issued in an amount greater than twenty percent of the assessed valuation of the real property of said town and not until previously approved by a majority of the votes cast in a special election called and held for such purpose after at least thirty days' notice thereof, published at least once a week for four consecutive weeks in a newspaper published in said town, in which a majority of the freeholders who are qualified electors residing in said town shall participate; provided that no election shall be required to authorize said town to issue refunding bonds issued exclusively for the purpose of refunding of the bonds or the interest thereon of said town. The words, "freeholders who are qualified electors residing in said town", shall include only those who are qualified electors under state law who have resided in the Town of Longboat Key for six months next preceding such election, and who have duly registered for said election in a special registration book provided for each said election; which registration book shall be opened for the purpose of registering of freeholder electors therein as defined herein by the registration officer of said town at his office within said town twenty days before the holding of any election to authorize the issue and sale of bonds of said town, and shall remain open for registration of such electors for fifteen days thereafter between the hours of nine o'clock A.M. and twelve o'clock noon and two o'clock P.M. and five o'clock P.M. each of said days except Sundays. The registration officer shall cause a notice of the hours, time and place of opening the registration book for registration of said freeholder electors to be published at least once a week for two weeks immediately prior to the opening of such book and for two weeks immediately after such book is so opened for such election. Each person applying to be registered shall take the following oath, which shall be administered by the registration officer or his duly appointed deputy: "I do solemnly swear or affirm that I am a bona fide resident of the Town of Longboat Key; that I am a freeholder of said town; that the kind and quality of freehold interest vested in me is _____; that I possess all the qualifications of an elector as prescribed by law for said election." Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a book prepared specially and only for such election, which book shall show, under appropriate heading, the age, color, occupation, and exact place of residence of each person so registered. That in arriving at the amount of negotiable bonds outstanding in order to determine the amount of such bonds that may be issued, the class of bonds known as improvement bonds which are secured by lien certificates issued against abutting property, shall not be considered. C. 1540, §1, Special Acts 1957.

Section 105. REVENUE CERTIFICATES. That the town commission shall have the power to provide by ordinance for the issue and sale of revenue certificates payable solely and only from revenues to be derived by the town from the operation of any utility or facility owned and operated by the town or to be acquired or established by the town, or the combination of any such utilities and facilities, for the same purposes for which the town may issue municipal general obligation bonds as enumerated in section 104, or for the purpose of constructing or acquiring any of the utilities or facilities or performing any of the works or other matters set forth in this Charter, and in the absence of any pledge of the taxing power of the town, no election shall be required to authorize the town to issue any such revenue certificates. That in arriving at the amount of negotiable bonds outstanding in order to determine the amount of bonds that may be issued pursuant to the provisions of section 104, revenue certificates which are payable solely from the net revenues of any utility or facility of the town and that do not pledge or authorize the town to make any tax levy for the payment of such

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revenue certificates or the interest thereon or for the operation of any such utility or facility shall not be considered. C. 1540, §1, Special Acts 1957.

Section 106. SIDEWALKS. The town commission shall have power to order the laying of sidewalks along any or all of the public streets of the town, and to prescribe the width thereof, and the material to be used in their construction, and upon failure of the property owners to lay any such sidewalks so ordered, after thirty days' notice, the town commission shall have the power to cause such sidewalks to be laid, and to assess the cost and expense of laying the same against the abutting property, and such assessment shall create a lien against the property. The town may issue lien certificates, bearing interest at not exceeding five per cent per annum, or at the lowest then current bid rate of interest, whichever is the lower, in payment of the cost of such work, dividing the amount into three annual installments, and such certificates shall be enforceable in equity against the property. C. 1540, §1, Special Acts 1957.

