

1978 TOWN CODE

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Part I. The Charter

Editor's note---On March 20, 1975, the town's voters approved Ord. No. 75-2, adopted by the town commission on Feb. 19, 1975, which ordinance adopted a new Charter as herein set out. Absence of a history note indicates that a section derives unchanged from Ord. No. 75-2. The town's previous Charter was derived from: Special Acts 1957, Ch. 1540, and Special Acts, Chs. 59-1511, 59-1512, 61-2432, 65-1862, and 69-1265.

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Article I. Boundaries, Powers and Form of Government

Sec. 1. Purpose.

We, the people of the Town of Longboat Key, desiring to avail ourselves of the right to establish a home rule charter form of government do, in accordance with the Constitution and the Laws of the State of Florida, ordain and establish this charter and form of government for the Town of Longboat Key, Florida.

Sec. 2. Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, as its limits are hereinafter set forth, shall be and continue to be a body politic and corporate to be known and designated as the "Town of Longboat Key," and as such shall have perpetual succession.

Sec. 3. Boundaries.

The corporate limits of the Town of Longboat Key in Sarasota and Manatee Counties, Florida 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°30' east a distance of 7,560 feet for a point of beginning.

(2) Thence south 49°30' east 12,300 feet.

(3) Thence south 35° 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° 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.

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(6) Thence north 35° west, 40,380 feet.

(7) Thence north 49°30' west, 15,330 feet to a point in the mouth of Longboat Pass.

(8) Thence north 69°44' east, 5,300 feet.

(9) Thence north 40°30' 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.

Sec. 4. Form of government.

The form of government of the Town of Longboat Key established under this Charter shall be a "commission-manager" form as herein defined. The commission shall consist of seven (7) electors to be nominated and elected as hereinafter provided. The commission shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided, and shall appoint a chief administrative officer to be known as "town manager" to exercise all the powers, perform the duties and assume the responsibilities hereinafter provided.

Sec. 5. Powers of municipality.

In accordance with the Constitution of the State of Florida and the Statutes of the State of Florida, the Town of Longboat Key shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services; and it may exercise any of its powers for municipal purposes, except when expressly prohibited by law, provided:

(a) The town shall not lease to others any recreational facilities of the town for a period of more than ten (10) years; and

(b) The town shall not grant any franchise for utilities, transportation or other services for a period of more than thirty (30) years; and

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(c) The town shall not sell any real property owned by the town unless the town commission first determines that such real property may not be needed for current or future municipal use, and not less than seven (7) days prior to sale thereof, causes a notice to be published in a newspaper of general circulation within the town giving notice of such intention to sell.

Sec. 6. Powers of town commission.

(a) All powers of the Town of Longboat Key except those vested in the town manager, town clerk, town attorney and municipal court and except as otherwise provided in this Charter are vested in the town commission. The town commission may prescribe by ordinance or resolution the manner in which such powers are exercised. The town commission shall have power to pass all ordinances and laws not inconsistent with the Constitution and the Laws of the United States and the State of Florida as in its judgment may be necessary and proper for the government and preservation of peace and order within the town.

(b) The town commission shall have the power to prescribe such fines, penalties and forfeitures as it determines to be required to provide for the enforcement of ordinances of the town; provided, no such fine shall be more than five hundred dollars (\$500.00) and no such imprisonment shall be for a period longer than sixty (60) days, or both such fine and imprisonment.

(c) Until otherwise provided by law, the municipal court of the town is hereby vested with and granted jurisdiction for the trial of all persons charged with violating ordinances of the town where such offenses were committed within the corporate limits of the town. (Ord. N- 75-4, § 1, 3-19-75)

Sec. 7. Amended Charter; references.

(a) This Charter constitutes the amended Charter of the Town of Longboat Key and is adopted pursuant to Florida Statutes, Section 166.031, as amended by Laws of Florida, Chapter 73-129.

(b) References to "Charter" throughout refer to this amended Charter; references to "town" refer to the Town of Longboat Key; references to "commission" refer to the town

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commission; and references to "manager" refer to the town manager.

Article II. Town Commission

Sec. 1. Commission districts.

There are hereby created five (5) commission districts in the Town of Longboat Key as presently established by ordinance of the town. 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. All districts shall have substantially an equal number of electors registered therein.

The town commission shall by ordinance redistrict the town within three (3) months after the close of any fiscal year that the number of registered electors in any district exceeds by thirty per cent (30%) the number of registered electors in any other district in order that all districts may have substantially an equal number of electors registered therein; provided that final action in 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.

Sec. 2. Creation of commission; residency requirements, election and terms of office of commissioners.

There is hereby created a town commission to consist of seven (7) electors of the Town of Longboat Key, one (1) elected from each of the five (5) commission districts and two (2) elected at large. One (1) of such commissioners shall reside in and be nominated from District Number One; one (1) of such commissioners shall reside in and be nominated from District Number Two; one (1) of such commissioners shall reside in and be nominated from District Number Three; one (1) of such commissioners shall reside in and be nominated from District Number Four; one (1) of such commissioners shall reside in and be nominated from District Number Five; and two (2) of whom may reside in any district and shall be nominated by any qualified electors. Such commissioners shall be elected by the qualified electors residing in all five (5) districts at a general election and shall hold office for two

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(2) years beginning on the day after their election as provided herein. One (1) commissioner at large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner at large and commissioners from even-numbered districts shall be elected in odd-numbered years.

Sec. 3. Nominations; character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided, all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with official duties.

Sec. 4. Holdover commissioners.

Persons serving in the office of town commissioner at the time when this Charter becomes effective shall continue to serve until the expiration of their respective terms.

Sec. 5. 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 Tuesday of February and the general election shall be held on the third Tuesday of March. The names of the two (2) candidates who receive the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election; provided, should any one (1) candidate in the preliminary election receive a majority of all votes cast for a designated seat on the town commission, such candidate shall be declared elected without the necessity of being voted upon in the general town election and shall assume office at the same time and in the same manner as those elected in the general town election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

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Sec. 6. Conduct of 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 Charter. All elections shall be conducted substantially in accordance with the laws governing state elections insofar as there is no conflict with the terms of this Charter.

Sec. 7. Hours polls to be open; canvass of returns; certification of election.

The polls shall be open at the voting places from 7:00 a.m. to 7:00 p.m., or as otherwise provided by law, 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 (1) copy being delivered by such clerk and inspectors to the mayor and the other to the town clerk, both of whom shall transmit such returns to the town commission at a meeting to be held at twelve 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 declared by the commission to be the result of the election. The town clerk shall thereupon furnish a certificate of election to each person shown to have been elected, and each such person shall take office at 8:00 p.m. at the meeting to be held on the day following the general municipal election.

Sec. 8. Judge of qualifications.

The town commission shall be the judge of the election and qualification of its own members, subject to review by the courts. Any member of the town commission who shall be convicted of a crime involving moral turpitude shall forfeit his office.

Sec. 9. Vacancies.

(a) Vacancies in the town commission shall be filled by the town commission with any person so appointed to be a qualified elector from the district of the vacated commissioner, to serve until the next general municipal election. At the

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next general municipal election, the vacancy shall be filled by election, the person elected in such election to serve the remaining unexpired term of the town commissioner whose vacant office is being filled. If a vacancy is not filled by the town commission within thirty (30) days after the vacancy occurs, a special election shall be held within sixty (60) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of the commissioner whose vacant office is being filled.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

Sec. 10. Recall of town commissioners.

All members of the town commission shall be subject to recall as provided by the laws of the State of Florida.

Sec. 11. Mayor and vice-mayor.

(a) The town commission shall at a meeting to be held at 8:00 p.m. on the day following the general municipal election, or thereafter when necessary to fill a vacancy, elect one (1) of its members as mayor of the town and another of its members as vice-mayor of the town. In case the members of the town commission are unable to agree within five (5) days after the time fixed herein or within five (5) days after any vacancy occurs, upon the selection of the mayor and vice-mayor, then such officers shall be chosen by lot, conducted by the town attorney, who shall certify the result of such lot in the minutes of the town commission.

(b) In the event of illness, disability, death or absence of the mayor, the vice-mayor shall have all powers, duties and authority of the mayor; and in the event the vice-mayor signs any instrument in place of the mayor, then it shall be presumed without further proof that the mayor was either ill, disabled, deceased or absent from the town. In the event of the illness, disability, death or absence from the town of both the mayor and vice-mayor, a quorum of the town commission may by resolution entered in the minutes of the town commission, appoint an acting mayor for such length of time or for such particular purpose as may be necessary.

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Sec. 12. Functions and powers of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, shall have a voice and a vote in the proceedings of the commission but no veto power, and 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 the mayor the administrative or judicial functions of a mayor under the general laws of the state. The mayor 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. The mayor may take command of the police and govern the town by proclamation during times of grave public danger or emergency, provided such public emergency has been declared by a majority of available members of the town commission. The powers and duties of the mayor shall be such as are conferred by the town commission in pursuance of the provisions of this Charter, and no others.

Sec. 13. Relationship of town commission with administration.

(a) Except for purposes of inquiry, the town 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 any subordinates of the town manager, either publicly or privately.

(b) The provisions of section 13(a) shall not limit or restrict the right of the town commission or any of its members from inspecting or making inquiry regarding any work performed by any department or division of the town and shall not limit or restrict the right of the town commission to make investigations as provided in section 25 of this article.

(c) Neither the town commission nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the town manager or any subordinate is empowered to appoint, but the town commission may express its views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

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Sec. 14. Meetings.

(a) At 8:00 p.m. on the Wednesday following each general municipal election under this Charter, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town, at which time 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.

(b) 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 minutes of its proceedings.

Sec. 15. Special meetings.

The mayor, or any two (2) members of the commission, may call special meetings of the commission upon at least two (2) hours' written notice to each member, served personally, or left at the member's place of business or usual place of residence; provided, the aforesaid requirement of written notice of special meetings may be waived at said special meeting by the unanimous vote of the entire town commission recorded in the minutes of the meeting; but in any event, there shall be no such requirement of written notice where notice is given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting.

Sec. 16. Penalty for absence.

Absence from four (4) 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 in the minutes.

Sec. 17. Enactment of ordinances.

(a) All action of the town commission of a legislative character shall be by ordinance, and each such ordinance shall contain an enacting clause substantially in the following form: "Be it ordained by the Town of Longboat Key."

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(b) Each proposed ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(c) The subject of each ordinance shall be clearly stated in the title, and each ordinance shall be enacted in the following manner or as otherwise provided by law:

(1) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, as required by state law but not less than ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles or proposed ordinances and the place or places within the municipality where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance; provided, the town commission with an affirmative vote of five (5) members may enact any emergency ordinance without complying with the requirements of this paragraph.

(2) The majority of the members of 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 the majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution, but the affirmative vote of not less than three (3) members shall be necessary to adopt any ordinance or resolution, and the passage of all ordinances shall be taken by "yeas" and "nays" and entered in the minutes. On final passage, the vote of each member of the town commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the town commission shall become effective ten (10) days after passage or as otherwise provided therein.

(3) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk.

(d) 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 clerk, need not be published

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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.

Sec. 18. Emergency measures.

(a) 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.

(b) 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. Emergency ordinances shall be effective upon the date specified in the ordinance itself.

Sec. 19. Codification of ordinances.

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, 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.

Sec. 20. 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 clerk, which oath shall be in the form prescribed for state officers by the Constitution of the state.

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Sec. 21. 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 clerk.

Sec. 22. Appointment of advisory boards.

The town commission may appoint such advisory boards or committees as it deems necessary or desirable. The members of such boards shall serve without compensation and either at the pleasure of or for such term as may be designated by the town commission.

Sec. 23. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.

Sec. 24. Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(b) In the continuing development of the town's plans for the use of lands and structures within the town, the town commission shall consider all of the needs of the town, including but not limited to, plans for vehicular and pedestrian traffic, offstreet facilities, furnishing utilities, control of the intensity of use of lands and structures, avoidance of

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congestion of population by proper regulation of density, modes and means of transportation, and the needs for parks, open spaces, cultural, recreational and other facilities and shall consider such other factors as it determines to be proper and in the best interest of the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(c) The town commission shall maintain on permanent record at the town hall a current map delineating the entire area of the town and the manner in which each area is zoned.

Sec. 25. Investigations.

The town commission 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 mayor or such other officer authorized by the town commission and shall be served by any officer authorized by law to serve such process. The town commission in making such investigation shall have the power to cause testimony to be given under oath and shall have the power to apply to any court of competent jurisdiction to punish for contempt any person refusing to testify or to produce any books, papers, documents or other evidence under his control which relates to the matter under investigation.

Article III. Town Manager

Sec. 1. Appointment; qualifications; compensation.

The town commission shall appoint a town manager who shall serve at the pleasure of the town commission and for such compensation as determined by the commission. The manager shall be appointed solely on the basis of executive and administrative qualifications and need not be a resident of the town or state at the time of appointment but may reside outside the town while in office only with the approval of the town commission.

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Sec. 2. Removal.

The town commission may remove the town manager from office without cause or hearing prior to the time the town manager has served in that capacity for six (6) months; however, if the town commission thereafter desires to remove the town manager, such removal shall be accomplished in accordance with the following procedures:

(a) The town commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

(b) Within five (5) days after delivery to the manager a copy of the resolution, the manager may file with the town commission a written request for a public hearing. This hearing shall be held at a town commission meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the town commission a written reply not later than five (5) days before the hearing.

(c) The town commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if a public hearing has not been requested, or at any time after the public hearing, if requested.

The manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the town commission in suspending or removing the manager shall not be subject to review by any court or agency.

Sec. 3. Acting town manager.

By letter filed with the town clerk the manager shall designate, subject to approval of the town commission, a qualified town administrative officer to exercise the powers and perform the duties of manager during any temporary absence or disability. During such absence or disability, the town commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the disability shall cease.

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Sec. 4. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town and shall be responsible to the town commission for the administration of all town affairs and shall establish such departments and divisions of responsibility as shall be necessary and proper for administration of the affairs of the town and performance of its municipal functions. The manager shall be responsible for the preservation of peace and the protection of persons and property within the town and shall be the director of all public safety forces. Subject to such personnel regulations as may be adopted by ordinance or resolution of the town commission, the manager shall appoint, remove and fix compensation for the chiefs and all subordinate officers of the police, fire and other safety forces of the town, and shall have the following powers and duties:

(a) To appoint a chief of police who shall be responsible to the town manager for the management, control, administration and discipline of the police forces. The number and ranks of police officers shall be determined by ordinance of the town commission.

(b) To appoint a fire chief who shall be responsible to the town manager for the management, control, administration and discipline of the fire forces. The number and ranks of fire officers shall be as determined by ordinance by the town commission.

(c) To appoint and, when deemed necessary for the good of the service, to suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(d) To direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.

(e) To attend all town commission meetings and shall have the right to take part in discussion but may not vote.

(f) To see that all laws, provisions of this Charter and acts of the town commission, subject to enforcement by the

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manager or by officers subject to the manager's direction and supervision, are faithfully executed.

(g) To prepare and submit the annual budget and capital program to the town commission.

(h) To submit to the town commission and make available to the public a complete report of the finances and administrative activities of the town as of the end of each fiscal year.

(i) To make such other reports as the town commission may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.

(j) To keep the town commission fully advised as to the financial condition and future needs of the town and make such recommendations to the town commission concerning the affairs of the town as deemed desirable.

(k) To be purchasing agent for the town, by whom all purchases of supplies shall be made, and shall approve all vouchers for the payment of same. In the capacity of purchasing agent, the manager 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 (3) bids shall be obtained in the purchase or sale of personal property involving amounts in excess of twenty-five hundred dollars (\$2,500.00).

(l) To perform such other duties as are specified in this Charter or may be required by the town commission. (Ord. No. 75-4, § 2, 3-19-75)

Article IV. Town Clerk

Sec. 1. Appointment and qualifications.

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of the professional qualifications of such individual.

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Sec. 2. Powers and duties.

The town clerk shall be head of the department of records and custodian of all official records of the town and shall be responsible to the town commission for the proper administration of all affairs concerning the records of the town placed under the town clerk's authority under this Charter, and shall:

- (a) Serve as clerk to the town commission and recorder of all its official actions.
- (b) Serve as clerk of the municipal court.
- (c) Serve as the election official for the town.
- (d) Authenticate documents of the town where required and be custodian of the town seal.
- (e) Attest all bonds, contracts and other instruments on behalf of the town.
- (f) Administer oaths required or authorized under any laws, this Charter, or ordinance of the town.
- (g) Keep as a permanent record all written contracts and bonds where the town is a party in interest.
- (h) Perform such other duties as prescribed by law or by this Charter or by any ordinances of the town or by direction of the town commission or town manager. (Ord. No. 75-4, § 3, 3-19-75)

Article V. Town Finances

Sec. 1. Finance director.

The town manager shall appoint a finance director whose duties shall include:

- (a) To collect and invest all funds of the town, provided the town commission shall direct the policy of investment of such 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 in the best interest of the town;

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provided, all deposits of monies belonging to the town shall be secured by negotiable interest bearing United States, state, county, school district or municipal bonds or surety company bonds in an amount not less than the amount in such deposits.

(b) To pay out on behalf of the town by checks or other orders for payments all payments due from the town, provided the town commission shall provide by ordinance or resolution the manner in which all checks or other orders for payment are to be signed, which shall require at least one countersignature.

(c) To supervise all accounting procedures.

(d) To submit monthly financial reports to the town commission showing all receipts and disbursements.

(e) To audit the accounts of any officers of the town upon such officer's death, resignation, removal or expiration of term, and to notify the town manager and town commission if any of such officers are found to be indebted to the town.

(f) To certify as to available funds.

(g) To furnish to the town manager such fiscal services as required.

Sec. 2. Fiscal year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September, or otherwise as may be provided by law.

Sec. 3. Submission of budget and budget message.

On or before the first day of August of each year, the town manager shall submit to the town commission a budget for the ensuing fiscal year and an accompanying message.

Sec. 4. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in

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financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable.

Sec. 5. Budget.

The budget shall contain an organizational chart showing the functions of all departments and divisions of the town shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the town manager deems desirable or the town commission may require. In organizing the budget, the town manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

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

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Sec. 6. Capital program.

(a) Submission to town commission. The town manager shall prepare and submit to the town commission a five-year capital program at least three (3) months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 7. Town commission action on budget.

(a) Notice and hearing. The town commission shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(b) Amendment before adoption. After the public hearing, the town commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

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(c) Adoption. On or before the last town commission meeting of each fiscal year, the town commission shall, by ordinance which may be made effective immediately, adopt the town budget for the ensuing fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the town commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, shall establish the salaries of the town manager, town attorney and municipal judge, and shall constitute a levy of the property tax specified therein.

Sec. 8. Public records.

Copies of the budget and the capital program, if adopted, shall be public records and shall be made available to the public in the town hall.

Sec. 9. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the town commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the town commission may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the town commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the town commission without delay, indicating the estimated amount of the deficit, any remedial action taken, or the manager's

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recommendations as to any other steps to be taken. The town commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year, the town manager may transfer part of all or any unencumbered appropriation balance among programs within a department, office or agency, and upon written request by the town manager, the town commission may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 10. Lapse of appropriations.

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

Sec. 11. Budget work programs and allotments.

At such time as the town manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The town manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year and may revise such allotments during the year if deemed desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 9 of this article.

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Sec. 12. Certificate of available funds.

(a) Before any contract or other obligation involving the expenditure of money shall be entered into, or any order for expenditure of money shall be entered into, or any order for expenditure of money shall be authorized by the town commission or any officer of the town, the finance director shall first certify in writing that the funds required for any such obligation are, or within the fiscal year shall be in the treasury of the town to the credit of the fund to be drawn upon; provided, the town commission may provide for contracts or other obligations involving the expenditure of money in any immediately ensuing fiscal year, provided the finance director shall first certify in writing as to reasonable anticipation that such funds will be available to the town during such immediately ensuing fiscal year; and provided further that no such certification shall be required in connection with the issuance of bonds by the town under the provisions of this article or pursuant to any applicable general or special laws of the State of Florida.

(b) Money to be derived from bonds which have been sold and are in the process of delivery, and money which has been pledged to the town by federal, state or county agencies shall be deemed to be in the treasury to the credit of the appropriate fund.

(c) The finance director's certificate shall be filed with the town manager and town clerk, and thereafter such funds shall be considered encumbered and unavailable for other expenditures until the town is discharged from the particular obligations.

(d) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

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Sec. 13. Systems of accounts and forms.

The finance director shall prescribe and require, except as 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; 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; and shall require periodic reports 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.

Sec. 14. Audit of accounts.

At the end of each fiscal year, and oftener if so required by the town commission, the finance director shall audit the accounts of the several departments, officers and employees, and shall audit all other accounts in which the municipality is interested. The finance director shall at all times have access to and may inspect and make 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 selected by the town commission who shall, upon completion of the audit, deliver to each member of the town commission, the finance director and the town manager a copy of said audit; and a copy of said audit shall remain on file in the office of the finance director 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 (30) days after the completion of any such audit.

Sec. 15. 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 finance director, who

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shall keep a record of all 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.

Sec. 16. Investment advisory committee.

The town commission shall appoint an investment advisory committee consisting of three (3) or more members of the town commission, which committee shall be authorized to consult with persons experienced in finance. Annually and at such other times as requested by the town commission, the committee shall render written reports as to the character and extent of the town's investments, together with recommendations for any revisions in the town's investment program.

Sec. 17. Bonds generally.

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 State

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of Florida; for refunding any preexisting 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 per cent (20%) of the assessed valuation of the real property of said town and not until previously approved by a majority of the votes cast by the qualified electors residing in the town in a special election called, held and conducted for such purpose under the authority of and pursuant to the provisions of the Constitution and General Laws of Florida, and provided that at least thirty (30) days' notice thereof shall be published not less than once a week for four (4) consecutive weeks in a newspaper published in Manatee and Sarasota Counties. In arriving at the amount of negotiable bonds outstanding in order to determine the amount of such bonds that may be issued, the classes of bonds known as improvement bonds which are secured by lien certificates issued against abutting property, shall not be considered.

Sec. 18. Revenue certificates.

The town commission shall have the power to provide by ordinance or resolution for the issue and sale of revenue certificates payable solely from revenues derived from the operation of any utility or facility owned or operated by the town to be acquired or established by the town, or from funds of the town derived from sources other than ad valorem taxes, or from any combination thereof, for the same purposes for which the town may issue municipal general obligations bonds as enumerated in section 17, 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.

Sec. 19. Procedure.

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

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direct the town clerk to advertise for sealed bids for the purchase of the described securities intended thus to be sold. Thereupon the town 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 (2) consecutive weeks prior to the day of sale in a newspaper of general circulation 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 ninety-five per cent (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 (2 1/2%) 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.

Sec. 20. Authority as to bonds supplemental.

The authority granted to the town in sections 17 to 19 inclusive of this article to issue general obligation bonds, revenue bonds and other bonds, notes or other obligations shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing or hereafter provided under any other law, either general, special or local; provided, however, that the issuance of general obligation bonds or revenue bonds, or any other bonds, notes or other obligations under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds.

Article VI. Town Attorney

Sec. 1. Appointment and qualifications.

The town commission shall appoint a town attorney who shall serve at the pleasure of the town commission. The town attorney shall be a member of the Florida Bar with a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

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Sec. 2. Assistant town attorneys.

The town attorney may appoint members of the Florida Bar as his assistants, provided the terms of such appointments and compensation of such appointees shall be made with the advice and consent of the town commission.

Sec. 3. Duties.

The town attorney shall:

(a) Serve as legal adviser to the town, the town commission and all of the governmental and proprietary functions of the town and its departments, divisions, officers, boards and committees;

(b) Prepare or review all proposed ordinances and resolutions of the town;

(c) Approve as to form and legal correctness all written contracts entered into by the town; and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;

(d) Prosecute and defend all legal actions wherein the town is a party in interest;

(e) Serve as prosecuting attorney for the town in the municipal court, or if the municipal court shall be discontinued according to law, to serve as prosecuting attorney for the town in any court of competent jurisdiction;

(f) Perform such other legal services as requested by the town commission or town manager.

Article VII. Municipal Court

Sec. 1. Municipal court.