Section 107. PAVING, CURBING AND GRADING STREETS. The town commission shall have power to grade and curb, or to grade, curb and pave any street, avenue or thoroughfare of said town, and when, at any time, the town commission shall decide to grade and curb, or to grade, curb and pave any street, avenue or thoroughfare, they shall pass a resolution or ordinance authorizing the same done, and thereupon shall cause the town auditor and clerk to advertise for bids for doing such grading and curbing, or grading, curbing and paving, and in such advertisement they may reserve the right to reject any and all bids; and any drainage that may be required in doing such work shall be considered and taken as part thereof. In advertising for bids, the town commission may request separate bids on grading, curbing and paving and enter into separate contracts therefor. As soon as practicable and after the town commission shall have accepted any bid or bids for such grading and curbing, or grading, curbing and paving, including necessary drainage, they shall at a regular or special meeting called for such purposes, assess against the property abutting on such street, avenue or thoroughfare so to be improved, the whole or such part, of the cost and expense of the improvements as the town commission may fix, but not in excess of the special benefit found by the town commission to be conferred on the property abutting on such street, avenue or thoroughfare, and one-half of said cost and expense so fixed by the town commission shall be assessed against the property on each side of such street, avenue or thoroughfare, in proportion to its frontage on said street, avenue or thoroughfare, and the entire cost at the intersection of streets shall be paid by the town; and where there is any public property not legally assessable for such improvements, abutting on the street, avenue or thoroughfare, the town shall pay the proportion of the cost that would be assessable against such property were it privately owned. Provided that where any street, avenue or thoroughfare is occupied or partly occupied by any street railway, the property of private parties or of a private corporation, the town commission may, by ordinance prescribe what reasonable part or portion of the cost of such improvement shall be paid by the owner or owners of such street railway, and the amount so paid shall be deducted from the amount required to be paid by the abutting property owners along such street, avenue or thoroughfare, or part thereof so occupied by such street railway track.

The method of paving, curbing, grading and draining streets, avenues and thoroughfares provided in this section is cumulative to and in addition to any other method provided by the said Charter of the Town of Longboat Key, Florida, or the general laws of the State of Florida, pertaining to municipalities and their powers. C. 1540, §1, Special Acts 1957.

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Section 108. SEWER, WATER AND GAS CONNECTIONS. Before paving, or otherwise surfacing or resurfacing any street or alley of the town, the town manager shall determine the time within which sewer, gas, water or other connection shall be constructed, and shall give notice thereof to the person or corporation required to make the same, and if any person or corporation fails to make any such connection when so requested, no permission to make the same shall thereafter be granted within five years from the completion of any street improvement, unless for special reasons approved by the town commission and expressed by resolution adopted unanimously at a regular meeting of the commission at which all members are present, which resolution shall state the reason for granting the permission. Nothing herein shall be construed to prohibit the town commission from providing that such connections may be made by the town and the cost thereof assessed to the lots and lands benefited thereby. C. 1540, §1, Special Acts 1957.

Section 109. CERTIFICATES OF INDEBTEDNESS TO BE ISSUED; CONSTITUTE A LIEN. The town commission, as soon as the assessment against the abutting property is made, shall issue certificates of indebtedness against the lots assessed for the amount of the assessment, which certificates shall contain a description of the land, the amount of the assessment, and a statement of the general nature of the improvement for which the assessment is made, which certificates shall constitute and be a prior lien to all other liens, except the lien for taxes, and for the construction and repair of sidewalks, and shall have equal dignity with them, on the real estate so assessed. The said certificates shall be payable to bearer in not exceeding ten annual installments, with interest at a rate not greater than five per cent per annum, or at the lowest then current bid rate of interest, whichever is the lower, payable annually; and the payment of such certificates, with interest as specified, shall be guaranteed by the Town of Longboat Key, and in case of non-payment of annual interest, or of the principal at maturity, by the property owner, then the same shall be redeemed by the town at the option of the holder of such certificates; but such redemption by the town shall not discharge the lien of such assessment or certificate against the abutting property. The certificates when issued shall be turned over to the town treasurer and collector, who, when ordered to do so, by resolution of the town commission, shall sell or dispose of the same in such manner as may be provided by said resolution, in payment for such work or improvement, or for cash, as may be provided in said resolution. After such certificates are turned over to the town treasurer and collector, and before they are disposed of, he shall give at least two weeks' notice by publication in a newspaper of said town that such certificates have been delivered to him and will be disposed of as directed by the town commission, unless paid by the property owner in the meanwhile. C. 1540, §1, Special Acts 1957.

Section 110. ENFORCEMENT OF LIEN BY SUIT. That any lien created by this Act for the payment of the cost of improvements made under any of its provisions, and any certificates representing such lien, may be enforced in a suit in equity, and the costs and expenses of such suit, including a reasonable attorney's fee, shall be an additional charge and lien against the property. The owner, or owners of the land involved, if they can be ascertained, shall be made parties defendant, but, if after diligent inquiry, such owner or owners cannot be ascertained, the proceedings shall be against the property on which the lien is claimed without naming any defendant, in which case service shall be made by notice of the institution of such suit for the enforcement of said lien by advertisement published in a newspaper in said town once a week for four consecutive weeks. C. 1540, §1, Special Acts 1957.

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SALE OF BONDS

Section 111. PROCEDURE, ADVERTISEMENTS, BIDS. No bonds, notes, debentures, time warrants, revenue certificates, certificates of indebtedness or other obligations of the town shall be sold or disposed of except in the manner herein provided. Preliminary to such proposed sale the town commission, by resolution, shall briefly describe the securities that will be offered for sale, including date of issue, maturity date or dates, rate or rates of interest, purpose for which the same will be issued, and the character of the security, if any, therefor; shall affirmatively determine that necessity exists for making such sale; and shall direct the town auditor and clerk to advertise for sealed bids for the purchase of the described securities intended thus to be sold. Thereupon the town auditor and clerk shall cause an advertisement for sealed bids for the purchase of said described securities to be published once a week for at least two consecutive weeks prior to the day of sale in a newspaper of general circulation published in the Town of Longboat Key and in a financial journal published in the City of New York. In such advertisement, notice shall be given that the right is reserved to reject any and all bids; that no bid for less than 95% of par value and accrued interest shall be considered; and that every bid must be accompanied by a certified or cashier's check for at least two and one-half per cent of the total amount of the bid price as evidence of good faith and as liquidated damages to the town in the event of acceptance and subsequent failure to perform. All participating bids shall be in by noon of the day said bids are called for and at that hour shall be opened and presented by the town auditor and clerk to the town commission for decisive action thereon at a regular meeting, or at a special meeting called by them and held that day for the purpose of receiving, considering and acting upon such bids. C. 1540, §1, Special Acts 1957.

Section 112. GENERAL PROVISION. Nothing in this Charter contained shall operate in any way except as herein specifically stated, to limit the town commission in the exercise of any of its lawful powers respecting public utilities, or transportation systems, or other facilities mentioned herein or to prohibit the town commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provision of this Charter or the constitution of the state of Florida. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959.

COMPENSATION OF OFFICERS AND EMPLOYEES

Section 113. SALARIES AND COMPENSATIONS. The town commission shall fix by ordinance or resolution the salary or compensation of the town attorney, municipal judge, the heads of the departments, and members of the police and fire forces. The town manager shall fix the number and compensation of all other employees. The salaries or compensation so fixed, shall be uniform for like services in each grade of the town service as the same shall be graded or classified by the town manager. All such salaries and rates of pay with dates of employment and discharge shall be immediately reported to the town auditor and clerk. All fees and moneys received or collected by officers and employees shall be immediately paid over to the town treasurer and collector on the date of their receipt. C. 1540, §1, Special Acts 1957.

Section 114. OATH OF OFFICE. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the town auditor and clerk; which oath shall be in the form prescribed for state officers by the constitution of the state. C. 1540, §1, Special Acts 1957.

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Section 115. OFFICIAL BONDS. The town commission or town manager, in fixing the salary of any officer, clerk or employee shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof, which bond shall be procured from a regularly accredited surety company authorized to do business under the laws of Florida, the premiums on such bonds to be paid by the town. All such bonds shall be filed in the office of the town auditor and clerk. C. 1540, §1, Special Acts 1957.