There shall be and there is hereby established in the Town of Longboat Key a municipal court to be known as the Longboat Key Municipal Court for the trial of all offenders against the municipal ordinances. Such court shall be presided over by a judge appointed by the town commission who shall be a lawyer duly admitted to practice law in the State of Florida and shall be appointed by the town commission to

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serve at the pleasure and for such compensation as determined by the town commission. In the absence or disability of the municipal judge, the town commission shall, on like basis, appoint an associate municipal judge, who possesses the same qualifications as required of the municipal judge, to serve during said absence. The municipal judge is hereby authorized and empowered to promulgate rules and regulations for the government of said municipal court, to fix the time at which said court shall convene, and to prescribe the sessions at which all persons within the jurisdiction of said court shall have their cases set for trial. The costs of all proceedings in said court shall be in accordance with a schedule to be made up by the municipal judge with the concurrence and approval of the town commission, and shall be set forth as a rule or regulation of said court; provided, however, said costs shall not exceed those allowed by law in courts of record. (Ord. No. 75-4, § 4, 3-19-74)

Sec. 2. 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 courts 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 anywhere within the State of Florida, and to make proper returns upon the same to such court and in the same manner as is required of 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 for Longboat Key, such judge may designate one (1) 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

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provided for under the ordinances of the town, and to have all powers incidental and usual to the due enforcement of such town ordinances.

Sec. 3. Appeals; procedure.

Anyone aggrieved by a judgment in the municipal court may appeal from the judgment of such court to the circuit court in and for Sarasota and Manatee Counties. The practice and procedure for such appeals shall be as provided under the Florida Appellate Rules, adopted by the supreme court of Florida, as amended from time to time.

Sec. 4. Preservation of order; disposition of money 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 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 on the day on which collected, and receipts taken therefor.

Sec. 5. Remission of fines and penalties.

No fine or other penalty imposed by the municipal court shall be remitted except by action of the town commission upon the recommendation of the municipal judge, provided that this section shall not be construed as precluding the municipal judge from suspending sentences imposed by such court.

Sec. 6. Discontinuance of municipal court.

The town commission may provide by ordinance that the municipal court of the Town of Longboat Key be discontinued in accordance with the Constitution and Laws of the State of Florida. In the event said municipal court is discontinued by ordinance of the town or by law of the State of Florida, then this Article VII and any references to the municipal court in Article I, section 6(a) and (c); to the municipal judge in Article V, section 7(c); and to the duties of the town clerk in Article IV, section 2(b), shall be deemed deleted from this Charter.

Art. VIII, § 1

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Art. VIII, § 3

Article VIII. Charter Amendments

Sec. 1. Proposal of Amendments.

Amendments to this Charter may be framed and proposed:

(a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or

(b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten per cent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed, and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.

Sec. 2. Method of referendum.

Upon adoption of an ordinance or resolution by the town commission as provided in section 1(a) of this article or upon delivery to the town commission of a written petition as provided in section 1(b) of this article, the town commission shall, not less than thirty (30) nor more than sixty (60) days thereafter, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this Charter.

Sec. 3. Referendum on Charter amendments.

(a) Any proposed amendment to the Charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

☐

For.

☐

Against.

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Art. VIII, § 3

THE CHARTER

Art. IX, § 2

(b) Before any proposed amendment to this Charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.

Sec. 4. Adoption of amendment.

Any proposed amendment to the Charter adopted by a majority of the qualified electors of the town voting in such referendum shall become effective when filed with the office of the department of state of the State of Florida.

Sec. 5. Supplemental method of amendment.

The foregoing method of proposing amendments and mechanics of holding referendums thereon shall be supplemental to the provisions of all other laws relating to amendment of municipal charters.

Article IX. Transitional and Separability

Sec. 1. Existing Charter not inconsistent with amended Charter.

All provisions of the Charter of the Town of Longboat Key, being Chapter 57-1540, Laws of Florida, as amended, which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the town subject to modification or repeal in the same manner as other ordinances of the town.

Sec. 2. Existing ordinances not inconsistent with amended Charter.

All existing ordinances of the town, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the town commission in regular course.

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Art. IX, § 3

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Art. X, § 1

Sec. 3. Title to all properties reserved.

The title rights, ownership of property, and all claims of the Town of Longboat Key, including all suits, actions and choses in actions owned by the town, shall continue under this Charter, and no pending causes shall be abated as a result of adoption of this Charter.

Sec. 4. Obligation of contracts preserved.

No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the adoption of this Charter.

Sec. 5. Officers held over until successors qualify.

All officers of the town heretofore elected or appointed and holding office in the town shall continue to hold their respective offices and to discharge their duties thereof until their successors are elected or appointed under the provisions of this Charter. This Charter shall not affect or impair any vested rights or privileges of any persons who are town officers or employees at the time of its adoption.

Sec. 6. Separability clause.

If any article or any part hereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof, or any other section or part thereof, unless it clearly appears that such other article or part thereof, or section or part thereof, is wholly or necessarily dependent for its operation upon the article or part thereof, or section or part thereof, held to be invalid or unconstitutional.

Article X. Effective Date and Referendum Requirements

Sec. 1. Referendum requirements and procedures.

(a) The provisions of this Charter shall not become operative until ratified by a majority of the qualified electors of the Town of Longboat Key voting on the question of

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the approval or disapproval of the same at a referendum to be called and held in the Town of Longboat Key for the purpose of approving or disapproving same.

(b) The referendum for the approval or disapproval of this Charter shall be called and held by the town commission of the Town of Longboat Key on the twentieth day of March, 1975. The places of voting in such election shall be the same places of voting in regular municipal elections. The town commission shall give notice of such referendum by publication of notice thereof in a newspaper of general circulation in the Town of Longboat Key once a week for four (4) consecutive weeks (four (4) publications being sufficient), with the first publication being at least twenty-eight (28) days prior to the date of the referendum.

(c) At such referendum, the question of the approval or disapproval of this Charter and the provisions hereof shall be submitted to the qualified electors of the Town of Longboat Key in substantially the following form, which shall be printed on the ballot as follows:

"Shall the Amended Charter for the Town of Longboat Key be ratified and approved?

☐ Yes

☐ No

(d) If a majority of the qualified electors of the Town of Longboat Key actually voting on such question in such referendum shall vote for the approval of the amended Charter, then the remainder of this Charter, in addition to article X, shall become effective and operative at 12:01 a.m. on the twenty-first day of March, 1975, one (1) day following the date of the referendum. If a majority of the qualified electors of the Town of Longboat Key actually voting on such question at such referendum shall vote against the approval of the Charter, then this Charter shall not be effective or operative, and the same shall be void and of no effect, and the present Charter of the Town of Longboat Key shall remain in full force and effect.

(e) The laws and ordinances in effect in the Town of Longboat Key at the time of such referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and

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govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter. (Ord. No. 75-4, § 5, 3-19-75)

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CHARTER COMPARATIVE TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>Section</u>	<u>Disposition</u>	
			<u>Art.</u>	<u>Sec.</u>
75-2	2-19-75	1	I	1---7
			II	1---25
			III	1---4
			IV	1, 2
			V	1---20
			VI	1---3
			VII	1---6
			VIII	1---4
			IX	1---6
			X	1
75-4	3-19-75	1	I	6(b)
		2	III	4
		3	IV	2(g)
		4	VII	1
		5	X	1(b)

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PART II. THE CODE

CHAPTER 1

GENERAL PROVISIONS

- § 1-1. How Code designated and cited.
- § 1-2. Definitions and rules of construction.
- § 1-3. Catchlines of sections.
- § 1-4. Altering of Code prohibited.
- § 1-5. Effect of repeal or amendment of ordinances.
- § 1-6. Amendments to Code.
- § 1-7. Severability of parts of Code.
- § 1-8. General penalty; continuing violations; violations deemed nuisances.
- § 1-9. Cost of giving notice relative to application for permit.
- § 1-10. Assessment of court cost for law enforcement education expenditures.
- § 1-11. Ordinances concerning land use and control.
- § 1-12. Effect of county ordinances.

Sec. 1-1. How Code designated and cited.

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

Charter reference---Town authorized to codify its ordinances, Art. II, § 19.

State law reference---Town authorized to revise and codify its ordinances, Fla. Stats., § 165.192.

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

In the construction of this Code and of all ordinances, 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:

Commission, town commission. Whenever the words "commission" or "town commission" are used, they 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

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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 (3) 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 copartnerships, 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.

State law reference---Official time, Fla. Stats., § 1.02.

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.

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

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State law reference---Similar state law, Fla. Stats., § 1.01.

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.

Shall; may. The word "shall" is mandatory. The word "may" is permissive.

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, occupant. 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.

Town. The words "this town" or "the town" shall mean the Town of Longboat Key, Florida.

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

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Year. The word "year" shall mean a fiscal year beginning October first of each year and ending September thirtieth of the following year. (Ord. No. 73-24, § 1, 9-26-73)

State law reference--Definitions, Fla. Stats., § 1.01.

Sec. 1-3. Catchlines or sections.

The catchlines of the several sections of this Code printed in boldface 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.

Sec. 1-4. Altering of Code prohibited.

It shall be unlawful for any person 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. (Code 1965, § 1-4)

Sec. 1-5. Effect of repeal or amendment 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.

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code. 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 and

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subsequent ordinances numbered or omitted are readopted as a new Code by the town commission.

(b) 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.

(c) 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.

(d) 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. (Code 1965, § 1-6)

Sec. 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.

Sec. 1-8. General penalty; continuing violations; violations deemed nuisance.

Whenever in this Code 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

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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 (60) days. 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. (Code 1965, § 1-8)

Cross reference---Penalty for violation of subdivision ordinance, App. A, § 11.40; penalty for violation of zoning ordinance, App. B, § 12.10.

Charter reference---Punishment for violations of ordinances, § 142.

State law reference---Town authorized to punish violators of its ordinances and laws, Fla. Stats., § 165.19.

Sec. 1-9. Cost of giving notice relative to application for permit.

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. (Code 1965, § 1-9)

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Sec. 1-10. Assessment of court cost for law enforcement education expenditures.

The municipal court shall assess one dollar (\$1.00) as a court cost against every person convicted for violation of this Code or other municipal ordinance; provided, that no such assessment shall be made against any person convicted for violation of any provision of this Code or other municipal ordinance relating to the parking of vehicles.

Assessments collected under this section shall be used only for law enforcement education expenditures for the law enforcement officers of this town. (Ord. No. 158, § 2, 10-1-69)

Sec. 1-11. Ordinances concerning land use and control.

All ordinances of the town, including the building code as amended and the zoning code as amended, concerning land use and control and other measures designed to reduce flood losses within the town shall take precedence over any conflicting laws, ordinances or codes of the town. (Ord. No. 224, § 1, 6-15-72)

Sec. 1-12. Effect of county ordinances.

No ordinance enacted by the County of Sarasota relating to any subject, activity or offense which the Town of Longboat Key is authorized by law to regulate or control shall be effective or enforceable within the territorial limits of the town unless and until the same shall be concurred in by ordinance of the Town of Longboat Key. (Ord. No. 74-35, § 1, 12-4-74)

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Chapter 2

ADMINISTRATION

Cross references—Elections generally, Ch. 9; police department, Ch. 17; zoning board of adjustment, App. A, §§ 8.10—8.34

Article I. In General

- § 2-1. Service of process of municipal court; duties of town clerk.
- §§ 2-2—2-5. Reserved.

Article II. Social Security for Town Employees

- § 2-6. Declaration of policy.
- § 2-7. Exclusions.
- § 2-8. Authority to execute agreements with state agency.
- § 2-9. Authority to withhold employee contributions from wages.
- § 2-10. Authority of town to appropriate for contributions.
- § 2-11. Records to be kept by town; adherence to regulations of state agency.
- § 2-12. Adoption of Title II of Social Security Act.
- § 2-13. Town finance director designated custodian of funds and withholding and reporting agent.

Article III. Reserved

- §§ 2-14—2-21. Reserved.

Article IV. Accounting and Bookkeeping Procedures

- § 2-22. Compliance with accepted practices and standards.
- § 2-23. Cash receipts; records of receipts and disbursements.
- § 2-24. Annual inventory of town equipment.
- § 2-25. Court docket and record of cases, payment of fines, etc., to be maintained.
- § 2-26. Bank accounts for town funds.
- § 2-27. Check vouchers for disbursement of town funds.

ARTICLE I. IN GENERAL

Sec. 2-1. Service of process of municipal court; duties of town clerk.

(a) The process of the municipal court of the town shall extend to and may be served anywhere within the territorial limits of the State of Florida, and all summons, subpoenas, warrants and other process of the municipal court may be served and executed by the town clerk, his deputy or any police officer of the town, anywhere within the territorial limits of the State of Florida.

(b) The town clerk may administer an oath to and take affidavit of any person charging another with an offense by breach of an ordinance, and may issue a warrant to the police officer of the town to have the accused person arrested and brought before

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the municipal court for trial. The deputy town clerk may, in the absence of the town clerk from the town hall, administer oaths of affidavits of complaints and issue warrants for the arrest of persons complained against. (Ord. No. 73-32, §§ 1, 2, 1-2-74)

Cross reference—Clerk to maintain municipal court docket, record of cases, and record of fines and payments, § 2-25.

Secs. 2-2—2-5. Reserved.

ARTICLE II. SOCIAL SECURITY FOR TOWN EMPLOYEES

State law reference—Social security for public employees, Fla. Stat., §§ 650.01 to 650.10.

Sec. 2-6. Declaration of policy.

It is hereby declared to be the policy and purpose of the town to extend, effective as of January 1, 1960, to the employees and officials thereof not excluded by law, nor excepted in this article, the benefits of the system of old-age and survivors insurance, 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 the town by employees and officials thereof, except the town attorney and the town commission. (Code 1965, § 18-1)

Sec. 2-7. Exclusions.

There is hereby excluded from this article any authority to include in any agreement entered into under section 2-8, any service, position, employee or official now covered by or eligible to be covered by an existing retirement system. (Code 1965, § 18-2)

Sec. 2-8. Authority to execute agreements with state agency.

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 such system of old-age and survivors insurance to the employees and officials of this town, as provided in sections 2-6 and 2-7, which agreement shall provide for such methods of administration of the plan by the 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 January 1, 1960. (Code 1965, § 18-3)

Sec. 2-9. Authority to withhold employee contributions from wages.

Withholdings from salaries, wages or other compensation of employees and officials for the purpose provided in this article are hereby authorized to be made, and

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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 such laws or regulations to receive such amounts. (Code 1965, § 18-4)

Sec. 2-10. Authority of town to appropriate for contributions.

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 regulations. (Code 1965, § 18-5)

Sec. 2-11. Records to be kept by town; adherence to regulations of state agency.

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. (Code 1965, § 18-6)

Sec. 2-12. Adoption of Title II of Social Security Act.

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 authorized by this article. (Code 1965, § 18-7)

Sec. 2-13. Town finance director designated custodian of funds and withholding and reporting agent.

The town finance director 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 finance director is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purpose of this article. (Code 1965, § 18-8)

ARTICLE III. RESERVED

Secs. 2-14—2-20. Reserved.

Sec. 2-21. Reserved.

Editor's note—Former § 2-21, pertaining to petitions for zoning changes and derived from Ord. No. 169, § 7, adopted April 1, 1970, was repealed by § 1 of Ord. No. 74-14, enacted June 26, 1974.

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ARTICLE IV. ACCOUNTING AND BOOKKEEPING PROCEDURES

Sec. 2-22. Compliance with accepted practices and standards.

The town finance director shall comply with accepted accounting practices and standards to insure good internal control. (Ord. No. 211, § 1, 1-19-72)

Sec. 2-23. Cash receipts; records of receipts and disbursements.

The town finance director shall issue receipts for all moneys coming into his possession from any and all sources for which he is held accountable. A copy of the receipt issued by the town finance director shall be delivered to the person making payment and shall specify the purpose for which the payment was made. The town finance director shall keep such records that will enable him to account for all cash receipts and disbursements and to properly account for all budgeted items of cash receipts and disbursements as adopted by the town in its annual budget. (Ord. No. 211, § 2, 1-19-72)

Sec. 2-24. Annual inventory of town equipment.

The town finance director shall prepare an annual physical inventory of all furniture, fixtures and equipment owned by the town. Such inventory shall show the identification number placed on each and every item of furniture, fixtures and equipment. Thereafter the inventory shall be checked annually. (Ord. No. 211, § 3, 1-19-72)

Sec. 2-25. Court docket and record of cases, payment of fines, etc., to be maintained.

The town clerk shall maintain a court docket and record all cases coming before the municipal judge, together with a record of the payment of all fines and forfeitures. The town clerk shall also maintain a written record of all parking tickets issued by the police department and shall record all fines paid and collections and endeavors to collect for such parking tickets. (Ord. No. 211, § 4, 1-19-72)

Cross reference—Duties of clerk regarding municipal court, § 2-1.

Sec. 2-26. Bank accounts for town funds.

The town finance director shall maintain necessary bank accounts for all funds of the town and shall require the necessary collateral for such public funds. (Ord. No. 211, § 5, 1-19-72)

Sec. 2-27. Check vouchers for disbursement of town funds.

Check vouchers for the disbursement of funds for the town shall be prepared in three (3) copies as follows:

- (a) Original copy to be mailed or given to payee.

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- (b) Second copy to be attached to invoice or bill paid showing necessary approval and filed alphabetically.
- (c) The third copy to be filed numerically for each fund. (Ord. No. 211, § 6, 1-19-72)

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CHAPTER 2A

AIRCRAFT AND AIRPORTS

- § 2A-1. Certificates required.
- § 2A-2. Operation of aircraft, including helicopters, in violation of federal regulations prohibited.
- § 2A-3. Landing within town limits prohibited; exceptions.
- § 2A-4. Height at which aircraft to be flown.
- § 2A-5. Penalty.

Editor's note--Ord. No. 73-20, adopted Aug. 22, 1973, did not specifically amend the Code, therefore, codification of §§ 1---5 as Ch. 2A, §§ 2A-1---2A-5, was at the editor's discretion.

Sec. 2A-1. Certificates required.

It shall be unlawful for any person to operate any aircraft, including helicopters, over the territory within the town limits without first having then in effect a pilot's certificate issued by the department of commerce of the United States and a valid certificate or air-worthiness for such aircraft issued by such department of commerce. (Ord. No. 73-20, § 1, 8-22-73)

Sec. 2A-2. Operation of aircraft, including helicopters, in violation of federal regulations prohibited.

It shall be unlawful for any person to operate any aircraft, including helicopters, over the territory within the town limits in violation of any regulation of the department of commerce of the United States or any other authorized department governing the operation of aircraft. (Ord. No. 73-20, § 2, 8-22-73)

Sec. 2A-3. Landing within town limits prohibited; exceptions.

It shall be unlawful for any person to land any aircraft, including helicopters, within the town limits at any time except at established airports; provided nothing in this section shall be construed to prohibit emergency landings by the U. S. Coast Guard or other governmental agencies and landings by law enforcement officers in the performance of their law enforcement duties. (Ord. No. 73-20, § 3, 8-22-73; Ord. No. 74-5, § 1, 3-6-74)

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Sec. 2A-4. Height at which aircraft to be flown.

It shall be unlawful for any person to operate any aircraft, including helicopters, over any building within the town limits at a height of less than one thousand (1,000) feet above the ground, except U. S. Coast Guard emergency aircraft or other governmental aircraft and mosquito control aircraft. (Ord. No. 73-20, § 4, 8-22-73)

Sec. 2A-5. Penalty.

Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in a sum not more than five hundred dollars (\$500.00), or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 73-20, § 5, 8-22-73)

CHAPTER 3

ALCOHOLIC BEVERAGES

Cross reference---Registration of certain employees handling liquor, beer, etc., §§ 11-12---11-16.

State law reference---Alcoholic beverages generally, Fla. Stats., § 561.01 et seq.

- § 3-1. License tax---Levy; amount; collection.
- § 3-2. Same---Receipt.
- § 3-3. Hours of sale.

Sec. 3-1. License tax---Levy; amount; collection.

The town auditor and 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 town that holds a state license for the sale of intoxicating beverages. The license fee for the same shall be up to, but not exceeding fifty (50) per cent of the state and county license tax, as provided by the laws of the state. (Code 1965, § 4-1)

Cross references---Licenses generally, Ch. 12; taxation generally, Ch. 21.

State law reference---Authority of municipality to levy and collect license tax, Fla. Stats., § 561.36.

Sec. 3-2. Same---Receipt.

The town auditor and clerk shall provide a receipt for the payment of a 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 in the amount so paid for such municipal license tax. (Code 1965, § 4-2)

Sec. 3-3. Hours of sale.

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:

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- (a) 7:00 a.m. on Monday to 2:00 a.m. on Tuesday.
- (b) 7:00 a.m. on Tuesday to 2:00 a.m. on Wednesday.
- (c) 7:00 a.m. on Wednesday to 2:00 a.m. on Thursday.
- (d) 7:00 a.m. on Thursday to 2:00 a.m. on Friday.
- (e) 7:00 a.m. on Friday to 2:00 a.m. on Saturday.
- (f) 7:00 a.m. on Saturday to 2:00 a.m. on Sunday.
- (g) 12:00 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.
- (h) 7:00 a.m. on December 31st of any year unless the day falls on a Sunday then from the hour set forth in paragraph (g) to 4:00 a.m. of January 1st of any year.

It shall be unlawful to keep open for business or to admit the public or for the public to remain or to permit the consumption of alcoholic or intoxicating beverages in or upon the premises in which alcoholic or intoxicating beverages are sold at retail during the hours within which the sale of such alcoholic or intoxicating beverages are prohibited; providing, that in case such establishments are open for business during such hours, bars, tables and counters shall be cleared of all alcoholic or intoxicating beverages and no alcoholic or intoxicating beverages may be consumed by the public during such hours. (Code 1965, § 4-3; Ord. No. 75-6, § 1, 6-4-75)

State law reference---Hours of sale, authority of town to regulate, Fla. Stats., §§ 562.14, 562.45.

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Chapter 4

ANIMALS AND FOWL

Article I. In General

§ 4-1. Quarantine.

Article II. Dogs and Cats

- § 4-2. Licenses required; issuance of license.**
- § 4-3. Issuance of license tags.**
- § 4-4. Collars required; tags to be attached to collars.**
- § 4-5. Use of unauthorized tag prohibited.**
- § 4-6. Removal of collars or tags.**
- § 4-7. Annual census of licensed animals.**
- § 4-8. Vaccination required.**
- § 4-9. Confinement when rabies suspected.**
- § 4-10. Leash or lead required; exceptions; female dogs or cats in heat.**
- § 4-11. Impoundment.**
- § 4-12. Pound.**
- § 4-13. Dog and cat warden generally.**
- § 4-14. Records of dog and cat warden.**
- § 4-15. Delivery to warden.**
- § 4-16. Causing annoyance to neighborhood, etc., prohibited.**
- § 4-17. Cruel and inhumane treatment.**
- § 4-18. Prohibited on beaches.**
- § 4-19. Disposition of fees and fines.**

ARTICLE I. IN GENERAL

Sec. 4-1. Quarantine.

Should the town commission determine that a state of emergency exists within the town by reason of animals being infected by rabies or other infectious and dangerous disease which shall constitute a danger to the public health, safety and general welfare of the town, the town commission may by resolution declare a state of emergency to exist and during such period of time, all dogs, cats and other animals and pets shall be kept confined or on a leash or lead by the owners or keepers thereof. During such period of time as such emergency shall continue, the town by resolution may promulgate such other emergency regulations as may be deemed necessary for the protection of the health, safety and general welfare of the town. (Ord. No. 147, § 5-21, 4-10-69)

ARTICLE II. DOGS AND CATS

State law references—Town authorized to license and regulate dogs, Fla. Stats., § 168.09; damages by dogs and liability of owners therefor, Fla. Stats., §§ 767.01 to 767.04.

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Sec. 4-2. Licenses required; issuance of license.

It shall be unlawful for any resident to keep a dog or cat within the town without first having obtained a license to keep such dog or cat. It shall be the duty of the town finance director to issue such licenses. The definition of a resident under this chapter is a person residing on Longboat Key for a period of ninety (90) days or more. (Ord. No. 147, § 5-2, 4-10-69)

Cross reference--Licenses generally, Ch. 12.

Sec. 4-3. Issuance of license tags.