ZONING — LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND.

Section 116. GRANT OF POWER. For the purpose of promoting health, safety, morals or the general welfare of the community and for the further purpose of protecting property values in business and residential areas and for aesthetic considerations, the town commission, in addition to all powers and authority now delegated to it by general law may regulate and restrict the size, location, number and use of buildings, structures, and land, and water for trade, industry, residences and other purposes, and to establish building lines in any or all such districts or parts of districts, in order to cause all houses, buildings, or other structures to be a uniform distance from the street line. The town commission is also authorized and empowered to regulate the percentage of lot that may be occupied by residential buildings, and generally to adopt zoning regulations fully and completely regulating the use of land and water within the municipality. C. 1540, §1, Special Acts 1957.

Section 117. DISTRICTS. For any or all of said purposes the town commission may by ordinance divide the Town of Longboat Key into districts of such number, shape and area as in their opinion may be deemed best suited to carry out the purpose hereof; and within such district it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or lands, and water. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. C. 1540, §1, Special Acts 1957.

Section 118. PURPOSES IN VIEW. Such regulations shall be made in accordance with a comprehensive plan made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of said town which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as the preservation of property values in residential areas, aesthetic consideration in residential areas, and efficiency and economy in the process of development; including, among other things, adequate provisions for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and agreement, wise and efficient expenditure of public funds and the adequate provisions of public utility and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout said town. C. 1540, §1, Special Acts 1957.

Section 119. METHOD OF PROCEDURE. The town commission of said town shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. The said commission may adopt an entire plan of said town as a whole or may by ordinance from time to time adopt successive parts of the plan, and may adopt any amendment thereto, or addition thereto. Such ordinance or ordinances may refer

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expressly to maps and descriptive or other matter intended by the commission to form the whole or part of the plan instead of a metes and bounds description of such districts and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the mayor and clerk of said town commission, and shall be kept on file in the office of the town auditor and clerk. C. 1540, §1, Special Acts 1957.

Section 120. NOTICE OF PUBLIC HEARINGS. Any zoning ordinance or modification thereof may be adopted by the Town Commission of Longboat Key only after a public hearing thereon held pursuant to due public notice published at least fifteen (15) days prior to such public hearing. Any ordinance amending the zone map must be introduced prior to or concurrent with the public hearing and any ordinance otherwise amending the zoning ordinance must be introduced prior to time the Town Commission fixes a date for the public hearing thereon. C. 1540, §1 Special Acts 1957; C. 1512, §1, Special Acts 1959; C. 2432, §3, Special Acts 1961; C. 1862, §3, Special Acts 1965.

Section 121. ENFORCEMENT AND REMEDIES. The town commission may provide by ordinance for the enforcement of the provisions of this Charter relating to zoning and of any ordinance or regulation made thereunder and may prescribe penalties for the violation thereof.

In case any building, or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, land or water area is used in violation of the provisions of this Charter relating to zoning or of any ordinance or other regulation made under authority conferred thereby, the said town in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repairing, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. C. 1540, §1, Special Acts 1957.

Section 122. ELECTIONS -- GENERALLY: When there are more than two (2) qualified candidates for an elective office on the Town Commission, there shall be a preliminary and general election. The preliminary election shall be held on the first Thursday of February, and the general election shall be held on the third Thursday in March. At preliminary elections held in odd-numbered years, the qualified electors in each even-numbered district may nominate two (2) qualified candidates for Town Commissioner. The two (2) candidates for nomination receiving the largest number of votes in each district shall be nominees for election at the following general election. At preliminary elections held in even-numbered years, the qualified electors in odd-numbered districts may nominate two (2) qualified candidates for Town Commissioner. The two (2) candidates for nomination receiving the largest number of votes in each district shall be nominees for election at the next following general election. Each year the qualified electors of all districts of the Town of Longboat Key may nominate two (2) qualified candidates for Town Commissioner at Large. The two (2) candidates for nomination for Town Commissioner at Large receiving the largest number of votes shall be nominees for such position at the next following general election. If no more than two (2) electors qualify as candidates for nomination for each post to be voted upon, then no preliminary election need be held, and such qualified candidates shall be nominees from the districts in which they reside or at large as the case may be, at the next following general election. Commissioners elected for terms expiring in 1959 shall continue in office until the