It shall be the duty of the town finance director, on or before the first day of October of each year, to provide himself with a suitable number of metallic dog and cat tags or checks with the word "Longboat" and the year ensuing, ending September thirty-first, thereon, which tags shall be furnished by him to all applicants therefor upon payment of one dollar (\$1.00). (Ord. No. 147, § 5-17, 4-10-69; Ord. No. 229, § 1, 9-27-72)

Sec. 4-4. Collars required; tags to be attached to collars.

Every dog or cat over the age of six (6) 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. No. 147, § 5-18, 4-10-69)

Sec. 4-5. Use of unauthorized tag prohibited.

No tag shall be used on the collar of any dog or cat other than the one for which it is issued. (Ord. No. 147, § 5-19, 4-10-69)

Sec. 4-6. Removal of collars or tags.

No person shall remove the collar or tag, or both, from any dog or cat without the consent of the person to whom the license is issued. (Ord. No. 147, § 5-20, 4-10-69)

Sec. 4-7. Annual census of licensed animals.

The dog and cat warden shall, on or immediately after October first 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 or cats owned and whether any such dogs or cats are unlicensed. Upon finding any dogs or cats unlicensed, the dog and cat warden shall forthwith give notice in writing to the owners of such unlicensed dogs or cats and unless a license shall be secured not later than five (5) days after the date of such notice, at the regular license fee plus one dollar (\$1.00) for each such unlicensed dog or cat as a penalty for the owner's neglect in securing the same, such unlicensed dogs or cats shall be seized and impounded. The dog and cat warden shall

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have the authority to seize any unlicensed dog or cat either on or off the owner's premises without the necessity of any arrest warrant or court order and impound such dog or cat in the dog and cat pound. He shall give a receipt to the owner of any dog or cat so seized and impounded, describing each dog or cat clearly and stating the date of such seizure. Such unlicensed dog or cat shall be released to the owner at the dog and cat pound upon payment of the regular license fee, plus a penalty of three dollars (\$3.00) for each day within five (5) calendar days after the date of seizure. In the absence of such payment, such unlicensed dog or cat may be put to death humanely in the dog and cat pound or otherwise disposed of on the sixth calendar day after the date of seizure. (Ord. No. 147, § 5-14, 4-10-69; Ord. No. 229, § 2, 9-27-72)

Sec. 4-8. Vaccination required.

Prior to the issuance of any dog or cat license by the town finance director, any resident owning or keeping a dog or cat within the town shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian or other properly qualified person approved by the town manager. Evidence of such vaccination shall consist of a certificate signed by the person administering the vaccine and containing pertinent data for the identification of such dog or cat so vaccinated and the time of such vaccination. A copy of such certificate shall be filed by the town finance director at the time of issuance of such license. (Ord. No. 147, § 5-3, 4-10-69)

Sec. 4-9. Confinement when rabies suspected.

Upon the appearance of any suspicious symptoms of rabies, any dog or cat 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, cat or other animal by the owner, or the person in charge of such animal. (Ord. No. 147, § 5-4, 4-10-69)

Sec. 4-10. Leash or lead required; exceptions; female dogs or cats in heat.

No dog or cat, 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, theaters, 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 (8) feet, or unless within reasonable control of its owner or other person known to the dog or cat, such reasonable control not to exceed a distance of three hundred (300) 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 or cat in heat, within public places or on streets or other premises, must be on a lead or leash at all times. (Ord. No. 147, § 5-5, 4-10-69)

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Sec. 4-11. Impoundment.

Any dog or cat running at large shall be seized promptly by any police officer or by the dog or cat warden and impounded in the dog and cat pound. The owner of any such licensed dog or cat, or if such dog or cat is unlicensed, the owner of such dog or cat, if known, or if, upon reasonable diligent inquiry, may 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 or cat is seized, that such dog or cat has been seized and is impounded in the dog and cat pound awaiting redemption. No such dog or cat 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 feeding of such dog or cat, 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 or cat 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 or cat may be put to death humanely in the dog and cat pound on the sixth calendar day after day of seizure; except, that a dog or cat impounded on account of being rabid or having been bitten by a rabid dog, cat or other animal shall be held for a period of fifteen (15) days after seizure, unless death occurs before the expiration of the fifteen (15) days. Bodies of all dogs and cats killed shall be disposed of by the dog and cat 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. No. 147, § 5-7, 4-10-69)

Sec. 4-12. 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, and the chief of police is given the authority to make use of any of the above for any of the provisions under this article, and the same shall be under the general supervision of the chief of police. (Ord. No. 147, § 5-13, 4-10-69)

Sec. 4-13. Dog and cat warden generally.

The chief of police shall either designate a police officer as town dog and cat warden or appoint a town dog and cat warden and fix his compensation, subject to the approval of the town commission. It shall be the duty of the dog and cat warden to properly conduct the dog and cat pound and to enforce the provisions of this article. (Ord. No. 147, § 5-8, 4-10-69)

Sec. 4-14. Records of dog and cat warden.

The dog and cat warden shall keep a careful record of all dogs and cats received by him, describing each dog and cat carefully and describing fully and clearly the disposition of such dog or cat. 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. No. 147, § 5-8, 4-10-69)

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Sec. 4-15. Delivery to warden.

It shall be unlawful for any person to refuse to deliver his dog or cat to the dog and cat warden when properly requested to do so under the provisions of this article. (Ord. No. 147, § 5-12, 4-10-69)

Sec. 4-16. Causing annoyance to neighborhood, etc., prohibited.

It shall be unlawful for any person to keep, harbor or own any dog or cat 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 upon the streets. (Ord. No. 147, § 5-10, 4-10-69)

Sec. 4-17. Cruel and inhumane treatment.

It shall be unlawful for any person to be cruel or inhumane to a dog or cat, 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 or cats. (Ord. No. 147, § 5-11, 4-10-69)

State law reference—Cruelty to animals, Fla. Stats., §§ 828.01 to 828.18.

Sec. 4-18. Prohibited on beaches.

It shall be unlawful for any person owning any dog or cat or having any dog or cat in his care, custody or control, to permit or allow such dog or cat to be upon any beaches within the town. (Ord. No. 147, § 5-15, 4-10-69)

Sec. 4-19. Disposition of fees and fines.

All money collected as pound fees, etc., as prescribed in this article, shall be expended for efficient management of the pound and for the enforcement of this article, and for other dog and cat 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 finance director every Monday morning. (Ord. No. 147, § 5-9, 4-10-69)

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Chapter 4A

BEACHES

Cross reference—Mooring boats or other watercraft on beach, § 5-6(b).

Article I. In General

- § 4A-1. Time restriction; exemptions; penalty.
- § 4A-2. Possession of alcoholic beverages prohibited; penalty.
- § 4A-3. Regulation of activities on public beach accesses; penalty for violation.
- §§ 4A-4—4A-11. Reserved.

Article II. Removal of Dead Fish

- § 4A-12. Purpose.
- § 4A-13. Responsibility of owners for removal.
- § 4A-14. Beaches littered with dead fish deemed nuisance.
- § 4A-15. Notice to abate.
- § 4A-16. Procedure for abatement by town upon failure of owner to comply; assessment of lien for costs, collection.
- § 4A-17. Penalty for violation of section 4A-13.

ARTICLE I. IN GENERAL

Sec. 4A-1. Time restriction; exemptions; penalty.

(a) All persons and vehicles are prohibited from being present on any public access to the beach within the Town of Longboat Key and on public property known as Beer Can Island from 11:00 p.m. to 5:00 a.m. daily.

(b) This section shall not apply to authorized personnel in vehicles, meaning all official, state, county and town personnel and vehicles engaged in police and fire protection and maintenance duties.

(c) Any person found guilty of violating this section or any order issued pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-10, §§ 1—3, 5-19-76)

Sec. 4A-2. Possession of alcoholic beverages prohibited; penalty.

(a) It shall be unlawful for any persons to have in their possession, beer, wine, whiskey or any other alcoholic beverage on any public access to the beach within the Town of Longboat Key and on public property known as Beer Can Island.

(b) Any person found guilty of violating this section or any order issued pursuant thereto shall, upon conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-11, §§ 1, 2, 5-19-76)

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Sec. 4A-3. Regulation of activities on public beach accesses; penalty for violation.

(a) No person entering upon and using the public beach accesses within the Town of Longboat Key and public property including property referred to as Beer Can Island, shall:

- (1) Build fires;
- (2) Litter the premises;
- (3) Deface, damage or defile the premises;
- (4) Bring or allow pets on the premises;
- (5) Change clothing on the premises;
- (6) Bed down on the premises;
- (7) Use profane or obscene language or conduct themselves in a disorderly manner.

(b) Any person who violates this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in a sum not more than five hundred dollars (\$500.00) or shall be imprisoned for no more than sixty (60) days. (Ord. No. 76-16, §§ 1, 2, 5-19-76)

Secs. 4A-4—4A-11. Reserved.

ARTICLE II. REMOVAL OF DEAD FISH

Sec. 4A-12. Purpose.

The town commissioners find and declare that there is a general need in the Town of Longboat Key for the measures provided by this article and that this law is enacted in the exercise of the police power for the protection of the health, safety and welfare of the people of the Town of Longboat Key. (Ord. No. 76-14, § 1, 5-19-76)

Sec. 4A-13. Responsibility of owners for removal.

For the purpose of promoting the health, safety and welfare of the people of the Town of Longboat Key, every owner of land is required to remove dead fish from the beaches of the land owned by said owners. (Ord. No. 76-14, § 2, 5-19-76)

Sec. 4A-14. Beaches littered with dead fish deemed nuisance.

Those beaches upon which are located dead fish in such numbers as to create a nuisance or unsanitary condition are hereby determined to be detrimental to the health, safety and welfare of the citizens of the Town of Longboat Key and further are hereby determined to be a public nuisance. (Ord. No. 76-14, § 3, 5-19-76)

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Sec. 4A-15. Notice to abate.

If the town manager, or any other town official or agent designated by resolution by the town commission of the Town of Longboat Key, shall find any of the conditions described in section 4A-14 of this article existing on such beach within the incorporated areas of the Town of Longboat Key, the town manager shall give written notice to the owner of record of said beach by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying such owner of the condition and demanding that such condition be abated within seven (7) days from the date of receipt of said letter. Upon the failure of such property owner to comply within the time prescribed, the town manager shall notify the town commission of the existence of said condition. (Ord. No. 76-14, § 4, 5-19-76)

Sec. 4A-16. Procedure for abatement by town upon failure of owner to comply; assessment of lien for costs, collection.

Upon receipt by the town commission of notification from the town manager of the existence of conditions described in section 4A-14 of this article and failure to comply with the notice prescribed in section 4A-15 of this article, said commission shall, by resolution, direct the clearing of such beach and assess a lien on behalf of the Town of Longboat Key against the said property for the costs hereinafter described. A certified copy of said resolution shall be mailed to the owner of record by certified mail, return receipt requested, together with a notice that said owner shall have not more than twenty (20) days from receipt of said resolution to file written objections as to the reasonableness of the assessed costs with the town commission. Thereafter the commission shall hear and determine the validity of said objections. Upon determining the invalidity of all objections, or failure to file objection within twenty (20) days, a notice of lien in such form as said commission shall determine shall be filed in the office of the clerk of circuit court in which the lot or parcel of land is situate and recorded as other liens are recorded, and in the office of the town clerk of the Town of Longboat Key. The costs of such removing of dead fish, and the necessary expenses for preparation of the assessment lien, filing and recording same and legal expenses, if any, incident thereto, shall be assessed against said land and shall be collected by the town clerk on November 1st next succeeding the date of filing of said lien, and if not collected shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection thereof may be enforced. On the date of filing of the lien as aforesaid, the town commissioners shall also file a copy of said lien with the tax collector of the county in which the lot or parcel is situate. (Ord. No. 76-14, § 5, 5-19-76)

Sec. 4A-17. Penalty for violation of section 4A-13.

Any person, firm, company, corporation or association, or the managing agent of any person, firm, company, corporation or association, who violates section 4A-13 of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof,

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shall be fined in a sum not more than five hundred dollars (\$500.00) or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 76-14, § 6, 5-19-76)

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CHAPTER 5
BOATS AND WATERWAYS

Article I. In General

- § 5-1. Use of nets prohibited; penalty.
§ 5-2. Reserved.

Article II. Boats and Watercraft

- § 5-3. Speed limitations.
§ 5-4. Reckless boat operation, water skiing, skin diving,
etc.
§ 5-5. Disturbing the peace from watercraft.
§ 5-6. Mooring of boats; placing of nets or other
obstructions.
§ 5-7. Lights; horns; bells; identification numbers.
§ 5-8. Abandonment of boats.
§ 5-9. Sanitary and health regulations.
§ 5-10. Designation of areas for regulated water activities.

Cross reference---Prohibition against depositing garbage
and refuse in pools, lakes or tidal water, § 10-3.

Article I. In General

Sec. 5-1. Use of nets prohibited; penalty.

(a) It shall be unlawful for any person to place any
haul net, gill net, stop net or seine except for cast nets in
any manner whatsoever within any manmade canal, bayou, lagoon,
channel or waterway within the boundaries of the Town of
Longboat Key.

(b) Any person, firm, company, corporation or associa-
tion or the managing agent of any person, firm, company,
corporation or association who violates this section shall be
deemed guilty of a misdemeanor, and, upon conviction thereof,
shall be fined in a sum not more than five hundred dollars
(\$500.00), or shall be imprisoned for no more than sixty (60)
days, with each day of such violation constituting a separate
offense. (Ord. No. 74-9, §§ 1, 2, 4-17-74)

Editor's note---Section 4 of Ord. No. 74-9 repealed former
§§ 5-1, 5-2, derived from Code 1965, §§ 6-201, 6-202, and
pertaining to commercial salt water fishing and placement

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of nets being evidence thereof. At the editor's discretion, §§ 1, 2 of Ord. No. 74-9 have been codified as a new § 5-1.

Charter reference---Town authorized to regulate and control fishing, § 7(k).

State law reference---Salt water fisheries, Fla. Stats., § 370.01 et seq.

Sec. 5-2. Reserved.

Note---See the editor's note following § 5-1.

Article II. Boats and Watercraft

State law reference---Regulation of boats, Fla. Stats., §§ 371.011 to 371.68.

Sec. 5-3. Speed limitations.

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. (Code 1965, § 6-1)

Sec. 5-4. Reckless boat operation, water skiing, skin diving, etc.

(a) 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.

(b) 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.

(c) It is unlawful for any person water skiing, 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 in the position of endangering the person or property of any person.

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(d) 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. (Code 1965, § 6-2)

Sec. 5-5. Disturbing the peace from watercraft.

No boat or other watercraft shall be operated within the waters of the town with an 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. The following acts, among others, are declared to be disturbing to the peace of the Town of Longboat Key and in violation of this section, but shall not be deemed to be exclusive:

- (1) *At night:* The operation between the hours of 11:00 p.m. and 6:00 a.m. of any power-equipped watercraft within any man-made canal, bayou, lagoon, channel or waterway within the boundaries of the Town of Longboat Key, except leaving a dock or returning to a dock. (Code 1965, § 6-3; Ord. No. 76-4, § 1, 2-4-76)

Sec. 5-6. Mooring of boats; placing of nets or other obstructions.

(a) 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 without the permission of the owners of such seawall, dock or private property.

(b) 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 or other watercraft to any dock, seawall, pier or beach in any manner that may reasonably cause damage to persons or property.

(c) 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. (Code 1965, § 6-4)

Sec. 5-7. Lights; horns; bells; identification numbers.

(a) 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.

(b) 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.

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(c) 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. (Code 1965, § 6-5)

Sec. 5-8. 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. (Code 1965, § 6-6)

Sec. 5-9. Sanitary and health regulations.

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

(b) It shall be unlawful for any person 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.

(c) It shall be unlawful for any boat or other watercraft, or persons thereon, to use any vacant lot or property contrary to the zoning ordinance 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 canvasses, stringing of lights or for any other use contrary to zoning or building regulations applicable to such property. (Code 1965, § 6-7)

Sec. 5-10. Designation of areas for regulated water activities.

The town 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.

The chief of police of the town is hereby authorized to designate areas, prescribing the water activities that may be conducted therein and reasonable regulations for the conduct thereof. The chief of police may, in the interest of safety, prohibit boats and other watercraft from operating within such designated area and may prohibit swimming, water skiing, skin diving and other water activities, or any of them, from being conducted in such areas, or any of them. Such regulations and prohibitions shall be made in order to facilitate and protect persons engaging in such respective water activities.

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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. (Code 1965, § 6-8)

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Cross reference—Coastal construction, Ch. 7; dredging and filling generally, Ch. 8; licensing of contractors, §§ 12-5, 12-9; restriction on when construction or repair of buildings may be performed in residential areas, § 14-2(e); plumbing regulations, Ch. 16; signs and billboards, Ch. 18; permit for drainage culvert construction, §§ 19-1—19-4; developer required to pay inspection fee for certain improvements, § 19-4.1; subdivisions generally, App. A; zoning regulations generally, App. B.

Article I. In General

- § 6-1. Standard Building Code—Adopted.
- § 6-2. Same—Amendments.
- § 6-2.1. Town governmental buildings and grounds may be exempt from certain requirements and fees under this chapter.
- § 6-3. Administration and enforcement of chapter; appointment of building inspector.
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- § 6-6. Plans and drawings—Copy to be kept at work site; inspection.
- § 6-7. Same—Compliance with.
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- § 6-9. Same—Issuance; temporary certificate.
- § 6-10. Bulkheads: Permit required, application; general design criteria.
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- § 6-22.2. Variances.
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- § 6-23. Declaration of nuisance.
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- § 6-25. Public hearing—Notice—Publication.
- § 6-26. Same—Same—Contents.
- § 6-27. Same—Conduct.
- § 6-28. Same—Decision to be by resolution; condemnation generally.
- § 6-29. Same—Posting of copy of resolution.
- § 6-30. Abatement by town; town's expenses to constitute lien.

Article V. Moving of Buildings

- § 6-31. Permit required.
- § 6-32. Application for permit.
- § 6-33. Liability insurance required; amount.
- § 6-34. Required information.
- § 6-35. Building code to apply.
- § 6-36. Approval; notification of property owners surrounding proposed location; fee for expense of notification.
- § 6-37. Permit fee.

ARTICLE I. IN GENERAL

Sec. 6-1. Standard Building Code—Adopted.

The Standard Building Code, 1976 edition (excluding Chapter 1, Administration), together with all amendments thereto adopted by the Southern Building Code Congress, is hereby adopted as part of the building code of the town. If any provision of this chapter shall conflict with any adopted provision of the Standard Building Code, the provision of this chapter shall prevail. Three (3) or more copies of said code are on file with the town clerk, identified as official copies and shall be kept there available for public use, inspection and examination. Said Standard Building Code is adopted by reference as authorized by Florida Statutes, Section 165.191. (Code 1965, § 7-1; Ord. No. 148, 4-16-69; Ord. No. 157 § 1, 10-1-69; Ord. No. 73-27, § 1, 9-26-73; Ord. No. 74-33, § 1, 11-6-74; Ord. No. 76-15, § 1, 5-19-76)

Sec. 6-2. Same—Amendments.

Secs. 2204.1—2204.6. The provisions of sections 2204.1 through 2204.6 of the Standard Building Code adopted in section 6-1 are hereby repealed. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 2401.3. The Standard Building Code adopted in section 6-1 is amended by adding Section 2401.3 to Chapter XXIV with respect to elevators and escalators:

"(a) A minimum of one (1) electric motor-driven elevator shall be provided in any building erected after the effective date of this amendment and having three (3) or more stories; said elevator shall be sized to accommodate a standard size

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stretcher and attendants. The minimum dimensions of said stretcher are as follows: Length, seventy-nine (79) inches; width, twenty-two and one-half (22½) inches.

"(b) Said elevator shall be installed in compliance with the elevator requirements of the Florida Industrial Code 185 E-1-F.A.C. and the American Standard Safety Code for Elevators, Dumbwaiters and Escalators (ASA-A17.1-1965) of the American Standards Association." (Ord. No. 176, § 1, 6-17-70; Ord. No. 73-27, § 2, 9-26-73)

Cross reference—Electrical provisions relative to elevators, § 9A-2.

Sec. 2803. The Standard Building Code adopted in section 6-1 is amended by adding section 2803:

"Aluminum Carport Construction:

"(A) The design, fabrication and erection of light aluminum and/or metal structures shall be in strict accordance to good engineering practice and acceptable trade standards. All dissimilar materials used shall be properly insulated from each other, where necessary, to prevent galvanic corrosion (electrolysis). The building official may require engineering data and criteria to be furnished on any structure.

"(B) Minimum Specifications:

1. *Posts:*

- a. Steel posts shall be 0.051 gauge with baked enamel finish or 0.125 aluminum posts.
- b. All posts shall be at least three (3) inches by three (3) inches.
- c. Posts shall be imbedded in cement.
- d. Imbedded area of post shall be painted with asphalt paint.
- e. Footer shall be eighteen (18) inches or twelve (12) inches by thirty (30) inches below grade.

2. *Panels:*

- a. 0.040 panels shall be used for the first three (3) panels on either end.
- b. 0.032 panels may be used in between.
- c. Twenty-eight (28) by twenty-four (24) gauge steel.

3. *Fasteners:*

- a. The three (3) end panels shall be secured with one-fourth-inch bolts and two-inch washers.

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- b. All other panels may be secured by No. 12 self-tapping screws with one-half-inch washers.
- c. To reduce flutter to a minimum, add a corner brace from the post to the corner at a forty-five (45) degree angle. Size of aluminum angle to be two (2) inches by two (2) inches by one-eighth (1/8) inch thick.

4. Valances:

- a. Valances and gutters shall be 0.032.

5. Beams:

- a. Seven and one-half (7 1/2) inches by three (3) inches by 0.125 inch aluminum I-beams, or equivalent. Span sixteen (16) feet, eight and three-quarters (8 3/4) inches.
- b. Nine and one-quarter (9 1/4) inches by one and three-quarters (1 3/4) inches by 0.081 foot steel C-beam or equivalent. Span twenty-one (21) feet, nine and one-quarter (9 1/4) inches." (Ord. No. 74-34, § 1, 12-4-74)

Sec. 6-2.1. Town governmental buildings and grounds may be exempt from certain requirements and fees under this chapter.

The town manager may waive, in his discretion, the requirements for licensed contractors and fees for repairs or additions to the Town of Longboat Key governmental buildings and grounds. (Ord. No. 76-15, § 2, 5-19-76)

Cross references—Building permit fees, § 6-16; licensing of contractors, §§ 12-5, 12-9.

Sec. 6-3. Administration and enforcement of chapter; appointment of building inspector.

The duty of administering and enforcing this chapter is hereby conferred upon the building inspector, who shall be appointed by the town manager with the approval of the town commissioners. Assistants to the building inspector, as needed, may be appointed by the building inspector, with the approval of the town manager. (Code 1965, § 7-2; Ord. No. 157, § 1, 10-1-69)

Sec. 6-4. Right of entry of building inspector.

The building inspector and any of his assistants may enter any premises, building or structure in the town for the purpose of making inspections or of performing any duty imposed by this chapter or any other ordinance of the town. (Ord. No. 157, § 1, 10-1-69)

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Sec. 6-5. Authority of building inspector to require tests or test reports.

The building inspector may require tests or test reports. If required, tests are to be made at the expense of the owner or builder and by an approved laboratory or other agency. Copies of such test reports or the results of all such tests shall be kept on file by the building inspector. (Ord. No. 157, § 1, 10-1-69)

Sec. 6-6. Plans and drawings—Copy to be kept at work site; inspection.

A copy of the plans and drawings approved by the building inspector shall be kept at the site of the work, and shall be open to inspection by the building inspector or his authorized representative. (Ord. No. 157, § 1, 10-1-69)

Sec. 6-7. Same—Compliance with.

No work for which a building permit has been obtained shall be done except in conformity with the plans and specifications submitted at the time application for the building permit was made. (Ord. No. 157, § 1, 10-1-69)

Sec. 6-8. Certificate of occupancy—Required.

No new structure shall be occupied and no change in use or occupancy of a structure or building shall be made until after the building inspector shall have issued a certificate of occupancy therefor, subject to approval by the town manager. (Ord. No. 157, § 1, 10-1-69)

Cross reference—Application for certificate of occupancy, § 6-15(d).