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first general election in 1960, and the election and qualification of their successors. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

Section 123. COMMISSION TO PRESCRIBE METHOD OF HOLDING ELECTIONS. The Town Commission shall, by ordinance, prescribe the method and manner of holding all elections in said Town, and shall provide when and how special elections shall be called and held, which are not provided for by the terms of this Act, and all elections shall be conducted substantially on the principle adopted for state elections insofar as there is no conflict with the terms of this Act; provided, that the Town Commission may, by ordinance, prescribe the method, manner and conduct of all elections of said Town not in conflict with this Act; and further provided, the Town Commission may provide by ordinance for absentee voting in any election in said Town. C. 1540, §1, Special Acts 1957; C. 1862, §1, Special Acts 1965.

Section 124. REGISTRATION OF VOTERS. The Town Auditor and Clerk shall be the registration officer for the Town and shall register all persons applying to him, whose names are not already borne upon the registration book, and who are qualified as electors under the provisions of this Charter. Throughout each year, the Town Auditor and Clerk shall keep the registration books open at his office in the Town Hall during regular office hours in those days the Town Hall is open and at such other times as the Town Commission may designate by resolution. The registration books shall close on the tenth (10th) day preceding the day on which there is any preliminary, general or special election, and shall remain closed for ten (10) days following any such election. In the year 1967, and every third year thereafter, the Town Commission shall, by ordinance, provide for a revision of the registration list or books which revision at the election of the Town Commission, may be either by virtue of a complete re-registration or new registration or otherwise. Such re-registration ordinance shall be passed within ninety (90) days following the general election of such year. Registration books shall be kept in the office of the Town Clerk, except while the polls are open during an election, at which time such registration books shall be used by the inspectors of election to ascertain those qualified to vote therein. Each person applying to be registered shall take the following oath, which will be administered by the registration officer or his duly appointed deputy:

"I do solemnly swear that I am a bonafide resident of the Town of Longboat Key and possess all the qualifications of an elector of said Town under the general rules of Florida."

Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a book, prepared for that purpose for each district, which book shall show, under appropriate heading, the age, color, occupation, exact place of residence of each person so registered, and the voting district in which he resides. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959; C. 1862, §1, Special Acts 1965.

Section 125. ELECTIONS, HOW ARRANGED FOR. The town commission shall make all necessary arrangements for holding all municipal elections, and shall declare the results thereof. Inspectors and clerks of elections shall be appointed by the town commission except that if the commission shall fail to appoint them at least two days before the date of any election, the mayor may appoint them. C. 1540, §1, Special Acts 1957.

Section 126. HOURS POLLS TO BE KEPT OPEN; CANVASS OF RETURNS; CERTIFICATION OF ELECTION. The polls shall be open at

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the voting places at seven o'clock A.M. on the day of any election and shall be kept open until seven o'clock P.M., on the same day, and the time shall be regulated by the customary time in standard use in the Town of Longboat Key on the date of the particular election. The result of the voting, when ascertained, shall be certified by return in duplicate, signed by the clerk and a majority of the inspectors of election, one copy being delivered by such clerk and inspectors to the mayor and the other to the town auditor and clerk, both of whom shall transmit such returns to the town commission at a meeting to be held at twelve o'clock noon on the day following the election. At such meeting the town commission shall canvass the returns and the result as shown by such returns shall be by the commission declared as the result of the election. The town auditor and clerk shall, not later than noon of the second day after the election, furnish a certificate of election to each person shown to have been elected. C. 1540, §1, Special Acts 1957.

THE RECALL

Section 127. RECALL PETITION. Any or all members of the town commission may be removed from office by the electors by the following procedure: A petition for the recall of the commissioner or commissioners designated, signed by at least fifty of the electors of the town, and containing a statement in no more than two hundred words of the grounds of the recall, shall be filed with the town auditor and clerk, who shall forthwith notify the commissioner or commissioners sought to be recalled, and he or they, within five days after such notice, may file with such town auditor and clerk a defensive statement in not exceeding two hundred words. The town auditor and clerk shall at once upon the expiration of said five days cause sufficient number of typewritten copies of such petition, without the signature, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time stated. He shall cause copies of such petition to be placed on file in his office and provide facilities there for signing the same, and he shall immediately cause notice to be published in some newspaper of general circulation in the town of the placing of such copies of such petitions. Such copies of such petitions shall remain on file in the place designated for the period of thirty days, during which any of them may be signed by any elector of the town in person; but not by agent or attorney. Each signer of any such copy shall sign his name in ink or indelible pencil and shall place thereafter his residence by street number, if a number has been assigned to his residence. C. 1540, §1, Special Acts 1957.

Section 128. NOTICE. At the expiration of said period of thirty days the town auditor and clerk shall assemble all of said copies in his office as one instrument, and shall examine the same and ascertain and certify thereon whether the number of signatures thereto amount to at least twenty per cent of the registered voters of the town. If the number of such signatures does amount to such per cent, he shall at once serve notice of that fact upon the commissioner or commissioners designated in the petition, and also deliver to the town commission a copy of the original petition with his certificate as to the percentage of registered voters whose signatures appear on such petition and a certificate as to the date of his last mentioned notice to the commissioner or commissioners designated in the petition. C. 1540, §1, Special Acts 1957.

Section 129. RECALL ELECTION. If the commissioner or commissioners, or any of them, designated in the petition, file with the town auditor and clerk within five days after the last mentioned notice his or their written resignation, the said town auditor and clerk shall at once notify the town com-

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mission of that fact and such resignation shall be irrevocable, and the town commission shall proceed to fill the vacancy. In the absence of any such resignation the town commission shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than thirty days nor more than sixty days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period. The town commission shall call a special recall election to be held within the period aforesaid. C. 1540, §1, Special Acts 1957.

Section 130. BALLOTS. The ballots at such recall election shall conform to the following requirements: With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of town commissioner by recall"; immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of each of the propositions shall be placed a square within which the electors, by making a visible mark may vote either of such propositions. C. 1540, §1, Special Acts 1957.

Section 131. FILLING OF VACANCIES. In any such election, if a majority of the votes cast on the question of removal of any commissioner are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election and the vacancy caused by such recall shall be filled by the remainder of the town commission according to the provisions of this Charter. Where a recalled commissioner represents a district, the commission shall fill the vacancy from the same district. If, however, an election is held for the recall of more than one commissioner, candidates to succeed them for the unexpired terms shall be voted upon at the same election and shall be nominated without primary election by petition signed by ten electors of the district in which he resides and from which he seeks election or of the town if he seeks to replace a commissioner at large. The petition shall contain the name of each person whose name is presented for a place on the ballot and that person is a candidate for the office of town commissioner for the Town of Longboat Key, and each elector signing the petition shall add to his signature his place of residence, with street and number if a number has been assigned to his place of residence, and the date of signing, and may subscribe to one nomination for each of the places to be filled and no more, and all signatures shall be made with ink or indelible pencil. To such petition shall be attached an affidavit of the circulation thereof, stating the number of signers thereto; that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be. Such petition shall be filed with the town auditor and clerk not less than fifteen days previous to the day of such election. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the town auditor and clerk not later than ten days previous to such election; otherwise his name shall not appear on the ballot. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for recall, and any signature thereon antedating such time shall not be counted. C. 1540, §1, Special Acts 1957; C. 2432, §1, Special Acts 1961.

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Section 132. COUNTING THE VOTE. Candidates shall be nominated to succeed a particular commissioner, and in the event any commissioner is removed by recall, the candidate seeking that office who receives the highest number of votes shall be declared elected to fill the vacancy.
C. 1540, §1, Special Acts 1957; C.2432, §1, Special Acts 1961.