Sec. 6-9. Same—Issuance; temporary certificate.

(a) *Issuance.* In all cases where development plan approval is required by the town commission under other ordinances now or hereafter enacted, certificates of occupancy shall not be issued for completed structures until the utilities, service facilities and open areas as shown on the approved development plan have been completed in accordance with the development schedule for that stage of construction.

(b) *Temporary certificate.* The town commission may authorize a temporary certificate of occupancy for time stated therein and a variance from the provisions of this section where there are practical difficulties or peculiar hardship in carrying out the strict letter of the provisions of this section, however, no temporary certificate shall be granted until consideration of the request by the town commission and only upon the deposit of a cash bond or surety bond to guarantee the completion of all phases of that stage of the project not completed at the time of issuance of a temporary certificate of occupancy. The bond shall be in a form satisfactory to the town attorney and shall be a penal sum of one hundred twenty-five (125) per cent of the estimated cost of construction. (Ord. No. 157, § 1, 10-1-69; Ord. No. 73-9, § 1, 5-16-73)

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Sec. 6-10. Bulkheads.

No retaining walls, bulkheads or seawalls (hereinafter called bulkheads) shall be constructed within the town without first having secured a permit from the town. All applications for permits shall be accompanied by plans including the following requirements:

(a) Plans for proposed bulkhead construction shall be prepared by, or under the direct supervision of, an engineer registered in the state. The plans shall include the following information:

(1) Plan of the area showing the location of the proposed bulkhead.

(2) Existing shoreline profile based on United States Coast and Geodetic Survey sea level datum. Profiles shall be shown at each end of the proposed bulkhead and at appropriate intervals between, and shall extend from the upland to a minimum of fifty (50) feet seaward of the mean high waterline. The mean high waterline shall be shown thereon.

(3) Existing bulkheads within one hundred (100) feet of the proposed construction.

(4) Proposed finish elevations of top of proposed bulkhead.

(5) Opposite shoreline wherever it may affect channel widths or the stability of the proposed bulkhead.

(6) Typical section of the proposed bulkhead, showing length, thickness, reinforcing steel, cap, tiebacks, deadmen, etc., in complete detail.

(7) Proposed construction details, including strength of concrete.

(b) The proposed bulkhead shall also comply with the following general design criteria:

(1) Penetration of slabs shall be adequate for structural stability considering the anticipated stabilized bottom.

(2) Tiebacks shall be provided and shall be properly protected against corrosion.

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(3) Deadmen shall be constructed in undisturbed soil or in clean, granular backfill, compacted to suitable density.

(4) Wherever the proposed bulkhead is to be exposed to severe wave action, whether natural, from passing boats or otherwise, erosion or wave energy protection shall be provided.

(c) Plans shall be submitted to the town for engineering evaluation prior to the issuance of a construction permit.

(d) Upon conclusion of construction, the grantee of the permit shall furnish the town with a set of "as-built" drawings, certified to by the design engineer.

(e) Bulkhead construction within a subdivided or developed area shall be uniform in height to the existing bulkhead constructed so long as the existing bulkhead complies with the standards of the foregoing subsections of this section.

(f) Bulkheads exposed to the Gulf of Mexico shall not be constructed within fifty (50) feet upland of the mean high watermark of the Gulf of Mexico unless constructed in connection with a state-approved groin and upon compliance with Chapter 7, Coastal Construction, of the Code of the Town of Longboat Key. (Ord. No. 181, § 1, 10-7-70; Ord. No. 73-25, § 1, 7-26-73)

Cross reference---Coastal construction generally, Ch. 7.

Sec. 6-11. Stopping of dangerous, nonconforming, etc., work.

If work on any excavation or on any building or structure is being done in a dangerous or unsafe manner, or if work is being done contrary to the provisions of this chapter or any other ordinance of this town, such work shall be stopped immediately upon receipt of notice from the building inspector. Such notice shall be given to the person doing the work or in charge thereof, or to the owner of the property or his agent, and the notice shall state the conditions under which work may be resumed. Such notice shall be in writing; except, that when an emergency exists, oral notice shall be sufficient, which shall be promptly followed by written notice. (Ord. No. 157, § 1, 10-1-69)

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Sec. 6-12. Dangerous, unsanitary, etc., buildings or structures.

If any building or structure, or portion thereof, by reason of its use, abandonment or dilapidated condition, becomes a fire hazard, unsanitary or otherwise dangerous to health or human life, the building inspector, immediately upon learning the condition, shall forthwith give the owner, agent or person in control of such building written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure, or portion thereof.

(a) If necessary for the preservation of life, safety or health, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the building inspector. The building inspector shall cause to be posted at each entrance to such building a notice that the building is unsafe and that its use or occupancy has been prohibited. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without written permission of the building inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the building.

(b) The owner, agent or person in control shall have the right to show cause why he should not comply with the requirements imposed by the building inspector. In such case the owner, agent or person in control, within ten (10) days after receipt of the written notice from the building inspector, shall file with the town manager a written notice of appeal, stating why the requirements of the building inspector are unjust or unreasonable. Until a final decision is reached by the town manager, the filing of such notice of appeal shall stay further proceedings or action upon those requirements imposed by the building inspector which relate to repair or demolition; but filing notice of appeal shall not stay requirements relating to the vacating or evacuation of premises in instances where, in the opinion of the building inspector, continued use of the premises would involve imminent danger to health or human life.

(1) The town manager shall set a date for a hearing of the appeal within thirty (30) days from the date the notice

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of appeal is filed. At the hearing the party making the appeal may be represented by agent or attorney, if he so desires.

(2) After consideration of the evidence offered at the hearing, the town manager shall make a written determination whether the requirements of the building inspector were reasonably necessary to safeguard life, limb, property and the public welfare, whether they were just and reasonable and whether they were in accordance with this chapter and its purposes. Pursuant to such determination he shall make an order, either affirming the requirements imposed by the building inspector, or altering, modifying or cancelling the same. In the order the town manager may also impose such conditions as seem advisable.

(3) The order of the town manager shall constitute a final determination of the matter, subject only to such remedy as the aggrieved party may be allowed at law or equity.

(c) In case the owner, agent or person in control cannot be found, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with the provisions of a notice to repair, improve, demolish or remove the building, structure or portion thereof, the building inspector, after having determined the cost shall with the approval of the town manager cause such building or structure or portion thereof to be demolished, secured or required to remain vacant, as circumstances may require.

(d) Promptly after completion of any corrective, repair or demolition work done by the town under the authority of this chapter, the town manager shall cause the owner to be billed for the cost of such work, including labor, materials, engineering services, title searches and administrative overhead. If the address of the owner is unknown after diligent search and inquiry, it shall not be necessary to send such bill. If such bill is not paid within ten (10) days after mailing, or within seven (7) days after personal delivery, or after ten (10) days after the completion of the work where the address of the owner is unknown after diligent search and inquiry, the town manager shall serve on the owner and each mortgagee, lienholder or other person having an interest in the property involved (but failure to serve a mortgagee, lienholder or other person having an interest, except the owner, shall not affect the validity or amount of any lien or special assessment hereunder), a notice covering substantially the following points:

(1) Describing the premises, stating the nature of the work done thereon, stating the amount for which the town

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claims a lien, fixing a date on which the town commission will hold a public hearing on the matter for the purpose of making a special assessment against the property for the cost of the work and advising the interested parties of their right to be heard on any matter pertaining to the proper amount or validity of the proposed special assessment to be made against the property for such lien, at the stated time and place.

- (2) Such notice shall be served on the interested parties not less than five (5) days prior to the date set for the hearing by the town commission.

(e) At the hearing referred to in subsection (d) of this section, the town manager shall report to the town commission on the nature of the work accomplished, the cost of the work and the giving of the notices. The town commission shall hear all interested parties with respect to the validity and proper amount of the proposed special assessment to cover such costs, and shall thereupon by resolution levy a special assessment against the property in such amount, if any, as it finds to be proper and equitable. (Ord. No. 157, § 1, 10-1-69)

Cross reference—Dangerous buildings deemed nuisances, procedure for abatement, § 6-23 et seq.

Sec. 6-13. Civil actions to correct violations of chapter.

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 used, or is intended to be used in violation of this chapter, the attorney for the town, in addition to the remedies provided for in this Code, 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. No. 157, § 1, 10-1-69)

ARTICLE II. PERMITS

Sec. 6-14. Required.

(a) No person shall erect or construct, or proceed with the erection of any building, structure or dock, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure in the town, or cause the same to be done without first obtaining a building permit therefor from the building inspector.

(b) No person shall do electrical construction or install electric wiring or apparatus or make any changes of existing wiring or apparatus for light, heat or power within or attached to any building or property in the town without first obtaining a permit therefor from the building inspector, provided, that this shall not apply to nor affect the operations, in accordance with its franchise, of any electric public utility company.

(c) No person shall do or perform any heating, air conditioning, refrigeration and ventilation (HARV) installations, alterations or repairs within or attached to any

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building, property or structure in the town or cause the same to be done or performed without first obtaining a building permit therefor from the building inspector. (Ord. No. 157, § 1, 10-1-69; Ord. No. 73-27, § 3, 9-26-73)

Sec. 6-15. Application; compliance with subdivision and other town ordinances required; issuance; application for certificate of occupancy.

(a) Each applicant for a building permit shall submit an application to the building inspector for his approval before a permit shall be issued. The application shall include:

- (1) An accurate plot diagram, in duplicate, which shall be drawn to scale and shall show the size, shape and dimensions of the tract to be built upon, the size and location of any existing structures, the dimensions and planned location of all structures to be built, including alterations to existing structures, as well as parking spaces, loading areas, roads, waterways, easements and any other pertinent superficial features, together with evidence of approval by the state and county health department of water and sewerage systems. The building inspector may require a boundary line survey, if necessary, prepared by a qualified surveyor, in order to assure compliance with the provisions of this chapter or other town ordinances.

Where the outside dimensions of an existing structure will not be affected, or in any other case where a plot diagram is clearly unnecessary, the requirements of this subsection may be waived by the building inspector.

- (2) Three (3) or more copies of all specifications and drawings, drawn to scale and in sufficient detail to indicate the nature and character of the work. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials where quality is essential to conformity with the Standard Building Code. The building inspector may also require such other details and computations as will assure compliance with the Standard Building Code.

- (3) When applicable to requirements of this chapter or other pertinent ordinances of the town, the following shall also be submitted: Information relating to the use of the proposed structure and the plot which it will occupy; plans showing water and sewerage systems; plans showing cuts and fills and provisions for drainage; any other relevant information.

(b) Nothing contained in this section shall be deemed to relieve or excuse any owner or builder from compliance with the more detailed plat requirements of the town subdivision code or from any other requirements contained in other ordinances now or hereafter enacted.

(c) Where plot plan or development plan approval is required by this or any other ordinance now or hereafter enacted, building permits shall be issued only in conformity with the final plot plan or development plan as approved by the town commission.

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(d) All certificates of occupancy shall be applied for coincident with the application for a building permit. Applications for certificates of occupancy shall be made for each stage of construction to be completed in accordance with the approved development plan. (Ord. No. 157, § 1, 10-1-69; Ord. No. 73-9, § 1, 5-16-73; Ord. No. 74-25, § 1, 8-7-74)

Sec. 6-16. Fees.

The building inspector shall collect from each applicant for a permit the following fees required in this chapter:

- (a) [Construction:] Per thousand for each thousand dollars or part thereof of the cost of construction \$ 4.00
- (b) Moving of buildings or structures: For moving of any building or structure, the fee shall be 10.00
- (c) Demolition of buildings or structures: For the demolition of any building or structure, the fee shall be 12.00
- (d) Fees for electrical permits shall be as follows:
 - New work residential:*
 - 0 to 100 amp service per unit 15.00
 - 101 to 200 amp service per unit 20.00
 - 201 to 400 amp service per unit 25.00
 - New work commercial:* Per amp service, per unit 0.15
 - Alterations, additions, repairs:* Per inspection required 5.00
 - Temporary service:* Per inspection required 5.00
 - Additional:*
 - Work found improper requiring an additional inspection 5.00
 - Fee for any installation not listed above will be 5.00
- (e) Fees for heating, air conditioning, refrigeration and ventilation (HARV) shall be as follows:
 - Alterations, additions, repairs and windows, per inspection required 5.00
 - New residential and commercial living or working area per square foot 0.01
 - Ventilating inspections, three-story or higher, per story 1.00
 - Commercial boilers 10.00
 - Window or wall units 5.00

and shall transmit such collected sum to the town finance director, who shall deposit such sum to the general account thereof. (Ord. No. 157, § 1, 10-1-69; Ord. No. 73-18, § 1, 8-1-73; Ord. No. 73-27, § 4, 9-26-73)

Cross reference—Town governmental buildings may be exempt from repair fees, § 6-2.1.

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Sec. 6-17. Invalidation of permit.

(a) A building permit heretofore issued shall become invalid:

(1) If the construction authorized by such permit is not commenced within sixty (60) days after the date the permit is issued.

(2) If at any time after construction is commenced, the work is suspended or abandoned for a period of thirty (30) days. Construction shall be deemed to have been "commenced" when any work is started on site preparation or building and structures in accordance with approved development or construction plans. Construction shall be deemed to have been "suspended or abandoned" when no substantial work has been accomplished in any thirty-day period.

(b) If a building permit becomes invalid for any of the above reasons said permit can be extended for a period of thirty (30) days by the director of public works providing there has been a finding on the part of the director of just cause for the delay.

(c) In the event that such suspension, abandonment or failure to commence construction has exceeded six (6) months, a new building permit must be obtained from the building department before work may be resumed. In the case that changes have been made or will have been made in the original plans as approved by the town, or, if during the period of delay, changes have been made in the zoning ordinance, or in any other relevant ordinance or law, which make the issuance of a new permit unlawful, then a new permit shall not be issued. (Ord. No. 157, § 1, 10-1-69; Ord. No. 153, § 1, 1-7-70; Ord. No. 74-25, § 2, 8-7-74)

Article III. Minimum Building Elevations

Sec. 6-18. Purpose of article.

It is the intent of this article to provide a system of minimum building elevations within the town to control the elevation of construction within the town and to accomplish this purpose by acquiring approval of building elevation prior to the issuance of a permit for construction. (Ord. No. 161, § 1, 10-15-69)

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Sec. 6-19. Compliance with article.

Construction is hereby prohibited except such construction as is authorized by permit issued by the town pursuant to this chapter which complies with the minimum building elevation.

Construction of buildings or other structures within the town shall be accomplished in order to insure that minimum building elevations are used to insure the public safety within the town. (Ord. No. 161, § 1, 10-15-69)

Sec. 6-20. Established.

Elevation. The following minimum building elevations for construction within the Town of Longboat Key are hereby adopted:

(a) Gulf construction: Minimum floor elevation for construction west of Gulf of Mexico Drive shall be twelve (12) feet above mean sea level.

(b) Minimum floor elevation for construction east of Gulf of Mexico Drive shall be twelve (12) feet above mean sea level. (Ord. No. 161, § 1, 10-15-69; Ord. No. 73-11, § 1, 5-29-73)

Sec. 6-21. Submission of plans prior to construction.

In addition to the other requirements of this article, any person desiring to undertake construction shall furnish plans which show that the proposed construction elevation meets or exceeds the minimum building elevation required by this article. (Ord. No. 161, § 1, 10-15-69)

Sec. 6-22. Issuance of building permit.

Applications will be checked by the building inspector and if the same meets the minimum building elevation requirements and the application for permit otherwise complies with this chapter, the town will issue a permit for such construction. (Ord. No. 161, § 1, 10-15-69)

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Sec. 6-22.1. Construction limited.

Construction on property fronting the Gulf of Mexico and west of Gulf of Mexico Drive within two hundred fifty (250) feet of the mean high waterline of the Gulf of Mexico, shall hereby be prohibited except for construction on piles in accordance with section 1303 of the Southern Standard Building Code, 1969 edition, published by the Southern Building Code Congress, or the equivalent thereof approved by the town engineer at the expense of the applicant. (Ord. No. 73-11, § 2, 5-29-73)

Editor's note---Sections 2---5 of Ord. No. 73-11 have been codified as §§ 6-22.1---6-22.4 at the editor's discretion.

Sec. 6-22.2. Variances.

Variances from the twelve-foot elevation for the lowest floor level may be granted under the following conditions:

(a) Undeveloped property for which a variance is sought shall not exceed one-half (1/2) acre in size and failure to grant a variance would result in undue hardship to the applicant or endanger the safety or welfare of the adjacent property owners through adverse drainage conditions, esthetic incompatibility or different levels of pedestrian traffic;

(b) A minor addition to an existing building; or

(c) Where a plot plan has heretofore been submitted to the town for approval. (Ord. No. 73-11, § 3, 5-29-73)

Note---See the editor's note following § 6-22.1.

Sec. 6-22.3. Variance procedures.

The following procedure shall govern application and hearings for variances from the requirements of section 6-20 of the Code of the Town of Longboat Key:

(a) Applications for variances shall be filed with the town manager and shall be in writing, signed by the owners, his agent or attorney, and shall describe the property for which variances are sought, indicating the street address and legal description. Applications shall indicate the name and address of the record owner of the parcel and shall set forth concisely the reasons and circumstances relied upon in seeking such variance.

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(b) An application may include more than one building parcel under the same ownership, but each parcel shall be considered separately. An application for variance as to more than one parcel shall be considered divisible and action taken accordingly.

(c) Each application shall be accompanied by a base application fee of ten dollars (\$10.00). In the event more than one parcel is included in a single application, an additional fee of ten dollars (\$10.00) for each parcel in excess of one shall be paid at the time of application.

(d) The town manager shall inspect the parcels for which variance is sought and report his findings and recommendations to the town commission.

(e) The town manager may require a topographic survey which shall indicate sufficient floor elevation data to establish compliance with the provisions of sections 6-22.1 through 6-22.3. Such survey shall be signed and sealed by a person licensed under the laws of the State of Florida to perform such services.

(f) After report and recommendation as hereinafter provided, the application shall be placed on the agenda for the next regular commission meeting, or for a special meeting at the discretion of the mayor. The applicant shall be notified at the time and place of such meeting. Consideration of an application at any such meeting shall be deemed a hearing on such application.

(g) Any applicant shall have the right to be heard, to present evidence and to be represented by an attorney at a hearing on his application; provided, however, that the mayor or commission may limit the time for consideration of any variance application.

(h) Variances may be granted upon approval of the town commission. Hearings and final action may be continued until a later meeting; provided, however, that an applicant shall be notified of the time and place of such continued hearing. In granting a variance in floor elevations at a height less than required in section 6-20, it shall not be lower than:

(1) Gulf construction, ten (10) feet above mean sea level;

(2) East of Gulf of Mexico Drive, eight and one-half (8 1/2) feet above mean sea level;

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(3) The floor level of an existing building in the case of a minor addition.

(i) All applications, together with reports, recommendations and final action shall be maintained as part of the records of the town.

(j) Once granted, a variance shall remain in force for a period of one year, at the expiration of which time, such variance shall lapse if a building permit has not been issued. Lapse of a variance granted hereunder shall not preclude subsequent application. Variances shall pertain to the parcel for which they are sought and shall not be deemed personal to the applicant.

(k) Written notice of granting a variance shall be attached to or made a part of the building permit issued to applicants. (Ord. No. 73-11, § 4, 5-29-73)

Note---See the editor's note following § 6-22.1.

Sec. 6-22.4. Penalty.

Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates sections 6-22.1 through 6-22.3 shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in a sum not more than five hundred dollars (\$500.00), or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 73-11, § 5, 5-29-73)

Note---See the editor's note following § 6-22.1.

Article IV. Nuisances

Sec. 6-23. 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. (Code 1965, § 7-201)

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Sec. 6-24. 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 town 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. (Code 1965, § 7-202)

Sec. 6-25. Public hearing---Notice---Publication.

At the next regular meeting of the town 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 the 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. (Code 1965, § 7-203)

Sec. 6-26. Same---Same---Contents.

The public notice specified in section 6-25 shall contain a description of the property on which such building or structure is located sufficient for identification. The notice to the owner shall also describe, in general terms, the condition 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. (Code 1965, § 7-204)

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Sec. 6-27. Same—Conduct.

At the public hearing, the town 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. (Code 1965, § 7-206)

Sec. 6-28. Same—Decision to be by resolution; condemnation generally.

At the conclusion of such public hearing, the town 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.
- (b) That the conditions existing in such building or structure do not constitute a public nuisance.
- (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.
- (d) That the conditions existing in such building or structure constitute such building or structure a public nuisance, and the same is hereby condemned.
- (e) Such other provisions as will appropriately decide and determine the issues.
- (f) A description of the conditions existing which constitute such building or structure a public nuisance, if any.
- (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, 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. (Code 1965, § 7-206)

Sec. 6-29. Same—Posting a copy of resolution.

Upon the adoption of a resolution under section 6-28, 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. (Code 1965, § 7-207)

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Sec. 6-30. Abatement by town; town's expenses to constitute lien.

If such nuisance has not been abated before the period of time specified in the 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 attorneys' 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. (Code 1965, § 7-208)

ARTICLE V. MOVING OF BUILDINGS

Editor's note—Ord. No. 74-23, adopted Aug. 7, 1974, amended the Code by adding Art. V, §§ 6-31—6-37.

Cross reference—Sewer to be capped prior to moving or demolition of buildings, permit required, § 21A-27.

Sec. 6-31. Permit required.

It shall be unlawful for any person to move or cause to be moved any building or structure within, out of, or into the town limits of the Town of Longboat Key without first obtaining a permit from the director of public works. (Ord. No. 74-23, § 1, 8-7-74)

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Sec. 6-32. Application for permit.

(a) An application for a permit for the moving of a building or structure shall be filed with the director of public works, and shall be signed by the owner of the property upon which the same is located, or by the owner of such building or structure.

Such application shall specify the following:

- (1) The character and size of the building to be moved.
 - (2) The use, purpose and occupancy for which said building or structure is to be used.
 - (3) The location from which and to which said building is to be moved.
 - (4) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the town.
 - (5) The streets on, over, or through which it is desired to move said building.
 - (6) The time and manner of moving the building.
 - (7) Whether the building conforms to the zoning laws in the location to which it is to be moved.
- (b) Upon the filing of the application, the director of public works shall cause the building inspector to investigate the building and report to him the results of such investigation, together with recommended action thereon.
- (c) An opinion of title or a certificate from an abstract company shall accompany such application, which, shall clearly indicate the ownership of the property both from which and to which such building or structure is to be moved, and if the structure or building is to be moved by a person other than the person owning the property upon which it is located, the written consent of the owner of the property shall be filed with the director of public works authorizing the moving thereof.
- (d) In no case shall any building or buildings be moved within the town limits or from out of the town limits into the limits of the town in any restricted area wherein and

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whereby such moving would violate any restrictions of the zoning ordinance.

(e) No house or structure shall be left parked on the streets of the town after dark. The streets over which any building or structure is to be moved must be approved by the director of public works and the chief of police.

(f) The permit issued shall definitely state the time and manner in which the building or structure shall be moved, and the time within which it shall be reconditioned and repaired, which time shall not be longer than reasonably necessary to complete such work.

(g) Any person seeking a moving permit under this article shall file with the town a cash or surety bond, payable to the town, which bond shall be approved by the town attorney and conditioned that the building or structure to be moved shall be moved to such location and repaired and reconditioned in accordance with plans and specifications submitted to and approved by the director of public works and in accordance with the conditions and provisions that may be provided for in the permit, and by the town ordinances. If such property from which the building or structure is to be moved lies within the Town of Longboat Key then such bond shall be conditioned that the property from which the building or structure is moved shall be placed in a sanitary, clean and sightly manner.

The town commission may modify any of the above provisions for good cause shown, with the further provision that the bond be not less than the estimated cost of improving. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 6-33. Liability insurance required; amounts.

Every person moving a building in the town shall file with the town clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the state, which policy shall conform in all respects to the requirements of this section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed.

The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of said policy.

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The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death, of any person, or damage to any property growing out of the moving of such building, to the amount or limit of one hundred thousand dollars (\$100,000.00, exclusive of interest and costs, on account of injury to, or death of, any one person, and subject to the same limit as respects injury to or death of one person; of three hundred thousand dollars (\$300,000.00), exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person; and one hundred thousand dollars (\$100,000.00) for damage to property of others, resulting from moving any one building. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 6-34. Required information.

Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the director of public works written assurance that:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water, sewer, and other pipelines may be securely capped and sealed.

(b) Immediately after the moving of any building or structure the permittee or his authorized agent shall immediately fill all excavations, holes or openings to the existing grade.

(c) Immediately after moving any building or structure, the permittee or his authorized agent shall pump out and fill with dirt or sand any septic tanks or cesspools located on the property.

Payment of taxes on property from which removed: If the property from which the building is to be moved lies within the Town of Longboat Key, then, before any permit for the moving of any building or structure, as provided for in this article, shall be granted the applicant shall present to the director of public works tax receipts or other evidence that all tax and special assessment liens against the property from which it is to be removed are fully paid.

Damage to locality to which moved prohibited: Before any permit shall be granted for the moving of any building or structure onto any property within the town limits, the plans and

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specifications required under the terms of this article to be filed by the applicant shall clearly show that such building or structure, with the improvements and repairs to be made, shall be of such character, appearance and value that no injury or damage to the property valuations of that general locality or area shall be sustained. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 6-35. Building code to apply.

The provisions of the building code shall apply to structures or buildings moved under the provisions of this article in the same manner as new buildings, except where the provisions of this article otherwise provide. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 6-36. Approval; notification of property owners surrounding proposed location; fee.

(a) No permit for the moving of buildings or structures within or into the town shall be valid unless approved by the town commission after a public hearing; and, before final action shall be taken by the town commission thereon, the owners of property located within a radius of three hundred (300) feet of the lot on which the building is to be moved shall be notified by the building inspector of the application for the moving permit.

(b) Such notice shall be mailed to the last known address, as nearly as it may be ascertained, of each such owner at least twenty (20) days prior to final hearing by the town commission in order that such owners may have an opportunity to appear in person or by writing to protest or object to the granting of such permit; however, the provisions of this section shall not apply to buildings to be moved to a location outside of the city, or to another location on the same lot. When the written consent of all owners of property entitled to receive notice shall be filed with the building inspector approving the granting of moving permit, then such permit may be granted, without a hearing, after the application shall have been on file for a period of one week, and after approval by the town commission.

(c) The applicant shall pay the sum of thirty-five dollars (\$35.00) to cover expenses for postage, stationery and clerical help that is incurred by the town in securing addresses and sending notices to the surrounding property owners within

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three hundred (300) feet, as required in this section, which sum, in addition to the permit fee, shall be paid to the town before a permit is issued. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 6-37. Fee.

The fee for obtaining a permit to move a building over the town streets shall be one hundred dollars (\$100.00) for each day or fraction thereof that the building rests on blocks, a trailer or impedes traffic. (Ord. No. 74-23, § 1, 8-7-74)

Chapter 7

COASTAL CONSTRUCTION

Cross references—Building generally, Ch. 6; construction of bulkheads, § 6-10; licensing of contractors, Ch. 12; application fee for seawall permit, § 15B-2.

- § 7-1. Definitions.
- § 7-2. Purpose of chapter.
- § 7-3. Permit—Required.
- § 7-4. Same—Application; fees.
- § 7-5. Same—Processing procedure.
- § 7-6. Same—Issuance; conditions.
- § 7-7. Same—Approval by Florida Board of Conservation.
- § 7-8. Same—Emergency permit.

Sec. 7-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Base and control lines: As defined in the master plan, sheet 2.

Coastal construction: Any work or activity within the town on its Gulf beaches which is likely to have a material physical effect on existing coastal conditions or natural shore processes.

Engineer: A professional engineer registered in this state.

Master plan: That plan prepared by Smally, Wellford & Nalvan, 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 thirty-one (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. (Ord. No. 105, § 1, 7-13-65)

Sec. 7-2. Purpose of chapter.

It is the intent of this chapter to provide a uniform system of signs 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. No. 105, § 2, 7-13-65)

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Sec. 7-3. Permit—Required.

All coastal construction is hereby prohibited except such coastal construction as is authorized by a permit issued by the town pursuant to this chapter. (Ord. No. 106, § 3, 7-13-65)

Sec. 7-4. Same—Application; fees.

Any person desiring to undertake coastal construction, as defined in this chapter, 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 eight and one-half (8½) inch by eleven (11) inch paper, showing the location of each structure to approximate scale, and the following information:
 - (1) Name of applicant.
 - (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.

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(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 one thousand feet 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. Such fee shall be twenty-five dollars plus ten dollars for the first groin, five dollars for each of the next four groins and three dollars for each groin over five. An application for contiguous properties may be made jointly by owners. Checks should be made payable to the town.

(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. Such 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 subsection (i) above, then in addition to the requirements above the following shall be submitted:

Drawing prepared by registered professional engineer showing at suitable scale:

(1) Plan view of structures (or typical structure, if all are essentially identical), with mean high and mean low water lines extending one hundred feet on each side.

(2) Elevation view of structures (or typical structure), with mean sea level, mean high water and mean low water indicated.

(3) Profile of beach at proposed structures (or typical structure), from dune crest to one hundred feet beyond seawall extremity, with elevations referenced to mean sea level datum.

(4) Details of construction, including materials to be used. (Ord. No. 105, § 4, 7-13-65.)

Sec. 7-5. Same -- 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

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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 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 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 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. No. 105, § 5, 7-13-65.)

Sec. 7-6. Same--issuance, conditions.

The town will issue a permit for coastal construction if the application is approved by the town manager. The permit issued by the town shall have the following major provisions:

(a) The permittee shall comply with any specific requirements imposed in this case by the town 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 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.

(d) The permittee hereby agrees to hold and save the trustees of the internal improvement fund, the Florida Board of Conservation and the town 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 or the division of beaches and shores of the state department of conservation, if in the opinion of the 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 or town. The decision of the town or Florida Board of Conservation as to whether adjustment, alteration or removal is required shall be final, and the town or Florida Board of Conservation shall set reasonable time limits within which adjustment, 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 per-

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mitted hereunder, at permittee's expense, upon thirty days written notice from the town 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.

(g) The permittee agrees to provide the Florida Board of Conservation with an acceptable surety bond in an amount equal to one hundred ten percent of the estimated cost of removal of the coastal construction, but in no case less than five hundred dollars, for such period 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. No. 105, § 6, 7-13-65.)

Sec. 7-7. Same--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. No. 105, § 7, 7-13-65.)

Sec. 7-8. Same--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, the emergency permit shall be conditioned upon the applicant immediately making an application pursuant to this chapter. (Ord. No. 105, § 8, 7-13-65.)

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CHAPTER 8.

DREDGING AND FILLING.¹

- § 8-1. Permit--Required; exceptions.
- § 8-2. Same--Application.
- § 8-3. Same--Fees and costs.
- § 8-4. Same--Issuance; public hearing; time for completion of work; revocation.
- § 8-5. Town manager may waive requirements in certain cases.
- § 8-6. Plans and drawings.
- § 8-7. Staking of area of land to be filled.

Sec. 8-1. Permit--Required; exceptions.

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 town commission in compliance with the terms of this chapter, and chapter 57-362, Laws of Florida, except as herein-after set forth as exceptions to this section, and this chapter:

- (a) The normal matters coming up in the construction and building of buildings, and the maintenance of grounds.
- (b) Swimming pools.
- (c) Lakes.
- (d) Docks.
- (e) Ponds.
- (f) Sea walls.
- (g) Septic tanks.
- (h) Drainage ditches.
- (i) Construction of man-made basins and moorings.

All of the above exceptions shall refer only to the lands owned by the individual applicant. (Code 1965, § 8-2.)

Sec. 8-2. Same--Application.

A sworn application for a permit under this chapter, accompanied by the required

- 1. As to licensing of contractors, see ch. 12 of this Code.

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filing fee and the exhibits provided herein, shall be made to the town manager. The application shall contain the following:

- (a) An accurate, legal description of the land to be filled or excavated prepared by a registered engineer, surveyor or attorney at law.
- (b) An accurate, legal description of the land or submerged land from which fill material is to be dredged or excavated, if any, which 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.
- (c) An accurate estimate of the area of submerged land to be filled made by a registered engineer or surveyor.
- (d) An accurate estimate of the amount and type of fill required for the proposed project made by a registered engineer.
- (e) The names and addresses of all persons owning or holding any legal or equitable interest in the lands described pursuant to subsections (a) and (b) of this section, as shown by the public records of the county in which such lands are located.
- (f) The names and addresses of all persons owning lands bordering on, or adjacent to, the mean high water line within one thousand 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.
- (g) Satisfactory evidence of fee simple title to lands described pursuant to subsection (a) in application, and satisfactory evidence of the ownership of lands described pursuant to subsection (b). 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. (Code 1965, § 8-3.)

Sec. 8-3. Same -- Fees and costs.

The application fee for filing, processing and considering an application for a permit under this chapter shall be twenty-five dollars for offshore areas to be filled not in excess of one square acre, plus ten dollars 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 per cubic yard of fill in place but not less than twenty-five dollars. 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. (Code 1965, § 8-6.)

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Sec. 8-4. Same---issuance; public hearing; time for completion of work; revocation.

Upon receipt of an application and the other matters required in this chapter, the town manager shall submit such application to the town commission with his recommendation thereon. The town commission may, at their discretion order a public hearing on such application. If a public hearing is ordered, the commission may at its discretion require the applicant to give notice to each riparian owner of upland lying within one thousand (1,000) feet of the land proposed to be dredged or filled. If notice is required, the same shall be published once each week for three (3) consecutive weeks in a newspaper in general circulation within the town. Copy of such notice by certified mail shall be sent to each riparian owner of upland lying within one thousand (1,000) feet of the land proposed to be dredged or filled and shall include the time, date and place for the hearing on the 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, or result in a serious impediment to navigation, interfere with the conservation of fish, marine and wildlife or other natural resources, including beaches and shores to such an extent as to be contrary to the public interest, or result in the destruction of oyster beds, clam beds or marine productivity, including but not limited to, destruction of natural marine habitats, grass flats suitable as nursery feeding grounds for marine life and established marine soils suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life to such an extent as to be contrary to the public interest, the application may be approved subject to the formal approval of the trustees of the internal improvement trust fund, in such cases wherein they have jurisdiction. Upon such approval, the applicant shall cause such application and the other matters required herein, together with the filing fee required by the trustees of the internal improvement trust fund, to be submitted to the trustees of the internal improvement trust 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 permit shall be an authorization for the applicant to perform and complete the work described in such application

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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 such work have been made. Such permit may be revoked for a noncompliance 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. (Code 1965, § 8-8; Ord. No. 182, § 3, 10-21-70)

Sec. 8-5. Town manager may waive requirements in certain cases.

The town manager may waive any of the requirements of applications to fill upland property of less than ten thousand (10,000) square feet by dredging less than five hundred (500) 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 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 town manager may waive any of the requirements of application to dredge any existing canal of five thousand (5,000) cubic yards or less when such work is for maintenance purposes, without reference to the town commission, and the permit shall be issued by the building inspector.

The permit fee for such maintenance work permit shall be ten dollars (\$10.00). (Code 1965, § 8-7; Ord. No. 182, §§ 1, 2, 10-21-72; Ord. No. 74-28, § 1, 9-18-74)

Sec. 8-6. Plans and drawings.

The applicant, for a permit under this chapter, 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:

- (a) Showing the mean high waterline of all land areas.
- (b) Showing the bulkhead line as established by law.

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(c) Showing sufficient soundings of the depth of water to show the general topography of the areas to be dredged and filled.

(d) Showing sufficient soundings of the depth to fill material available for dredging in the area to be dredged.

(e) Showing the elevation of the proposed fill above mean high waterline after completion.

(f) Showing the specifications of bulkheading and seawalling around the area to be filled if required.

(g) Showing such other matters and meeting such other requirements as the town commission may reasonably require in order that a comprehensive and complete plan of the proposed construction is presented. (Code 1965, § 8-4)

Sec. 8-7. Staking of area of land to be filled.

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 town commission. (Code 1965, § 8-5)

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Chapter 9

ELECTIONS

Charter reference—Elections generally, Art. II, §§ 6—9.

State law references—The Florida Election Code, Fla. Stats., Chs. 97-104; qualifications and registration of electors generally, Fla. Stats., §§ 97.011—97.111; holding elections and ascertaining results generally, Fla. Stats., §§ 102.012—102.167; change of date of municipal election for cause, Fla. Stats., § 104.451.

Editor's note—Section 2 of Ord. No. 73-28, adopted Nov. 7, 1973, repealed former § 9-2, derived from Code 1965, § 9-2; Ord. No. 106, § 1, adopted Nov. 23, 1965, and Ord. No. 73-19, § 2, adopted Aug. 1, 1973; and former § 9-3, derived from Code 1965, § 9-2 and Ord. No. 73-19, § 3, adopted Aug. 1, 1973. Prior to repeal, these sections pertained to entering voters' names in the registration books and the removal of names therefrom, respectively.

- § 9-1. Adoption of state law relative to absentee voting.
- § 9-2. Voter qualifications.
- § 9-3. Qualification of candidates.
- § 9-4. Election procedure.
- § 9-5. Commission district boundaries—Number 1.
- § 9-6. Same—Number 2.
- § 9-7. Same—Number 3.
- § 9-8. Same—Number 4.
- § 9-9. Same—Number 5.

Sec. 9-1. Adoption of state law relative to absentee voting.

The provisions of Florida Statutes, Section 101.62 through and including Section 101.694, concerning absentee voting are hereby adopted by reference, as authorized by Section 101.70, Florida Statutes. *SEE 1977 REVISION OF 101.62 THE 101.70*

Sec. 9-2. Voter qualifications.

Any person eligible to register must register to be entitled to vote in the elections of the Town of Longboat Key with the supervisor of registration of Manatee County or the supervisor of registration of Sarasota County, as provided by law. (Code 1965, § 9-1; Ord. No. 73-19, § 1, 8-1-73; Ord. No. 73-28, § 1, 11-7-73)

Sec. 9-3. Qualification of candidates.

An elector of the town shall be qualified as a candidate for public office upon the filing by such elector, in person, with the town clerk, no later than 12:00 noon, January second, or the following business day if January second falls on a nonbusiness 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

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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 the candidate shall be signed by any ten (10) electors of the town. (Code 1965, § 9-3; Ord. No. 106, § 2, 11-23-65; Ord. No. 119, § 1, 2-28-67)

Sec. 9-4. Election procedure.

At least fifteen (15) days prior to any election, the town commission, upon recommendation and approval of the mayor, shall designate one or more polling places within the town which shall be open from 7:00 a.m. on the day of election and shall be kept open until 7:00 p.m. of the same day. (Code 1965, § 9-4; Ord. No. 73-19, § 4, 8-1-73)

Charter reference—Conduct of elections, Art. II, § 6.

Sec. 9-5. Commission district boundaries—Number 1.

Commission District Number 1 and the boundaries of the same are as follows:

From the south line of the town to a line extending from Sarasota Bay along a 75-foot canal between Blocks C and D of Country Club Shores Unit 5 and between Lot 11, Block C, and Lot 11, Block D, Country Club Shores Unit 5 to the center line of Bogey Lane; and a line extending from the center line of Bogey Lane between Lots 2 and 3, Block N, Country Club Shores Unit 5 to the Gulf of Mexico. (Code 1965, § 9-4; Ord. No. 156, § 1, 9-16-69; Ord. No. 210, § 1, 1-5-72; Ord. No. 76-32, § 1, 11-17-76)

Charter reference—Commission districts, Art. II, § 1.

Sec. 9-6. Same—Number 2.

Commission District Number 2 and the boundaries of the same are as follows:

From a line extending from Sarasota Bay along a 75-foot canal between Blocks C and D of Country Club Shores Unit 5 and between Lot 11, Block C, and Lot 11, Block D, Country Club Shores Unit 5 to the center line of Bogey Lane; and a line extending from the center line of Bogey Lane between Lots 2 and 3, Block N, Country Club Shores Unit 5 to the Gulf of Mexico to the northerly line of Twin Shores Resort as extended to the Gulf of Mexico from Buttonwood Bayou. (Code 1965, § 9-4; Ord. No. 156, § 1, 9-16-69; Ord. No. 210, § 1, 1-5-72; Ord. No. 76-32, § 2, 11-17-76)

Sec. 9-7. Same—Number 3.

Commission District Number 3 and the boundaries of the same are as follows:

From the northerly line of Twin Shores Resort as extended to the Gulf of Mexico from Buttonwood Bayou to a line from the waters of Sarasota Bay passing

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between 4450 Gulf of Mexico Drive and 4500 Gulf of Mexico Drive at approximately a right angle to Gulf of Mexico Drive and extending to the waters of the Gulf of Mexico along the southerly boundary of the property at 4561 Gulf of Mexico Drive. (Code 1965, § 9-4; Ord. No. 156, § 1, 9-16-69; Ord. No. 210, § 1, 1-5-72; Ord. No. 73-30, § 1, 11-28-73; Ord. No. 76-32, § 3, 11-17-76)

Sec. 9-8. Same—Number 4.

Commission District Number 4 and the boundaries of the same are as follows:

From a line from the waters of Sarasota Bay passing between 4450 Gulf of Mexico Drive and 4500 Gulf of Mexico Drive at approximately a right angle to Gulf of Mexico Drive and extending to the waters of the Gulf of Mexico along the southerly boundary of the property at 4561 Gulf of Mexico Drive to a line following the center line of Harris Channel from Long Bayou to Harris Bayou, thence to the center of the causeway on Dream Island Road, thence westerly down the center line of Dream Island Road to the center line of Gulf of Mexico Drive and a line from the center of Gulf of Mexico Drive between Lot 2 and Lot 3 of Sleepy Lagoon Subdivision to the waters of the Gulf of Mexico. (Code 1965, § 9-4; Ord. No. 156, § 1, 9-16-69; Ord. No. 210, § 1, 1-5-72; Ord. No. 73-30, § 2, 11-28-73; Ord. No. 76-32, § 4, 11-17-76)

Sec. 9-9. Same—Number 5.

Commission District Number 5 and the boundaries of the same are as follows:

From a line following the center line of Harris Channel from Long Bayou to Harris Bayou, thence to the center of the causeway on Dream Island Road, thence westerly down the center line of Dream Island Road to the center line of Gulf of Mexico Drive and a line from the center of Gulf of Mexico Drive between Lot 2 and Lot 3 of Sleepy Lagoon Subdivision to the waters of the Gulf of Mexico to the north line of the town. (Code 1965, § 9-4; Ord. No. 156, § 1, 9-16-69; Ord. No. 210, § 1, 1-5-72; Ord. No. 73-30, § 3, 11-28-73; Ord. No. 76-32, § 5, 11-17-76)

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Chapter 9A

ELECTRICITY

Editor's note—Ord. No. 75-7, adopted June 4, 1975, did not expressly amend this Code, hence inclusion herein of §§ 1 and 2 as Ch. 9A, §§ 9A-1 and 9A-2, was at the discretion of the editors.

Cross references—Permit required to install electrical wiring or apparatus, § 6-14(b); fees for electrical permits § 6-16(d); electrical requirements relative to elevators in case of fire or emergency, § 9B-3(d)(7), (9).

- § 9A-1. National Electrical Code—Adopted.
- § 9A-2. Same—Amendments.

Sec. 9A-1. National Electrical Code—Adopted.

There is hereby adopted by reference the "National Fire Code, 1975 edition, Volume 6," [the National Electrical Code] published by the National Fire Protection Association, three (3) or more copies of which are on file with the town clerk, identified as official copies, and shall there be kept available for public use, inspection and examination. Said National Fire Code is adopted by reference as authorized by Florida Statutes, Section 165.191. (Ord. No. 75-7, § 1, 6-4-75)

Sec. 9A-2. Same—Amendments.

The National Fire Code of the National Fire Protection Association, 1975 edition, Volume 6, is amended as follows:

A. GENERAL REQUIREMENTS:

- (1) All terms used in this section shall be the official National Fire Protection Association definitions, unless otherwise defined herein.
- (2) Covering of walls:
 - (a) No electrical work shall be covered or concealed until it has been inspected and approved, unless inspection has been waived by the administrative authority.
 - (b) If any electrical work is installed, altered or repaired and is covered or concealed before being inspected and approved, it shall be exposed for inspection, after the notice to uncover the work has been issued by the administrative authority.
- (3) It shall be unlawful for any person to disconnect any service ground for any electrical system without first notifying the administrative authority.
- (4) The use of electrical metallic tubing is forbidden in the following locations:
 - (a) Underground or in contact with the earth.

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- (b) In concrete slabs on grade.
- (c) Where during or after installation it will be subject to physical damage.
- (d) Where it will be exposed to the weather, water damage or corrosive liquids or gases.
- (5) The use of knob and tube or BX wiring shall not be permitted.
- (6) Aluminum rigid conduit may be used anywhere rigid metal conduit may be used, except where subject to mechanical strain or in poured concrete containing an additive of calcium chloride. Where conduit threads are in direct contact with dissimilar metals, a liberal amount of corrosion inhibitor shall be applied. Where aluminum conduit is installed in the earth or concrete, it shall be coated with asphaltum paint, or other approved material.
- (7) Fixed or stationary appliances:
 - (a) All fixed or stationary appliances shall be wired on individual circuits of not smaller than No. 12 copper conductors, properly protected, and with an approved means of disconnect at the unit. Receptacles when used shall be of the single type.

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- (b) Garbage disposals, regardless of type, shall be controlled through a wall switch above the counter top energizing a single receptacle at the unit.
- (c) Combustion-type heaters shall have a wall-mounted switch outside the heater room to disconnect all electric power to the unit in case of emergency.
- (8) Not more than two (2) receptacle outlets in kitchens, laundries, utility rooms, pantries, dining areas and breakfast rooms shall be installed on a two-wire 20-ampere small appliance circuit or not more than four (4) on a three-wire 20-ampere small appliance circuit.

B. SERVICE AND GROUNDING:

- (1) On all alteration work, if service equipment is found to be without proper grounds, the electrical contractor shall install the proper grounds as required by the electrical code.

C. RESIDENTIAL:

- (1) Exterior service conductors shall be installed in galvanized rigid metal conduit, except underground portions may be installed in rigid non-metallic conduit when done in a manner approved by the administrative authority.
- (2) There shall be a single main fused switch or circuit breaker disconnect for each family residence except as follows:
 - (a) For alteration work on existing installations, there shall be not more than two (2) main disconnects.
 - (b) For combination single-phase and three-phase, a fused switch or circuit breaker disconnect will be permitted in addition to the single-phase disconnect.
- (3) In each service installation, space shall be provided for a total of two (2) spare circuits in each branch circuit panelboard.

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- (4) Service disconnects and/or branch circuit panelboards shall not be installed less than five (5) feet or more than five (5) feet six (6) inches from the floor to the center, and they shall not be located in bathrooms or closets.
- (5) An adequate number of receptacles shall be installed in porches, screened or enclosed.
- (6) The maximum number of current-consuming outlets on a two-wire circuit, including lighting and receptacles, shall be ten (10).
- (7) Nonmetallic sheathed cable may be used in all single-family residences and in multiple-dwelling residential buildings, each unit of which is individually metered and which do not exceed two (2) stories in height, including accessory buildings and private garages for storage of not more than three (3) automobiles.

D. OTHER THAN RESIDENTIAL USE:

- (1) Galvanized rigid metal conduit, metal molding, electrical metallic tubing or rigid nonmetallic conduit shall be required to encase all conductors which are used for lighting or power in the wiring systems of all new construction or additions and alterations to existing buildings, except as follows:
 - (a) Wiring for control of heating and air-conditioning equipment, remote control of lighting, signal circuits, and similar systems will not be required to be encased, provided these circuits comply with the requirements of Article #725 of the National Electrical Code.
- (2) The minimum size conductors which are used for power shall be No. 12 copper.
- (3) A sign raceway shall be installed for all new or remodeled stores or commercial buildings. This raceway shall be a minimum of 3/4-inch rigid conduit or electrical metallic tubing and shall extend from the front of the building to a locking-type disconnect switch located next to the branch circuit panelboard from which the sign is fed.