Section 133. EFFECT OF RESIGNATIONS. No proceedings for the recall of all of the members of the town commission at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them, the town commission shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and election of successors shall continue and have the same effect as though there had been no resignation. C. 1540, §1, Special Acts 1957.

Section 134. MISCELLANEOUS PROVISIONS. Except as herein otherwise provided, no petition to recall any commissioner shall be filed within six months after he takes office. The town auditor and clerk shall preserve in his office all papers comprising or connected with a petition for recall for the period of one year after the same were filed. The method of removal herein provided is in addition to such other methods as or may be provided by general law. C. 1540, §1, Special Acts 1957.

Section 135. OFFENSES RELATING TO PETITIONS. No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the town. No person shall sign, or knowingly permit to be signed, any petition for recall at any place other than the office of the town auditor and clerk. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction be punished as provided by law. C. 1540, §1, Special Acts 1957.

GENERAL PROVISIONS

Section 136. INVESTIGATIONS. The town commission, or any committee thereof, the town manager or an advisory board appointed by the town commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body, or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the laws of the state to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any act within his knowledge, or produce any book or papers under his control relating to the matter under investigation. C. 1540, §1, Special Acts 1957.

Section 137. DEDICATION OF STREETS. No street or alley hereinafter dedicated to public use by the owner of any land within the town shall be deemed a public street or alley, under the care of control of the town, unless the dedication be accepted and confirmed by ordinance passed for such purpose. C. 1540, §1, Special Acts 1957.

Section 138. MAPS AND PLATS TO HAVE APPROVAL OF TOWN COMMISSION. That wherever maps, or plats of any lands within the corporate limits of the town are brought to the respective clerks of the circuit

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courts of Sarasota and Manatee counties or other public recording officer to be placed on public record, it shall be the duty of said clerk or other public recording officer, before filing, in addition to the other duties imposed by general law, to refer such map or plat to the town commission of the Town Of Longboat Key for their approval. A map or plat is hereby defined as any drawing of a subdivision of land wherein portions thereof, not more than five (5) acres in size each, are designated or enumerated or lettered lots, blocks, or tracts, or a drawing showing a subdivision of land into three (3) or more tracts of not more than five (5) acres each, whether such tracts are enumerated or numbered or otherwise. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

Section 139. SUCH MAPS OR PLATS TO CONFORM TO PLAN. All such maps or plats shall conform to the general subdivision plan and requirements of the Town of Longboat Key as the Town Commission may, from time to time provide by Ordinance. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

Section 140. DUTIES OF TOWN COMMISSION. The Town Commission of the Town of Longboat Key shall approve such maps or plats, after compliance by the owner of the land shown thereon with the requirements of this Act and the ordinances and regulations of the Town of Longboat Key, and the said Town Commission shall cause its approval to be endorsed thereon by the Mayor of said Town and attested by the Town Clerk. No Clerk of the Circuit Court or other public recording officer shall record a map or plat of lands located within the limits of the Town of Longboat Key until such approval is endorsed thereon.

Section 2. Chapter 57-1853, Laws of Florida, is repealed insofar as such Act affects lands and waters within the municipal boundaries of the Town of Longboat Key, Florida, or any authority or jurisdiction of the Town Commission of Longboat Key.

Section 3. If any section or part of a section of this Act proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this Act, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid. C. 1540, §1, Special Acts 1957; C. 1512, §1, Special Acts 1959.

Section 141. NO MAP OR PLAT TO BE RECORDED WITHOUT APPROVAL. The clerks of the circuit courts of Sarasota and Manatee Counties or any public recording officer shall not record any such map or plat described herein without the approval of the town commission endorsed thereon as provided herein. C. 1540, §1, Special Acts 1957.