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- (4) Exit and emergency lighting systems shall be provided as required by the Southern Standard Building Code and NFPA requirements.
- (5) All underground systems shall be installed in an approved raceway-type wiring system. Underground direct burial cable may be used for street lighting, parking area lighting or sign lighting, provided it complies with the following conditions:
 - (a) Underground direct burial cable shall be multiple-conductor type including ground conductor and shall be installed at 18-inch minimum depth where located under concrete or asphalt walkways, drives or parking areas.
 - (b) Underground cable, when not protected as indicated above, shall be installed at 36-inch minimum depth, except under planting areas it shall be installed at 48-inch minimum depth.

E. SWIMMING POOLS:

- (1) All lights and equipment using electric current within ten (10) feet of the pool perimeter and not separated from the pool by a wall, partition or screen cage shall be of the low-voltage type not exceeding thirty (30) volts. Electrical conductors for other purposes shall not be allowed in the pool area.
- (2) All line voltage receptacles shall be installed at least eighteen (18) inches above the slab or deck.
- (3) Underwater pool lighting shall be served from an approved isolating transformer installed at least eighteen (18) inches above the pool maximum water level or in an approved deck box. Transformers shall be of the two-coil type with a grounding shield between coils and shall be protected from weather and mechanical injury.
- (4) Low-voltage pool lights shall be installed in nonmetallic cases which shall be insulated from all metal and shall not be grounded. Conductors

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from transformers to pool lights shall be installed in rigid nonmetallic conduit.

- (5) All electrical equipment and devices served by line voltage must be grounded to the main system ground using a separate ground wire and employing the shortest route possible.

F. LICENSED CONTRACTORS:

- (1) Permits under this chapter shall be issued only to licensed contractors holding a certificate of competency as a master electrician issued either by the County of Sarasota or the County of Manatee. A certificate of competency as an electrical contractor shall not be required of an individual doing such work on his own single-family residential property to be used as his personal residence after securing a permit.

G. ELEVATORS AND RELATED EQUIPMENT:

- (1) Elevator pits shall be equipped with a sump pump operable through a float-type switch.
- (2) Buildings with more than one elevator, situated remote from each other, shall be arranged electrically so that any one may be used to comply with the intent of the NFPA-101 (Life Safety Code). (Ord. No. 75-7, § 2, 6-4-75)

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Chapter 9B

FIRE PREVENTION AND PROTECTION

Editor's note—At the editor's discretion, Ord. No. 73-13, § 1, adopted June 20, 1973; Ord. No. 73-26, § 1, adopted Sept. 26, 1973; and Ord. No. 74-24, §§ 1-5, adopted Aug. 7, 1974; have been codified as Ch. 9B, §§ 9B-1-9B-3.

- § 9B-1. Fire codes—Adopted.
- § 9B-2. Reserved.
- § 9B-3. Amendments to National Fire Codes, 1972-73 edition.

Sec. 9B-1. Fire codes—Adopted.

There is hereby adopted by reference the National Fire Codes, Volumes 1 through 10, inclusive, 1972-73, by the National Fire Protection Association, three (3) or more copies of which are on file with the town clerk, identified as official copies and shall there be kept available for public use, inspection and examination. (Ord. No. 73-13, § 1, 6-20-73)

Editor's note—It should be noted that § 1 of Ord. No. 75-7, adopted June 4, 1975, and codified herein as § 9A-1, adopted Vol. 6, the National Electrical Code, of the 1975 edition of the National Fire Code.

State law reference—Adoption of fire code authorized, Fla. Stats., § 165.191.

Sec. 9B-2. Reserved.

Editor's note—Former § 9B-2, pertaining to amendments of Vol. 5 of the 1972-73 edition of the National Fire Codes, has been deleted by the editors as being superseded by Ord. No. 75-7, §§ 1 and 2, codified herein as Ch. 9A, §§ 9A-1 and 9A-2. Said former § 9B-2 was derived from Ord. No. 73-26, § 1, adopted Sept. 26, 1973.

Sec. 9B-3. Amendments to National Fire Codes, 1972-73 edition.

This section amends the National Fire Codes of 1972-73 of the National Fire Protection Association adopted by the Town of Longboat Key on June 20, 1973, by Ordinance No. 73-13 [included herein at section 9B-1].

VOLUME 6, 1972-73 EDITION:

(a) Definitions:

- (1) "Multiple-family structures": Hotels, motels, motor inns, apartment houses, apartment hotels, convents, dormitories and other similar buildings containing three (3) stories or more or thirty-five (35) feet in height measured from grade as defined in the Standard Building Code.

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(2) "Unit": A room or group of rooms within a multiple-family structure designed for and occupied by one family only.

(3) "Substantially altered" means any substantial structural alteration in or addition to the supporting or structural members of a building such as bearing walls, bearing columns, bearing beams or bearing girders; provided, that a substantial alteration shall not include, inter alia, repairs to roof, walls or interior; exterior or interior painting or redecoration; elimination, moving or construction of new partitions within an existing building; air conditioning; repairs or replacement of heating systems; modernization of kitchens or bathrooms, including moving or replacement of utility lines, gas, water, sewer and electricity; and the installation or replacement of kitchen or bathroom equipment. A structural alteration not increasing the square footage of a building more than twenty (20) per cent shall not be considered a substantial alteration.

(b) *Automatic fire-fighting, detection and prevention equipment throughout certain buildings:* Fire-fighting, detection and prevention equipment shall be installed and maintained throughout all multiple-family structures, as defined in paragraph (2) herein, erected, converted or substantially altered.

(c) *Installation standards:* Fire-fighting, detection and fire prevention equipment shall be installed in all multiple-family structures, as defined in paragraph (2) herein, erected, converted or altered as follows:

(1) Standpipes, sprinklers, detectors and alarm systems shall be installed in all multiple-family structures.

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- (2) Ionization or equivalent detectors shall be installed on the ceiling within five (5) feet outside of each bedroom door.
- (3) One or more sprinklers shall be installed in each unit over the door leading to the common area and directed to wet upon the entire door and door jamb area.
- (4) All enclosed common areas shall be equipped with sprinkler equipment in accordance with NFPA Vol. 6, Section 13.
- (5) Sprinkler equipment and thermal detectors (fixed temperature, rate-of-rise one hundred ninety degrees (190°) and fifteen degrees (15°) rate-of-rise) shall be installed in all laundry equipment, elevator control, trash, storage, office and other normally closed, less-used areas.
- (6) Water flow detectors shall be installed in sprinklers and riser systems.
- (7) Detectors shall be connected into an approved and properly labelled annunciator system. There shall be a minimum of one annunciator panel located in a common area accessible for easy reading by the fire department.
- (8) Adequately audible sounding system shall be designed to alert all people on the fire floor, floor below, and floor above the fire floor. This system shall become activated manually or by automatic detectors.
- (9) An alarm system shall be installed which will signal the fire department within thirty (30) seconds of the sounding of the alarm.
- (10) A structure containing twelve (12) units or more shall install for fire department use a public address system in all common areas with transmitting capabilities at the annunciator panel.
- (11) All units shall be provided with ionization detectors designed to automatically shut down heating and air conditioning equipment.
- (12) All equipment shall bear a seal of approval from a nationally recognized testing laboratory.

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(d) Construction design requirements: The construction and design requirements of multiple-family structures, as defined in subsection (a) herein, erected, converted or substantially altered are as follows:

- (1) All floor slabs shall be constructed of materials which shall afford a three-hour fire rating.
- (2) All corridor and party walls shall be constructed of materials which shall afford a two-hour fire rating.
- (3) All unit doors opening onto a common area (hall, balcony, foyer, etc.) shall be constructed of materials which shall afford a one-hour fire rating and shall be equipped with positive self-closing and latching devices.
- (4) Each unit shall have installed on the outside wall a minimum of one tempered glass window designed to shatter under excess pressure.
- (5) Each unit shall be equipped with totally individual heat and air handling systems to prevent smoke spreading.
- (6) Every opening, both vertical and horizontal, shall be sealed to prevent smoke or gas spreading.
- (7) All elevators shall be electrically wired in order to provide the fire department with complete control.
- (8) All elevator shafts and enclosed stairwells shall be pressurized to prevent the entry of smoke and gas.
- (9) All buildings with elevator accommodations shall also have an automatic emergency generator to provide electrical power in order to operate elevators and all emergency equipment. (Ord. No. 74-24, §§ 1---5, 8-7-74)

Chapter 10

GARBAGE, REFUSE AND WEEDS

State law references—Authority for town to prevent and remove accumulations of trash or filth on or within private premises, Fla. Stats., § 167.06; authority of town to enter into agreements for the removal and disposal of garbage, Fla. Stats., § 167.08.

Cross reference—Prohibition against dumping garbage, trash, etc., from watercraft, § 5-9.

Article I. In General

- § 10-1. Definitions.
- § 10-2. Declaration of policy.
- § 10-3. Depositing upon premises of another, streets, lakes, etc.
- § 10-4. Presumption as to refuse thrown from motor vehicles.
- § 10-5. Burning or burying.
- § 10-6. Accumulation of brush prohibited.
- § 10-7. Spilling of trash, sand, gravel, etc., from vehicles.

Article II. Condition of Premises

- § 10-8. Responsibility of property owner.
- § 10-9. Violations of article deemed public nuisances and prohibited.
- § 10-10. Notice to property owner to correct conditions.
- § 10-11. Correction of violations by town; recovery of town's expenses.

Article III. Overgrowth of Trees and Shrubs

- § 10-12. Findings of commissioners.
- § 10-13. Owners required to keep certain lands cleared of overgrowth; penalty for violation of section.
- § 10-14. Lands not cleared of overgrowth declared public nuisance.
- § 10-15. Notice to owner to abate condition; notification of commission upon failure of owner to comply with notice.
- § 10-16. Abatement by town; cost of abatement to be assessed as lien on land.

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Brush: All vegetation detached from the land resulting from land clearing operations or other causes.

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Garbage: 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, petrefaction and the generation of noxious gases 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.

Garden trash: All accumulations of grass or shrubbery cuttings and other refuse attending the care of lands, shrubbery, vines, trees and tree limbs.

Rubbish: 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. (Ord. No. 129, § 2, 8-8-67; Ord. No. 139, § 1, 7-9-68)

Sec. 10-2. Declaration of policy.

It is the declared policy of the town 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; or the discarding of garden trash, garbage or brush on the lands or waters within the municipal boundaries of the town is a menace to the welfare and comfort of the people of the town and a cause of extensive damage to health and property. The necessity for legislative intervention by the enactment of the provisions of this chapter is for the purpose of controlling and reducing atmospheric pollution and the pollution of the land and its adjacent waters. (Ord. No. 129, § 1, 8-8-67)

Cross reference—Pollution control, Ch. 17A.

Sec. 10-3. Depositing upon premises of another, streets, lakes, etc.

It shall be unlawful for any person to place or deposit garbage, garden trash, brush or rubbish upon the premises of another, whether the premises are improved

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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 town. (Ord. No. 129, § 3, 8-8-67)

Sec. 10-4. Presumption as to refuse thrown from motor vehicles.

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 of this Code. (Ord. No. 129, § 4, 8-8-67)

Sec. 10-5. Burning or burying.

The burning or burying of garbage or rubbish is prohibited. (Ord. No. 129, § 6, 8-8-67; Ord. No. 73-1, § 3, 1-10-73)

Sec. 10-6. 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 satisfactory showing that the accumulation will be removed within a reasonable time. (Ord. No. 129, § 6, 8-8-67)

Sec. 10-7. Spilling of trash, sand, gravel, etc., from vehicles.

(a) It shall be unlawful for any person to transport upon any public roads within the town, garbage, refuse, trash, rubbish, sand, gravel, shell, rock, marl, limestone or asphalt in a vehicle which is not completely covered or otherwise secured in such a manner to prevent the spilling of its contents on public roads.

(b) It shall be unlawful for any person to transport upon any public roads within the town material or supplies other than those enumerated in subsection (a) of this section in a vehicle which is not completely covered or otherwise properly secured in such a manner as to prevent the spilling of its contents on public roads. (Ord. No. 178, §§ 1, 2, 9-16-70)

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Article II. Condition of Premises

Sec. 10-8. Responsibility of property owner.

For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land lying within forty (40) feet of any dwelling, house or place of business is required to keep such land cleared of all underbrush and debris, or weeds or grass in excess of twelve (12) inches in height from the ground, or noxious material of any kind which tends to be a breeding place for mosquitos, or tends to be a breeding place or haven for snakes and vermin of all kinds and character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition. (Ord. No. 193, § 2)

Sec. 10-9. Violations of article deemed public nuisances and prohibited.

That portion of every lot or parcel of land lying within forty (40) feet of any dwelling, house or place of business upon which are located underbrush and debris, or weeds or grass in excess of twelve (12) inches in height from the ground, or noxious material of any kind which tends to be a breeding place for mosquitos, or tends to be a breeding place or haven for snakes and vermin of all kinds and character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition, is hereby determined to be detrimental to the health, safety and welfare of the citizens of the town, and further is hereby determined to be a public nuisance is prohibited. (Ord. No. 193, § 3)

Sec. 10-10. Notice to property owner to correct conditions.

If the town manager, or any other town official or agent designated by resolution by the town commission, shall find any of the conditions described in section 10-9 to exist on such land within the incorporated areas of the town, the town manager shall give written notice to the owner of record of such land by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying such owner of the condition and demanding that such condition be abated within seven (7) days from the date of receipt of

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the letter. Upon the failure of such property owner to comply within the time prescribed, the town manager shall notify the town commission of the existence of such condition. (Ord. No. 193, § 4)

Cross reference—See also abatement procedure for collections of water or debris creating mosquito breeding places, § 11-8 et seq.

Sec. 10-11. Correction of violations by town; recovery of town's expenses.

Upon receipt by the town commission of notification from the town manager of the existence of conditions described in section 10-9, the commission shall, by resolution, direct the clearing of such land and assess a lien on behalf of the town against the land for the costs hereinafter described. A certified copy of such resolution shall be mailed to the owner of record by certified mail, return receipt requested, together with a notice that the owner shall have not more than twenty (20) days from receipt of the resolution to file written objections as to the reasonableness of the assessed costs with the town commission. Thereafter the commission shall hear and determine the validity of such objections. Upon determining the invalidity of all objections, or failure to file objection within twenty (20) days, a notice of lien in such form as the commission shall determine shall be filed in the office of the clerk of circuit court in which the lot or parcel of land is situate and recorded as other liens are recorded, and in the office of the town clerk. The costs of such lot clearing, cleaning or removing of debris, and the necessary expenses for preparation of the assessment lien, filing and recording the same and legal expenses, if any, incident thereto shall be assessed against the land and shall be collected by the town finance director on November 1st next succeeding the date of filing of the lien, and if not collected shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection thereof may be enforced. On the date of filing of the lien as aforesaid, the town commissioners shall also file a copy of the lien with the tax collector of the county in which the lot or parcel is situate. (Ord. No. 193, § 5)

ARTICLE III. OVERGROWTH OF TREES AND SHRUBS

Sec. 10-12. Findings of commissioners.

The town commissioners find and declare that there is a general need in the town for the measures provided by this article and that this article is enacted in the exercise of the police power for the protection of the health, safety and welfare of the people of the town. (Ord. No. 213, 2-16-72, § 1)

Sec. 10-13. Owners required to keep certain lands cleared of overgrowth; penalty for violation of section.

For the purpose of promoting the health, safety and welfare of the people of the town, every owner of a lot or parcel of land adjacent to a public street or road right-of-way, canal or other navigable waterway is required to keep such land cleared

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of all overgrowth of trees and shrubs which interfere with vehicular traffic or boat navigation or create a hazard to vehicular traffic or boat navigation and endanger the lives and property of the citizens of the town or which tends to create a nuisance or other unsightly condition.

Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not more than one hundred dollars (\$100.00) or shall be imprisoned for no more than ten (10) days, with each day of such violation constituting a separate offense. (Ord. No. 213, 2-16-72, §§ 2, 6)

Sec. 10-14. Lands not cleared of overgrowth declared public nuisance.

That portion of every lot or parcel of land adjacent to a street or public road right-of-way, canal or other navigable waterway which is located in an overgrowth of trees and shrubs which tend to interfere with vehicular traffic or navigation of boats or which tend to create a hazard and endanger the lives and property of the citizens of the town or which tend to create a nuisance or unsightly condition is hereby determined to be a public nuisance. (Ord. No. 213, 2-16-72, § 3)

Sec. 10-15. Notice to owner to abate condition; notification of commission upon failure of owners to comply with notice.

If the town manager, or any other town official or agent designated by resolution by the town commission, shall find any of the conditions described in section 10-14 of this article to exist on such land within the incorporated areas of the town, the town manager shall give written notice to the owner of record of such land by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying such owner of the condition and demanding that such condition be abated within seven (7) days from the date of receipt of such letter. Upon the failure of such property owner to comply within the time prescribed, the town manager shall notify the town commission of the existence of such condition. (Ord. No. 213, 2-16-72, § 4)

Sec. 10-16. Abatement by town; cost of abatement to be assessed as lien on land.

Upon receipt by the town commission of notification from the town manager of the existence of conditions described in section 10-14 of this article, such commission shall, by resolution, direct the clearing of such trees and shrubs and assess a lien on behalf of the town against such land for the costs hereinafter described. A certified copy of such resolution shall be mailed to the owner of record by certified mail, return receipt requested, together with a notice that such owner shall have not more than twenty (20) days from receipt of such resolution to file written objections, as to the reasonableness of the assessed costs with the town commission. Thereafter the commission shall hear and determine the validity of such objections. Upon determining

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the invalidity of all objections, or failure to file objection within twenty (20) days, a notice of lien in such form as the commission shall determine shall be filed in the office of the clerk of circuit court in which the lot or parcel of land is situate and recorded as other liens are recorded, and in the office of the town clerk. The costs of such lot clearing, removing of such trees and shrubs, and the necessary expenses for preparation of the assessment lien, filing and recording same and legal expenses, if any, incident thereto, shall be assessed against such land and shall be collected by the town finance director on November 1st next succeeding the date of filing of such lien, and if not collected shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection thereof may be enforced. On the date of filing of the lien as aforesaid, the town commissioners shall also file a copy of such lien with the tax collector of the county in which the lot or parcel is situate. (Ord. No. 213, 2-16-72, § 5)

CHAPTER 11
HEALTH AND SANITATION

Article I. In General

- §§ 11-1---11-7. Reserved.
§ 11-8. Mosquito pools---Prohibited and declared nuisances.
§ 11-9. Same---Prima facie evidence.
§ 11-10. Same---Enforcement by town manager.
§ 11-11. Same---Abatement by town manager.

Article II. Registration of Certain Employees

- § 11-12. Applicability of article.
§ 11-13. Required.
§ 11-14. Fingerprinting and photographing required.
§ 11-15. Identification cards to be issued.
§ 11-16. Fee.
§§ 11-17---11-26. Reserved.

Article III. Food and Drink Establishments

- § 11-27. Definitions.
§ 11-28. Permit required; inspection; fee; expiration date.
§ 11-29. Permits nontransferable.
§ 11-30. Approval required for construction, extension, alteration.
§ 11-31. Required training; training cards.
§ 11-32. Work card required; term; health tests.
§ 11-33. Enforcement.
§ 11-34. Violations; correction; revocation of permit.
§ 11-35. Closing of establishments as threats to life or health.
§ 11-36. Penalty.

Cross references---Quarantine of animals and fowl, § 4-1; dogs and cats generally, §§ 4-2---4-19; rabies vaccinations, § 4-8; confinement when rabies suspected, § 34-9; observance of sanitary requirements by boats and watercraft, § 5-9; garbage and refuse generally, Ch. 10; plumbing regulations, Ch. 16; pollution control, Ch. 17A, sewers and sewage disposal, Ch. 17B.

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State law references---Health and sanitation generally, Fla. Stats., §§ 38.011---405.03; supervision and regulation of municipal sanitation by state division of health, enforcement of state sanitary code by local officials, Fla. Stats., § 381.311.

ARTICLE I. IN GENERAL

Secs. 11-1---11-7. Reserved.

Editor's note---Sections 11-1---11-7, pertaining to septic tanks and adoption by reference of certain rules of the state department of health and rehabilitative services and the department of air and water pollution control governing water supplies, sewerage, plumbing, etc., have been deleted by the editors as being superseded by the following ordinances:

- Ord. No. 200, §§ 1---5, adopted Oct. 6, 1971, codified herein as §§ 21A-14---21A-18;
- Ord. No. 73-4, §§ 1---9, adopted March 7, 1972, codified herein as §§ 17B-16---17B-24;
- Ord. No. 74-32, §§ 1, 2, adopted Nov. 6, 1974, codified herein as §§ 16-1 and 16-2;
- Ord. No. 75-12, §§ 1---8, adopted July 9, 1975 (as amended by Ord. No. 75-14, §§ 1---3, adopted Sept. 10, 1975), codified herein as Ch. 17B.

Said former sections were derived from Code 1965, §§ 13-3 and 13-4; Ord. No. 166, §§ 1, 2, 4, adopted Jan. 21, 1970; and Ord. No. 189, §§ 1 and 4.

Sec. 11-8. Mosquito pools---Prohibited and declared nuisances.

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. (Code 1965, § 13-201)

Cross references---Accumulation of noxious materials, etc., which tends to become breeding place for mosquitos prohibited, § 10-8; abatement procedure, § 10-10 et seq.

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State law reference---Mosquito control, Fla. Stats.,
§§ 388.01---388.42.

Sec. 11-9. Same---Prima facie evidence.

Water in which live mosquito larvae are found shall be prima facie evidence of a violation of section 11-8. (Code 1965, § 13-202)

Sec. 11-10. Same---Enforcement by town manager.

Responsibility for the enforcement of the provisions of section 11-8 within the boundaries of the town is hereby vested in the town manager; provided, that the town manager may request the assistance of and act through the mosquito control commission. (Code 1965, § 13-203)

Sec. 11-11. Same---Abatement by town manager.

When any person has been found guilty of a violation of section 11-8 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. (Code 1965, § 13-204)

ARTICLE II. REGISTRATION OF CERTAIN EMPLOYEES

Sec. 11-12. Applicability of article.

This article shall apply to every person employed in any of the following establishments or places of business within the town limits: Nightclubs, establishments or places storing or selling liquor, beer or wine, places of amusement, hotels, motels, rooming houses, apartment houses, restaurants, bath-houses; also to every person engaged for the purpose of doing ground or yard maintenance and disposal service personnel; also to every person engaged in selling or installing burglar alarms, fire alarms or smoke alarms. This article shall also apply to the operators of any such nightclub, establishment or place of business storing or selling liquor, beer or wine, and if such operator is a firm, partnership or body corporate, then this article shall apply to the members of such firm or

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partnership and the officers of such body corporate. (Code 1965, § 13-301; Ord. No. 75-10, § 1, 7-9-75)

Sec. 11-13. Required.

Every person mentioned in the preceding section shall register within twenty-four (24) hours from the time of their employment in a book of registration to be kept by the chief of police of the town. (Code 1965, § 13-302)

Sec. 11-14. Fingerprinting and photographing required.

Every person required to be registered under section 11-13 shall also be fingerprinted and photographed at the time of registering by the police department of the town. (Code 1965, § 13-303)

Sec. 11-15. Identification cards to be issued.

Identification cards shall be issued to each person registering under the provisions of this article. This identification card shall be renewed by the holder thereof each twelve (12) months thereafter by registration as required by this article. (Code 1965, § 13-304)

Sec. 11-16. Fee.

For the purpose of defraying the expenses of enforcement of this article, a fee of two dollars (\$2.00) shall be paid for each identification card or renewal thereof issued under the provisions of this article. (Code 1965, § 13-305; Ord. No. 75-8, § 1, 6-4-75)

Secs. 11-17---11-26. Reserved.

ARTICLE III. FOOD AND DRINK ESTABLISHMENTS

Editor's note---Ord. No. 74-8, adopted April 17, 1974, did not specifically amend the Code, hence inclusion of §§ 1---10 as Art. III, §§ 11-27---11-36, was at the editor's discretion.

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Sec. 11-27. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

(a) Management includes anyone who conducts, directs the affairs, and carries on the business of food establishments, either for his own interest or that of an owner and includes those responsible for operation and supervision.

(b) Health Department: This shall mean the Sarasota County Health Department in Sarasota County and the Manatee County Health Department in Manatee County.

(c) Director: This shall mean the director of the Sarasota County Health Department and the director of the Manatee County Health Department or their duly authorized representatives, and shall be the same authority as described in the Florida Administrative Code, sections 10D-13.02(15), 10D-14.02(11) and 10D-15.02(14) as the "health authority." (Ord. No. 74-8, § 1, 4-17-74)

Sec. 11-28. Permit required; inspection; fee; expiration date.

No person, firm or corporation shall operate a food or drink establishment within the Town of Longboat Key without first obtaining and maintaining a valid permit or written approval from the health department. Such permit shall be issued only after inspection of the premises of such establishment by the director has revealed compliance with minimum requirements established by applicable law, and the payment of such fees as may be authorized and required by the director. Such permits shall expire on September 30 of each year. (Ord. No. 74-8, § 2, 4-17-74)

Sec. 11-29. Permits nontransferable.

Food or drink establishment permits shall not be transferable from one person, firm or corporation to another, or from one physical location to another physical location. (Ord. No. 74-8, § 3, 4-17-74)

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Sec. 11-30. Approval required for construction, extension, alteration.

No construction, extension, or alteration of a food or drink service establishment, food outlet, or food processing plant shall take place before the complete plan for said establishment showing existing and proposed facilities has received written approval by the health department. (Ord. No. 74-8, § 4, 4-17-74)

Sec. 11-31. Required training; training cards.

In order to insure that management or supervisors are qualified to institute and maintain acceptable sanitary procedures in the operation of a food preparation and food processing business, and to minimize the possibility of a food-borne disease outbreak, all management and supervisors shall be required to complete a minimum six-hour course of instruction and training conducted or approved by the health department in basic food hygiene, and relating to the proper storage, preparation and service of foods. The health department shall administer a written examination following the completion of such course, and if the trainee shall successfully pass such written examination, the director shall issue to the trainee a food handler's training card, which card shall be valid for a two-year period. Compliance with this section shall be mandatory commencing one (1) year from the effective date of this article. Upon the expiration of the two-year effective period of the food handler's training card, each holder thereof shall be required to complete a six-hour refresher course. Upon the completion of the refresher course, a new food handler's training card shall be issued for a succeeding two-year period. (Ord. No. 74-8, § 5, 4-17-74)

Sec. 11-32. Work card required; term; health tests.

All employees of food and drink establishments are required to obtain a food handler's work card from the health department prior to commencing employment in food and drink establishments. Each employee shall be required to procure a tuberculin test and any other health test required by the director. The card shall be valid for one (1) year from the date of issuance, and each such employee shall obtain a new food handler's work card annually thereafter. (Ord. No. 74-8, § 6, 4-17-74)

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Sec. 11-33. Enforcement.

It shall be the responsibility of the director to enforce the provisions of this article within the Town of Longboat Key. (Ord. No. 74-8, § 7, 4-17-74)

Sec. 11-34. Violations; correction; revocation of permit.

The health department shall inspect all food and drink establishments within the Town of Longboat Key, and if a violation of any provision of this article is determined to exist, the director shall give the operator of such food or drink establishment a reasonable time following the receipt of written notice thereof within which to correct such violations. Should the violation(s) continue beyond the time specified for correction by the official notice, the food or drink establishment permit shall be revoked by the director. Notice shall be given by delivery or by certified or registered mail, addressed to the management of such food or drink establishment, at the street address of such establishment. (Ord. No. 74-8, § 8, 4-17-74)

Sec. 11-35. Closing of establishments as threats to life or health.

If, in the opinion of the director, conditions of a food or drink establishment represent an immediate threat to the life or health of the patrons or employees, the establishment shall be ordered closed by the director, the dangerous condition has been removed, and the establishment fully complies with all of the provisions of this article. (Ord. No. 74-8, § 9, 4-17-74)

Sec. 11-36. Penalty.

Any person found guilty of a violation of the provisions of this article shall, upon conviction thereof, be punished in accordance with section 1-8 of the Code of the Town of Longboat Key, as amended. (Ord. No. 74-8, § 10, 4-17-74)

Chapter 12

LICENSES AND PERMITS

Cross references—Licensing of manufacture, sale, etc., of alcoholic beverages, §§ 3-1, 3-2; licensing of dogs and cats, §§ 4-2, 4-3.

State law reference—Local occupational license taxes, Fla. Stats., Ch. 206.

- § 12-1. License tax levied; term.
- § 12-2. Separate license required for each location.
- § 12-3. Filing of application; display of license.
- § 12-4. Contents of application.
- § 12-5. License schedule.
- § 12-6. Evidence of competency of persons in building trades.
- § 12-7. Collection of taxes; when due and payable; proration.
- § 12-8. Penalty on delinquent taxes.
- § 12-9. Tax to be in addition to other taxes.
- § 12-10. Permits for businesses, professions and occupations.

Sec. 12-1. License tax levied; term.

A license tax is hereby levied upon, and shall be collected from every individual, partnership or corporation exercising the privilege of carrying on or engaging in the businesses or occupations, and maintaining a permanent business location or branch office within the town, specifically enumerated in this chapter. Each of such amounts, unless otherwise specifically stated, will be the amount payable as a license tax for exercising such privilege, and for each annual period. It shall be unlawful for any individual, partnership or corporation to carry on or engage in any business or occupation, maintaining a permanent business location or branch office within the town, described and designated in this chapter without having complied with the terms of this chapter and paid the license taxes. (Code 1965, § 14-1; Ord. No. 228, § 1, 9-27-72)

Sec. 12-2. Separate license required for each 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. (Code 1965, § 14-2)

Sec. 12-3. Filing of application; display of license.

(a) Each person required to pay a license tax as provided in 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.

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(b) The person possessing an occupational license, issued pursuant to the terms of this chapter, shall publicly display the license in the office or place of business of such person which is located within the town. (Code 1965, § 14-4)

Sec. 12-4. Contents of application.

The application referred to in section 12-3 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 is 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. (Code 1965, § 14-5)

Sec. 12-5. License schedule.

The amounts which shall be paid by every person engaging in or carrying on businesses or occupations, maintaining a permanent business location or branch office within the town, for which a license is required are hereby fixed as follows:

Contractors \$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 that maintains a permanent business location or branch office within the town.

Subcontractors \$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 that maintains a permanent business location or branch office within the town, and performs such work for a contractor. (Code 1965, § 14-1; Ord. No. 228, § 2, 9-27-72)

Sec. 12-6. Evidence of competency of persons in building trades.

Any person 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 the state and which license shall be effective at the time application is made to the town. (Code 1965, § 14-7)

Sec. 12-7. Collection of taxes; when due and payable; proration.

All license taxes required by this chapter shall be collected by the town finance director and shall be due and payable the first day of October of each year; provided,

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that any business which shall begin within six (6) months of the due date for the tax herein provided for, may secure a license for one-half of the amount provided. (Code 1965, § 14-3; Ord. No. 228, § 3, 9-27-72)

Sec. 12-8. Penalty on delinquent taxes.

Those licenses not renewed by October first shall be considered delinquent and subject to a delinquency penalty of ten (10) per cent for the month of October, plus an additional five (5) per cent penalty for each month of delinquency thereafter until paid. However the total delinquency shall not exceed twenty-five (25) per cent of the occupational license fee for the delinquent establishment. The town finance director shall collect the penalty provided for in this section for such delinquent license taxes. (Code 1965, § 14-6)

State law reference—Similar provisions, Fla. Stats., § 206.053.

Sec. 12-9. Tax to be in addition to 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. (Code 1965, § 14-8)

Sec. 12-10. Permits for businesses, professions and occupations.

(a) *Required; term.* A permit is hereby required from:

- (1) Any person who maintains a permanent business location or branch office within the town for the privilege of engaging in or managing any business within its jurisdiction; and
- (2) Any person who maintains a permanent business location or branch office within the town for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

Such permit shall be for the privilege of engaging in or managing any profession or occupation mentioned for an annual period beginning October 1st of each year and ending September 30th of the following year.

(b) *Application.* Each person required to obtain a permit as provided in this section shall make an application to the town, giving in such application all the information necessary for the proper determination of the owner and/or operator of such business, occupation or profession, including but not limited to trade or fictitious names; name, address and residence of any person owning any interest in the business, profession or occupation to be conducted under such trade or fictitious name. In the event such business, profession or occupation is owned by a corporation, the name of such corporation and its principal place of business shall be furnished.

(c) *Credentials of qualification from other regulating agencies prerequisite to granting.* Where any occupation, business or profession is regulated by the laws of the

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United States, the State of Florida, Manatee or Sarasota Counties, or ordinances of the Town of Longboat Key, the business, occupation or profession shall, as a prerequisite for a permit, present all necessary credentials to the town to establish that such applicant is qualified by law to conduct, operate or practice such business, occupation or profession.

(d) *Violation, penalty.* After October 1, 1976, it shall be unlawful for any person to carry on any business, occupation or profession described in subsection (a) of this section without having first obtained the permit as provided in said subsection. Any person engaging in or managing any business, occupation or profession without first having obtained a permit as required hereunder shall be subject to a fine in a sum of not more than five hundred dollars (\$500.00) or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 76-12, §§ 1-4, 5-19-76)

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Chapter 13

MOTOR VEHICLES AND TRAFFIC

Cross references—Boats and watercraft, §§ 5-3—5-10; throwing refuse from motor vehicles, § 10-4; spilling trash, sand, etc., from vehicles, § 10-7; restriction on parking and use of travel trailers, campers, motor homes, etc., § 14-3.

State law reference—Regulation of traffic on highways, Fla. Stats., § 317.011 et seq.

Article I. In General

- § 13-1. Application of state law.
- § 13-2. Use of land between high and low tides as roadway.
- § 13-3. Speed limits established.
- §§ 13-4—13-18. Reserved.

Article II. Stopping, Standing and Parking

- § 13-19. Parking prohibited in certain places.
- § 13-20. Unattended motor vehicles.
- § 13-21. Parking so as not to obstruct traffic.
- § 13-22. All-night parking prohibited; exceptions.
- § 13-23. Parking for certain purposes prohibited.
- § 13-24. Restricted parking zones.
- § 13-25. Fifteen-minute parking on Cedar Street.
- § 13-26. Authority to remove and impound vehicles in violation.
- § 13-27. Certain types of violations; amount of fines; general penalty.
- §§ 13-28—13-37. Reserved.

Article III. Impoundment of Vehicles

- § 13-38. Authority of police to impound certain vehicles; charge for towing and storage.
- § 13-39. Notice of impounding.
- § 13-40. Authority of police officer to remove or order removal of vehicles in violation.

ARTICLE I. IN GENERAL

Sec. 13-1. Application of state law.

It shall be unlawful to commit within the limits of the town any act which is and shall be recognized by the State of Florida as a misdemeanor, including the State Uniform Traffic Control Act. The commission of any such act within the town shall be considered a violation of the laws of the town and traffic infractions may be administered and disposed of in accordance with the Florida Uniform Disposition of Traffic Infractions Act. (Ord. No. 75-20, § 4, 10-15-75; Ord. No. 76-31, 10-27-76)

State law references—Uniform Traffic Control Act, Fla. Stats., Ch. 316;
Uniform Disposition of Traffic Infractions Act, Fla. Stats., Ch. 318.

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Sec. 13-2. Use of land between high and low tides as roadway.

(a) Land between high and low tides shall not be used as a roadway and such use is hereby prohibited. Any violation shall be punishable as provided in the Florida Uniform Disposition of Traffic Infractions Act, Chapter 318, Florida Statutes.

(b) The prohibition of subsection (a) of this section shall not apply to an emergency vehicle when such vehicle is being operated in accordance with the provisions of section 316.061(5), Florida Statutes, and section 316.061(5), as hereby adopted, is modified by the addition to subsection (5) thereof of the following:

"(e) Employ the land between high and low tides as a roadway." (Ord. No. 127, § 3, 7-11-67)

Sec. 13-3. Speed limits established.

It shall be unlawful to drive any motor vehicle on any street, road or road right-of-way not under the jurisdiction of the state, within the Town of Longboat Key, at a speed in excess of twenty (20) miles per hour, except on Broadway east of Gulf of Mexico Drive [motor vehicles shall not be driven] at a speed in excess of twenty-five (25) miles per hour. (Ord. No. 75-11, § 1, 6-18-75)

Secs. 13-4—13-18. Reserved.

ARTICLE II. STOPPING, STANDING AND PARKING

Cross reference—Restriction on parking and use of travel trailers, campers, motor homes, etc., § 14-3.

Sec. 13-19. Parking prohibited in certain places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) North Shore Road, both sides, between Gulf of Mexico Drive to Joy Street and North Shore Road, and south side between Joy Street and waters of Gulf of Mexico.
- (2) Firehouse Court, both sides, between Gulf of Mexico Drive and Joy Street.
- (3) Coral Avenue, both sides, between Firehouse Road and waters of Gulf of Mexico.
- (4) Palmetto Avenue, both sides, between Firehouse Road and waters of Gulf of Mexico.
- (5) Joy Street, both sides, between Firehouse Court and North Shore Road, and between North Shore Road and waters of Longboat Pass.

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- (6) Firehouse Road, both sides, between Coral Avenue and 7043 Firehouse Road, and west side between fire station and Broadway.
- (7) Seabreeze Avenue, both sides, between Broadway and waters of Gulf of Mexico.
- (8) Broadway, both sides, between Seabreeze and waters of Gulf of Mexico.
- (9) Broadway, north side, between Gulf of Mexico Drive and Firehouse Road.
- (10) Cedar Street, north side, between Gulf of Mexico Drive and Palm Drive, except one hundred (100) feet west of Palm Drive.
- (11) Palm Drive, both sides, between Cedar Street and Broadway, and between Broadway and dead end.
- (12) Broadway, both sides, between Gulf of Mexico Drive and Palm Drive, between Palm Drive and Longboat Drive South, and between Longboat Drive South and Poinsettia.
- (13) Longboat Drive South, both sides, between Broadway and Linley Street.
- (14) Longboat Drive North, both sides, between Broadway and Russell.
- (15) Gulfside Road, both sides, except south one hundred sixty-nine (169) feet of east side, entire length Gulf of Mexico Drive to Gulf of Mexico Drive
- (16) On a sidewalk and easements.
- (17) In front of a public or private driveway.
- (18) At an intersection.
- (19) Within fifteen (15) feet of a fire hydrant.
- (20) Within twenty (20) feet of a crosswalk.
- (21) Within seventy-five (75) feet of the driveway entrance of any fire station.
- (22) At any place along Gulf of Mexico Drive where official signs of the department of transportation prohibit stopping, standing or parking. (Ord. No. 76-9, § 1, 4-21-76; Ord. No. 76-19, § 1, 6-2-76)

Sec. 13-20. Unattended motor vehicle.

No person driving or in charge of any motor vehicle, except a licensed delivery truck or other delivery vehicle, shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key. (Ord. No. 76-9, § 2, 4-21-76; Ord. No. 76-19, § 2, 6-2-76)

Sec. 13-21. Parking so as not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. (Ord. No. 76-9, § 3, 4-21-76; Ord. No. 76-19, § 3, 6-2-76)

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Sec. 13-22. All-night parking prohibited; exceptions.

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all-night parking without giving notice to the police department thereof, for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day. (Ord. No. 76-9, § 4, 4-21-76)

Sec. 13-23. Parking for certain purposes prohibited.

No person shall park a vehicle upon any street for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (c) Displaying advertising.
- (d) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under this Code or other town ordinances.
- (e) Storage or as junkage or dead storage for more than twenty-four (24) hours. (Ord. No. 76-9, § 5, 4-21-76; Ord. No. 76-19, § 4, 6-2-76)

Sec. 13-24. Restricted parking zones.

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted; except, that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted. (Ord. No. 76-9, § 6, 4-21-76; Ord. No. 76-19, § 5, 6-2-76)

Sec. 13-25. Fifteen-minute parking on Cedar Street.

Parking a motor vehicle in designated parking areas in excess of fifteen (15) minutes on the one hundred (100) feet west of Palm Drive on the north side of Cedar Street is prohibited. (Ord. No. 76-9, § 7, 4-21-76; Ord. No. 76-19, § 6, 6-2-76)

Sec. 13-26. Authority to remove and impound vehicles in violation.

(a) Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the provisions of this article, such officer is hereby authorized to move such vehicle or require the driver or person in charge of the vehicle to move the same to a position off the paved or improved or main-traveled part of such street or alley

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(b) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway within the town where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle. (Ord. No. 76-9, § 8, 4-21-76; Ord. No. 76-19, § 7, 6-2-76)

Cross reference—Authority of police to impound certain vehicles; procedure, § 13-38 et seq.

Sec. 13-27. Certain types of violations; amount of fines; general penalty.

(a) The provisions of this article include the following parking violations, and the fines payable in each instance are as set forth opposite each listed violation:

(1) Overtime parking	\$15.00
(2) Parking in restricted area, unlawful parking or parking where parking is prohibited	20.00

(b) Any person found guilty of violating any other provision of this article or any order issued pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-9, § 9, 4-21-76; Ord. No. 76-19, § 8, 6-2-76)

Secs. 13-28—13-37. Reserved.

ARTICLE III. IMPOUNDMENT OF VEHICLES

Cross reference—Authority of police to impound vehicles for parking violations, § 13-26.

Sec. 13-38. Authority of police to impound certain vehicles; charge for towing and storage.

(a) Members of the police department are hereby authorized to remove a vehicle from a street to the nearest garage or other place of safety, or to a garage or parking area designated or maintained by the police department or by this town, under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, causeway or viaduct where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.
- (3) When a vehicle is found being operated upon the streets and is not in proper condition according to state inspection requirements.

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- (4) When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (5) When any vehicle is left unattended upon a street continuously for more than twenty-four (24) hours and may be presumed to be abandoned.
- (6) When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street.
- (7) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.
- (8) When removal is authorized under state law.

(b) No vehicle impounded in an authorized garage or parking area as herein provided shall be released therefrom until the charges for towing such vehicle into the garage and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be the actual expenses and two dollars (\$2.00) per day when stored on town property. (Ord. No. 76-1, § 1, 2-4-76)

Sec. 13-39. Notice of impounding.

Whenever an officer removes a vehicle from a street, as authorized in section 13-38, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage. (Ord. No. 76-1, § 2, 2-4-76)

Sec. 13-40. Authority of police officer to remove or order removal of vehicles in violation.

(a) Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the provisions of this article, such officer is hereby authorized to move such vehicle or require the driver or person in charge of the vehicle to move the same to a position off the paved or improved or main-traveled part of such street or alley.

(b) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway within this town where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle in accordance with the provisions of this article. (Ord. No. 76-1, § 3, 2-4-76)

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Chapter 14

OFFENSES—MISCELLANEOUS

Article I. In General

- § 14-1. State misdemeanors.
- § 14-2. Loud and unnecessary noises.
- § 14-3. Restriction on parking and use of travel trailers, campers, motor homes, etc.
- § 14-4. Installation and maintenance of spotlights or floodlights so as to annoy persons on adjoining premises prohibited; penalty.
- § 14-5. Firearms and weapons.
- §§ 14-6—14-15. Reserved.

Article II. Accumulations of Discarded Material or Junk

- § 14-16. Definition.
- § 14-17. Prohibited; exception.
- § 14-18. Commission to adopt resolution authorizing removal.
- § 14-19. Duties of town manager; removal notice.
- § 14-20. Failure to obey notice; hearing; abatement by town.
- § 14-21. Costs; preliminary assessment roll.
- § 14-22. Notice of hearing on proposed assessments.
- § 14-23. Assessments to become property lien.
- § 14-24. Interest.
- § 14-25. Delinquency.
- § 14-26. Collection of delinquent liens.
- § 14-27. Appeals.
- § 14-28. Limitation on enforcement.

ARTICLE I. IN GENERAL

Sec. 14-1. State misdemeanors.

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 as a misdemeanor. The commission of any such act in the town shall be considered a violation of the laws of the town. (Code 1965, § 16-1; Ord. No. 170, § 1, 4-1-70)

Annotation—Case upholding similar ordinances, see Orr v. Quigg, 135 Fla. 653, 185 So. 726. Such adoption includes laws both in existence at the time and those later adopted by the state legislature. State v. Smith, 189 So. 2d 846.

Sec. 14-2. Loud and unnecessary noises.

(a) No person shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town.

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(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

- (1) *Exhausts*: The discharge into the open air of the exhaust of any internal-combustion engine of any type, motorboat or motor vehicle, whether situate on the land or upon the water of the town, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (2) *Horns and signaling devices*: The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning.
- (3) *Radios, phonographs, television sets, tape recorders, or other devices producing or reproducing sound*: The use of radios, phonographs, television sets, tape recorders, musical instruments or any other device producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto is prohibited. The operation of any such set, instrument, phonograph, machine or device in such manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (4) *Yelling and shouting*: Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (5) *Construction or repair of buildings*: The erection (including excavation), demolition, alteration or repair of any building within a residential area, other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Saturday inclusive.
- (6) *Hydraulic suction dredges, pneumatic hammers, pile drivers, derricks, draglines and hoists*: The operation between the hours of 6:00 p.m. and 7:00 a.m. of any hydraulic suction dredge, pneumatic hammer, pile driver, derrick, dragline or hoist, including repairs thereto, therewith and thereupon and associated activities incident thereto, including but not being limited to the operation of tugboats, work barges and the relocation of discharge pipelines. In the case of urgent necessity where the interest of public health and safety so requires, and then only with a permit from the building inspector of the town, any of the aforesaid activities may be performed during a period not to exceed three (3) days while such emergency continues.

(c) The town commission may, by special permit, authorize:

- (1) *Parades*:

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- (2) Dredging operations, operation of pneumatic hammers, pile drivers, derricks, draglines, steam or electric hoists or other appliances between the hours of 6:00 p.m. and 7:00 a.m., Monday through Saturday inclusive, and between the hours of 6:00 p.m. and 7:00 a.m., Monday through Sunday inclusive, with respect to federal, state and municipal projects;

upon the application to it and showing by the applicant to the satisfaction of the town commission that such operations will be carried out in a manner that shall not make or cause to be made any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town. (Ord. No. 194, §§ 2, 3, 4-21-71; Ord. No. 73-31, § 1, 12-19-73; Ord. No. 74-4, § 1, 3-6-74)

Sec. 14-3. Restriction on parking and use of travel trailers, campers, motor homes, etc.

(a) *Definitions:* For the purpose of this section the words "house car," "trailer," "travel trailer," "camper," "motor home" or "self-propelled vehicles with sleeping accommodations" shall mean any structure intended for or usable for human habitation, mounted upon or susceptible of being mounted upon wheels and which can be moved from place to place, either by its own power or power supplied by some vehicle attached or to be attached to such structure.

(b) *Time, place limited:* It shall be unlawful for any person to park any vehicle designed to be occupied or used for living purposes, including but not limited to such vehicles commonly known as campers, travel trailers, house trailers and motor homes, for more than nine (9) hours within any twenty-four hour period while any such vehicle is parked upon any of the following:

- (1) Public streets;
- (2) Public or municipal parking lots;
- (3) Public or municipal rights-of-way;
- (4) Private parking facilities which are open to the public generally or to any particular segment thereof.

(c) *Exceptions:* It shall be unlawful for any person to park, place or locate, or for the owner of the lot to allow to park, place or locate any house car, trailer, travel trailer, camper, motor home or self-propelled vehicles with sleeping accommodations on any lot, tract or parcel of land within the town, for more than five (5) days in any thirty-day period, except:

- (1) In a carport, garage or other building;
- (2) In a T-1 zoning district; or
- (3) In a parking area of an existing motel or hotel.

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(d) *Sleeping in parked vehicle:* No person shall use said house car, trailer, travel trailer, camper, motor home, or self-propelled vehicle with sleeping accommodations for sleeping accommodations within the town, except when the same is located in a T-1 zoning district.

(e) *Cooking in parked vehicle:* It shall be unlawful for occupants of any house car, trailer, travel trailer, camper, motor home, or self-propelled vehicle with sleeping accommodations to cook food therein or to serve any foods cooked therein during the time that any such vehicle is parked in any of the areas described in paragraph (b), and within the prohibited areas described in paragraph (c).

(f) *Penalty:* Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not more than fifty dollars (\$50.00), or shall be imprisoned for no more than three (3) days, with each day of such violation constituting a separate offense. (Ord. No. 73-5, §§ 1-6, 4-18-73)

Sec. 14-4. Installation and maintenance of spotlights or floodlights so as to annoy persons on adjoining premises prohibited; penalty.