Section 142. POLICE POWERS. The town commission shall have power to pass all such ordinances and laws, not inconsistent with the constitution and laws of the United States and of this state, as may be expedient and necessary for the preservation of the public peace and order, for the suppression of riots and disorderly assemblies, and for the good order and government of the town, both within the corporate limits of said town and upon all property owned by the Town of Longboat Key without the corporate limits of said town, and to impose such pains, penalties and forfeitures as may be needed to carry the same into effect; provided, that for no offense made

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punishable by the laws and ordinances of said town shall be a fine of more than five hundred dollars, or imprisonment for a period of time longer than sixty days, be imposed. The municipal court of the Town of Longboat Key is hereby vested with and granted jurisdiction for the trial of all offenders against the municipal ordinances, whether such offenses were committed within the corporate limits of said town or upon property owned by the Town of Longboat Key without its corporate limits. C. 1540 §1, Special Acts 1957.

Section 143. SUITS AGAINST TOWN FOR DAMAGES. No suit shall be maintained against the town for damages arising out of its failure to keep in proper condition any sidewalk, pavement, municipal docks and terminals, or other public places; neither shall any suit be maintained against the town arising out of any other tortious action or actions sounding in tort, unless it shall be made to appear that written notice of such damage was within thirty days after the receiving of the injury given to the town attorney with such reasonable specifications as to time and place and witnesses as would enable the proper town officials to investigate the matter. It shall be the duty of the town attorney, upon receiving such notice, to thus investigate the matter and lay the facts supported by the evidence before the town commission in a written report, and the town commission shall have the right to investigate the matter and it may make such reasonable settlement of any such damages as may be agreed upon by the town commission. C. 1540, §1, Special Acts 1957.

Section 144. GENERAL LAWS TO APPLY. All general laws of the state applicable to municipal corporations, now or which may hereafter be enacted, and which are not in conflict with the provisions of this Charter or with the ordinances and resolutions hereafter enacted by the town commission, shall be applicable to this town; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the town commission to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this Charter. C. 1540, §1, Special Acts 1957; C. 1511, §1, Special Acts 1959.

Section 145. GENERAL LAW GOVERNING TOWN COUNCILS EXTENDED TO TOWN COMMISSIONERS. Any right or authority given or permitted by the constitution and laws of the State of Florida to town councils not inconsistent with the provisions of this Act, shall be and is hereby given, permitted and extended to the town commissioners of the Town of Longboat Key. C. 1540, §1, Special Acts 1957.

Section 146. SAVING CLAUSE. If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid. C. 1540, §1, Special Acts 1957.

Section 147. WHEN THIS CHARTER BECOMES EFFECTIVE. The foregoing sections of this Act shall take effect upon their ratification by a majority vote of the qualified electors of the said Town of Longboat Key voting at a special election to be held in said Town of Longboat. C. 1540, §1, Special Acts 1957.

Section 148. WHEN SPECIAL ELECTION SHALL BE HELD; DUTIES OF PRESENT OFFICIALS PERTAINING THERETO. The special referendum election provided for herein shall be held on or before

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the 17th day of September, A.D. 1957. The town council and town officials of the Town of Longboat Key shall discharge such duties in connection with the calling and holding of said elections as are now required of them by law for special elections, and the said election shall be governed in all respects by law for holding special elections. Those who are duly qualified electors of the Town of Longboat Key at the time said special election is held and no others shall be allowed to vote at said election. C. 1540, §1, Special Acts 1957.

Section 149. TENURE OF PRESENT OFFICIALS. Should this Charter be adopted at the special referendum election herein provided for, all the present members of the town council and all town officials of the Town of Longboat Key now holding office shall continue in office until the election and qualification of the officers provided for in this Charter. The first election provided for in this Charter shall be held and conducted by the town council and other town officials in the manner provided in connection with the calling and holding of said elections as are required by this Charter.

C. 1540, §1, Special Acts 1957.

Should this Charter not be adopted at the special election herein provided for, then the incorporation in effect at the time of the passage of this Act under the provisions of the Florida Statutes as amended and supplemented at that date, shall remain in force and effect and the government thereby provided pursuant to said incorporation shall continue.

END OF ORIGINAL CHARTER