(a) Outdoor lighting consisting of spotlights and floodlights shall be installed, regulated and maintained by the owner and person in control thereof, so as to reflect the light away from any adjoining residential premises and avoid disturbance, annoyance or interference to persons upon such adjoining premises.

(b) Any person found guilty of violating any of the provisions of this section or any order issued pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-24, §§ 1, 2, 7-21-76)

Sec. 14-5. Firearms and weapons.

(a) *Discharging; "firearm" defined.* No person, other than a person lawfully defending life, home or property or performing official duties requiring the discharging of firearms, shall discharge any firearm within the Town of Longboat Key.

The term "firearm" shall mean any weapon, or any destructive device, which will or is designed to or may readily be converted to expel a projectile. Said term shall include without limitation any pistol, rifle, shotgun, any BB, air or gas operated gun, and any explosive, incendiary or poison gas bomb, grenade, mine, rocket, missile or similar device.

(b) *Carrying or concealing prohibited; "weapon" defined; exceptions.* No person within the Town of Longboat Key shall carry, transport or have concealed upon him any firearm or weapon.

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The term "weapon" shall mean any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical device or any other deadly device except a firearm or common pocketknife.

There shall be excepted from the provisions of this subsection (b) the following:

- (1) Any firearm or weapon for which a license has been issued by the county commissioners of the respective counties of the State of Florida.
- (2) Any firearm or weapon carried or transported by a person lawfully performing official duties, or who is a guard or messenger of a common carrier, express company, armored car carrier, mail carrier, bank or other financial institution, licensed private protection agency while actually employed in and about the shipment, transportation or delivery of money, treasure, bullion, bonds or other things of value or property within the Town of Longboat Key.
- (3) Any firearm or weapon carried by regularly enrolled members of clubs organized for target, skeet or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting while such members are at or going to or from their collectors' gun shows, conventions or exhibits.
- (4) Any firearm or weapon carried by a person while engaged in fishing, camping or lawful hunting or while going to or returning from a fishing, camping or lawful hunting expedition.
- (5) Any firearm carried by a person engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business.
- (6) Any firearm or weapon carried by a person traveling by private conveyance where the firearm or weapon is securely encased, or in a public conveyance where the firearm or weapon is securely encased and not in the person's manual possession.
- (7) Any firearm unloaded in a secure wrapper, concealed or otherwise carried by any person from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business.

(c) *Retention and disposition of firearms and weapons found upon arrested person.* All firearms and/or weapons found upon any person arrested hereunder shall be removed from such person and retained by the police department until after the trial of such person. If such person is convicted, the firearms and/or weapons shall be forfeited and the chief of police shall destroy or sell the same at public sale and account for and pay over the proceeds thereof as in the case of fines collected, but if such person is acquitted, the firearms and/or weapons shall be returned to him upon claiming the same. Any firearm and/or weapon not claimed by its lawful owner within ninety (90) days after a legal verdict of acquittal or not proven, shall be forfeited and destroyed or sold at public sale.

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(d) *Penalty.* Any person found guilty of violating this Ordinance or any order issued pursuant thereto shall upon conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-13, §§ 1-4, 6-2-76)

Secs. 14-6-14-18. Reserved.

ARTICLE II. ACCUMULATION OF DISCARDED MATERIAL OR JUNK

Sec. 14-16. Definition.

The term "junk" as herein used shall constitute and mean the following: Wrecked or abandoned cars; abandoned equipment; wastepaper; rags; abandoned mattresses; abandoned iceboxes or refrigerators; abandoned stoves; abandoned beds and bed springs; and abandoned obsolescent machinery or metal objects, singularly or collectively, in whole or part. (Ord. No. 227, § 1, 8-23-72)

Sec. 14-17. Prohibited; exception.

It shall be unlawful to accumulate, park, store or allow the accumulation, parking or storing of any junk, as said junk is herein defined, within the Town of Longboat Key, unless the same is authorized in conjunction with a business properly operated pursuant to the zoning ordinances of the Town of Longboat Key. (Ord. No. 227, § 2, 8-23-72)

Sec. 14-18. Commission to adopt resolution authorizing removal.

Whenever it shall become apparent to the town commission of the Town of Longboat Key that there are properties in the town upon which there is junk as herein defined in section 14-16, it may adopt a resolution instructing the town manager to forthwith proceed with the removal, clearing away, elimination and disposal of said junk in the manner specified herein. (Ord. No. 227, § 3, 8-23-72)

Sec. 14-19. Duties of town manager; removal notice.

The town manager, promptly after the adoption of said resolution, shall give written notice to the owners and any known agents, custodians, lessees or occupants of any property on which there is junk as herein defined, to remove, clear away, eliminate and dispose of the same in not more

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than fifteen (15) days from the receipt of said notice. Such notice shall describe the property affected and state the name of the owner of the real estate upon which said junk is situate, or person in whom such real estate was last assessed, as the same appears from the tax records of the town, and shall state that if the said owner or person in whom last assessed or someone in his behalf shall not proceed to remove said junk from said property within the time specified in said notice, then the town may proceed to do the work and to assess the cost thereof against the real property from which said junk was removed. Such notice shall be given in the first instance either by registered or certified mail, with return receipt requested, or by personal delivery of such notice, which personal delivery may be made by any person of the age of twenty-one (21) years or more, with proof of such delivery thereof being made by a sworn affidavit. In the event that the town manager is unable, after reasonable diligence, to give such notice, then the same may be given by publishing such notice at least one (1) time in a daily newspaper in general circulation in the Town of Longboat Key, Florida. In the event a notice is first attempted to be given by mail as aforesaid and the receipt of such delivery is not returned showing delivery within ten (10) days after the mailing thereof, the town manager shall be deemed to have exercised reasonable diligence and shall thereafter be directed to proceed by publication as herein provided. (Ord. No. 227, § 4, 8-23-72)

Sec. 14-20. Failure to obey notice; hearing; abatement by town.

If, after the expiration date specified in said notice for the removal of said junk, said junk remains on property, road right-of-way or the waters of the town, the town manager shall forthwith report such fact to the town commission. The town commission shall cause notice of public hearing to be held before the town commission for the purpose of determining that the violation complained of does or does not, in fact, exist; and if, in fact, it does exist, why said violation should not be remedied by the owner, or if the owner fails to remedy the same, why it should not be remedied by the town at the expense of the owner. The town commission shall cause notice to the owner to be given as provided in section 14-19 above. The hearing shall be held as soon as possible, and the person to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. If, at said hearing, the town commission determines that no violation of this article exists, then

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the matter shall be terminated at that time. If the commission finds that a violation does exist, it shall give the owner thereof reasonable time to remedy the same, not to exceed thirty (30) days from the date of said hearing; and if the owner fails to remedy the violation, then and in such event the town manager shall forthwith cause the violation to be remedied by the town at the expense of the owner of the real property where the junk is located. (Ord. No. 227, § 5, 8-23-72)

Sec. 14-21. Costs; preliminary assessment roll.

Upon the completion of said work, the town manager shall determine the costs of removing, carrying away and disposing of such junk and shall cause a preliminary assessment roll to be made up containing a complete list of the property, road right-of-way or the waters of the town cleared of junk under the provisions of this article, together with the name of the owner as the same appears from the town tax records. Said records shall be known as the "preliminary assessment roll for junk clearing", and it shall be submitted to the town commission immediately upon completion. Thereupon, the town commission shall fix a date for a public hearing upon the assessments appearing in said preliminary assessment roll. (Ord. No. 227, § 6, 8-23-72)

Sec. 14-22. Notice of hearing on proposed assessments.

Immediately upon the determination by the town commission of a date for public hearing upon the proposed assessments referred to in section 14-21, the town manager shall give notice of said hearing, setting out the date thereof, the properties affected, the amount of the proposed assessments and the name of the owners thereof or persons to whom said properties were last assessed as they appear in the preliminary assessment roll. Said notice shall be given in the manner set out in section 14-20. The same shall be mailed, delivered or published not less than ten (10) days before the date for the public hearing. (Ord. No. 227, § 7, 8-23-72)

Sec. 14-23. Assessments to become property lien.

The town commission shall, pursuant to said notice so published, meet at the time and place specified in said notice and proceed to hear any and all complaints from any person affected by any proposed assessment and shall proceed to

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correct any and all mistakes or errors then and there appearing upon said preliminary assessment roll. Upon the approval by the town commission of the preliminary assessment roll as submitted, or as corrected, it shall be final; and the amounts so then and there determined, assessed against the respective properties, shall from the date of said approval be and constitute a lien against said properties of equal dignity with the town and county taxes except that the same shall not take priority over a recorded lien, mechanic's lien or statutory lien existing on the effective date of this article, and shall remain a lien against said respective properties until paid. The assessment roll, as finally approved, shall immediately be set out by the town clerk in a separate part of the assessment roll referred to in the Charter of the Town of Longboat Key; it shall be a public record, the entry therein of any assessments shall be and constitute a notice to the public of the lien against the land so assessed and no other record or notice thereof shall be necessary to any person or corporation for that purpose. No error, omission, or mistake in regard to the name of the owner of any property shall be held to invalidate any assessment against such property. (Ord. No. 227, § 8, 8-23-72)

Sec. 14-24. Interest.

The principal amount of all assessment liens levied and assessed under this article shall bear interest at the rate of six per cent (6%) per year, commencing thirty (30) days after final approval of the assessment roll by the town commission; and said interest shall also constitute a lien against the property assessed, of equal dignity with the lien for the principal amount due. Any lien may be paid in full at any time after the same is finally assessed, and interest shall be charged only to the date of payment. (Ord. No. 227, § 9, 8-23-72)

Sec. 14-25. Delinquency.

All special assessment liens and accrued interest levied and assessed under the provisions of this article shall be deemed to be delinquent and past due as of the first day of April first occurring sixty (60) days or more after the final assessment and levy of said liens by the town commission; and if the same shall not have been paid by said date, the same may be enforced in the manner herein provided. (Ord. No. 227, § 10, 8-23-72)

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Sec. 14-26. Collection of delinquent liens.

The liens created by this article, when delinquent, shall be enforced and collected in the same manner and by the same methods provided for the enforcement and collection of delinquent ad valorem taxes for the Town of Longboat Key, and may be enforced and collected in an independent suit or in any suit or proceeding brought for the purpose of enforcing and collecting any such ad valorem taxes. In the alternative, the same may be enforced and collected in the same manner as provided by the statutes of the State of Florida for the enforcement and collection of mechanic's liens. (Ord. No. 227, § 11, 8-23-72)

Sec. 14-27. Appeals.

For the period of thirty (30) days after the date upon which liens entered into the assessment roll have been finally assessed and levied under this article, any person aggrieved shall have the right to contest the legality thereof by suit, action, writ or special proceedings, after which time, no suit, action, writ or special proceeding in any manner questioning the legality of any such lien shall lie for any cause whatsoever. (Ord. No. 227, § 12, 8-23-72)

Sec. 14-28. Limitation on enforcement.

The statute of limitations against the enforcement of liens assessed under the authority of this article is twenty (20) years from the date of final assessment and levy thereof, and the town clerk is directed to note such date of final assessment in the assessment roll where such liens are set out, but his failure to do so shall not affect the validity or priority of any such lien. (Ord. No. 227, § 13, 8-23-72)

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CHAPTER 15.

PEDDLERS AND SOLICITORS.

- § 15-1. "Peddler" defined.
- § 15-2. Exemption from chapter.
- § 15-3. Permit--Required; lack of permit declared nuisance.
- § 15-4. Same--Application; fee; term.
- § 15-5. Same--Signing; nontransferable; scope.
- § 15-6. Same--Display.
- § 15-7. Same--Denial.
- § 15-8. Posting notice that permit required.

Sec. 15-1. "Peddler" defined.

Any person 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. No. 138, § 1, 5-28-68.)

Sec. 15-2. Exemption from chapter.

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 permit. Nothing in this section shall be construed to require of any farmer a peddler's permit for the privilege of selling or peddling farm products produced by him. The provisions of this chapter 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. No. 138, § 2, 5-28-68.)

Sec. 15-3. Permit--Required; lack of permit declared nuisance.

Soliciting orders by peddlers within the town for the sale, or selling, or ex-

1. For a case holding that municipalities can require a permit and reasonable fees therefor, but cannot license canvassers and solicitors, see *Bozeman v. City of Brooksville*, 82 So.2d 729 (1955) (Fla. Sup. Ct.)

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hibiting, goods, wares, merchandise or magazines or disposing of or peddling the same without first obtaining a permit is declared a nuisance and punishable as a misdemeanor unless the provisions of this chapter are complied with. (Ord. No. 138, § 3, 5-28-68.)

Sec. 15-4. Same--Application; fee; term.

Any person defined as a peddler desiring to engage in solicitation shall first make application for and obtain a permit 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 dollars. The permit shall be effective for one year from date of issue unless revoked for cause and no permit fee shall be prorated. Applications shall be on a form prescribed by the town manager. (Ord. No. 138, § 4, 5-28-68.)

Sec. 15-5. Same--Signing; nontransferable; scope.

Any person licensed as a peddler shall endorse his name on the permit and such permit shall not be transferable. Such permit shall confer authority to sell at any house or place within the town. (Ord. No. 138, § 5, 5-28-68.)

Sec. 15-6. Same--Display.

Any person selling or offering to sell as a peddler shall exhibit his permit 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 permit. (Ord. No. 138, § 6, 5-28-68.)

Sec. 15-7. Same--Denial.

Any person may be denied permission to peddle either upon the public streets or on private premises by the police department in exercise of its reasonable judgment and police powers. (Ord. No. 138, § 7, 5-28-68.)

Sec. 15-8. Posting notice that permit required.

Appropriate notices shall be posted at the north and south entrances to the town along State Road 789 which signs shall adequately give peddlers notice that permits are required. (Ord. No. 138, § 8, 5-28-68.)

CHAPTER 15A
PENSIONS AND RETIREMENT

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- § 15A-2. Rules of construction.
- § 15A-3. Eligibility requirements.
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- § 15A-5. Contributions.
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Article II. Benefits Generally

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- § 15A-9. Normal pension.
- § 15A-10. Early pension.
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Division 2. Amount of Benefits

- § 15A-12. Normal pension.
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- § 15A-15. Joint and survivor option.
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- § 15A-18. Deferred termination benefit.
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Article III. Retirement Committee

- § 15A-21. Appointment; composition; payment of expenses; compensation.
- § 15A-22. Powers and duties generally.
- § 15A-23. Rules and decisions.
- § 15A-24. Adoption of bylaws; election of chairman and secretary.
- § 15A-25. Authorization of benefit payments.
- §§ 15A-26---15A-30. Reserved.

Article IV. Plan for Fire Fighters and Police Officers

- § 15A-31. Definitions and rules of construction.
- § 15A-32. Eligibility and participation.
- § 15A-33. Contributions.
- § 15A-34. Requirements for retirement benefits.
- § 15A-35. Amount of retirement benefit.
- § 15A-36. Optional retirement benefits.
- § 15A-37. Other benefits.
- § 15A-38. Administration.
- § 15A-39. Reemployment of retired employees.

ARTICLE I. IN GENERAL

Sec. 15A-1. Definitions.

Where the following words and phrases appear in this chapter [except Article IV hereof], they shall have the respective meanings set forth below, unless their context clearly indicates to the contrary:

- (a) Plan: Town pension retirement plan as contained herein or as amended from time to time.
- (b) Pension fund: The fund established to receive and invest contributions of the employer and from which benefits are paid.
- (c) Employer: Town of Longboat Key, Florida.
- (d) Committee: The persons appointed to administer the plan.

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- (e) Employee: Any person:
- (1) Who is regularly employed by the employer and receiving remuneration for personal services rendered to the employer, excluding municipal police officers and municipal firemen; and
 - (2) Whose customary employment is for one thousand (1,000) hours or more in the prior calendar year.
- (f) Pension: A series of monthly amounts which are payable to a person who is entitled to receive benefits under the plan.
- (g) Retirement: Termination of employment after an employee has fulfilled all requirements for a pension. Retirement shall be considered as commencing on the first day of the month immediately following an employee's last day of employment (or authorized leave of absence, if later).
- (h) Service: An employee's last period of continuous employment with the employer prior to retirement. Any absence which is authorized by the employer shall not be considered as interrupting continuity of employment; provided, that the employee returns within the period of authorized absence. Rules, regarding leaves of absence, shall be established by the employer and shall be uniformly applied to all employees. Any reference in this chapter to the number of years of service of an employee shall be deemed to include all years and completed months.
- (i) Compensation: The remuneration paid to an employee by the employer for personal services which are rendered during the period considered as service, as reported on the employee's federal income tax withholding statement (Form W-2).
- (j) Average monthly compensation: The result obtained by dividing the total compensation paid to an employee during a considered period by number of months for which compensation was received. The considered period shall be the five (5) consecutive calendar years within the last ten (10) completed calendar years of service which yield the highest average, or such shorter period if service is less than five (5) years.

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- (k) Normal retirement date: The first day of the month coinciding with or next following an employee's 65th birthday.
- (l) Actuarial equivalent: Equality in value of the aggregate amounts expected to be received under different forms of payment based upon mortality and interest rate assumptions approved from time to time by the committee.
- (m) Effective date: July 1, 1972. (Ord. No. 226, § 1-1, 8-9-72; Ord. No. 75-18, § 1, 9-10-75)

Sec. 15A-2. Rules of construction.

The masculine gender, where appearing in this chapter, shall be deemed to include the feminine gender, unless the context clearly indicates to the contrary. The words "hereof," "herein," "hereunder" and other similar compounds of the word "here" shall mean and refer to the entire chapter [except Article IV hereof] not to any particular provision or section. (Ord. No. 226, § 1-2, 8-9-72)

Sec. 15A-3. Eligibility requirements.

Each employee on the effective date who has completed one year of service as of such date, shall become eligible to participate in the plan on the effective date of the plan.

Each employee who is not eligible to participate in the plan on the effective date shall be eligible to participate in the plan on the June 30 coinciding with or next following the date he completes one year of service. (Ord. No. 226, § 2-1, 8-9-72)

Sec. 15A-4. Participation by employees.

Each employee shall automatically become a participant hereunder when he meets the eligibility requirements as described in section 15A-3. Once an employee has become a participant, he will continue to be a participant as long as he continues to be an employee and thereafter as long as he retains any right to benefits under the plan. (Ord. No. 226, § 2-2, 8-9-72)

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Sec. 15A-5. Contributions.

(a) Contributions by the employer. The town shall appropriate to the pension fund annually a sum sufficient to maintain the plan on a sound financial basis, as determined by a qualified actuary or firm of actuaries.

(b) Contributions by employees. Employees are not required or permitted to make contributions under this plan. (Ord. No. 226, §§ 3-1, 3-2, 8-9-72)

Sec. 15A-6. Reemployment---Former employees.

If an employee's employment is terminated prior to becoming eligible for a pension and the employee is subsequently reemployed by the employer, the employee shall not receive any credit for his previous period of employment. Such an employee shall be treated in the same manner as a person who was not previously in the employer's employ. In no event shall the plan, in its operation, allow for any duplication of benefits. (Ord. No. 226, § 9-1, 8-9-72)

Sec. 15A-7. Same---Retired employees.

If a retired employee is reemployed by the employer, no pension payments shall be made during the period of such reemployment. Upon the subsequent termination of employment by such an employee, the employee shall be entitled to receive a pension based on his service and compensation prior to the date of his previous retirement, as well as his service and compensation during the period of his reemployment. In the case of reemployment of a retired employee who received any pension payments prior to his reemployment, the pension payable upon his subsequent retirement shall be reduced by the actuarial equivalent of any pension payments he previously received. (Ord. No. 226, § 9-2, 8-9-72)

Sec. 15A-8. Nonalienation of benefits.

Except with respect to any indebtedness owing to the employer, benefits payable under the plan shall not be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, garnishment, execution or levy of any kind, either voluntary or involuntary, including any such liability which is for alimony or other payments for the support of a spouse or former spouse, or for any

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other relative of the employee, prior to actually being received by the person entitled to the benefit under the terms of the plan, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge or otherwise dispose of any right to benefits payable hereunder, shall be void. The pension fund shall not in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements or torts of any person entitled to benefits hereunder. (Ord. No. 226, § 9-3, 8-9-72)

ARTICLE II. BENEFITS GENERALLY

Division 1. Requirements

Sec. 15A-9. Normal pension.

An employee shall be eligible for a normal pension if his employment is terminated on or after his 65th birthday. Payment of a normal pension shall commence as of the first day of the month coinciding with or next following the date of retirement, and if the employee has received sixty (60) monthly payments, the last payment thereof shall be made as of the first day of the month in which the death of the retired employee occurs.

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Every employee shall retire on his normal retirement date; however, at the request of the employer an employee may continue working after such date, for such period or periods as shall be mutually agreed upon. Retirement shall occur at the end of the last agreed period. (Ord. No. 226, § 4-1, 8-9-72.)

Sec. 15A-10. Early pension.

An employee shall be eligible for an early pension if his employment is terminated on or after his fifty-fifth birthday; provided, that he has completed fifteen or more years of service. Payment of an early pension shall commence as of the first day of the month coinciding with or next following the date of retirement, or such later date as the employee may elect but in no event later than the first day of the month following his normal retirement date, and if the employee has received sixty monthly payments, the last payment shall be made as of the first day of the month in which the death of the retired employee occurs. (Ord. No. 226, § 4-2, 8-9-72.)

Sec. 15A-11. Disability pension.

An employee shall be eligible for a disability pension if his employment is terminated by reason of total and permanent disability; provided, that he is eligible for and receives disability benefits under the Social Security Act. Payment of a disability pension shall commence as of the first day of the month coinciding with or next following the date of retirement. If the employee has received sixty monthly payments, the last payment shall be made as of the first day of the month in which the death of the retired employee occurs, or if disability ceases prior to his normal retirement date, the last payment shall be made on the first day of the month in which disability ceases.

If disability ceases before a retired employee attains his normal retirement date and the employee is reemployed by the employer, the pension payable upon his subsequent retirement shall be determined in accordance with the provisions of section 15A-7 hereof. (Ord. No. 226, § 4-3, 8-9-72.)

Division 2. Amount of Benefits.

Sec. 15A-12. Normal pension.

An employee who meets the requirements for a normal pension shall receive a monthly amount determined as follows:

One and one-half percent of the average monthly compensation multiplied by his years of service up to age fifty-five plus two percent of the average monthly compensation multiplied by his years of service from age fifty-five to retirement. Such pension benefits together with the employee's primary social security benefits shall not exceed seventy-five percent of the average monthly compensation.

If employment continues after an employee's normal retirement date, his pension shall commence upon his actual retirement and the amount of such em-

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employee's pension shall be computed in accordance with this section and in so computing such pension his service up to his normal retirement date and compensation up to his actual retirement date shall be used. In addition, the pension shall reflect an actuarial increase recognizing the years from the employee's normal retirement date to date of actual retirement. (Ord. No. 226, § 5-1, 8-9-72.)

Sec. 15A-13. Early pension.

An employee who meets the requirements for an early pension shall receive a monthly amount determined as follows:

(a) The early pension commencing at the employee's normal retirement date shall be one and one-half percent of the average monthly compensation multiplied by his years of service up to age fifty-five plus two percent of the average monthly compensation multiplied by his years of service from age fifty-five to retirement. Such pension benefits together with the employee's primary social security benefits shall not exceed seventy-five percent of the average monthly compensation.

(b) If payment of an early pension commences prior to the employee's normal retirement date, the monthly amount shall be the pension computed in subsection (a) above, reduced by five-twelfths of one percent for each month between the date payments commence and his normal retirement date. (Ord. No. 226, § 5-2, 8-9-72.)

Sec. 15A-14. Disability pension.

An employee who meets the requirements for a disability pension shall receive a monthly amount which shall be computed in the same manner as an early pension under subsection (a) of section 15A-13 without reduction for early commencement. (Ord. No. 226, § 5-3, 8-9-72.)

Division 3. Optional Benefits.

Sec. 15A-15. Joint and survivor option.

By filing an application with the committee, an employee may designate his spouse (or any dependent approved by the committee) as his contingent pensioner and elect to receive a pension payable in accordance with one of the following options, in lieu of the pension to which he may otherwise become entitled upon retirement:

(a) Option 1: The employee shall receive a reduced pension payable for life, and payments in the amount of one hundred percent of such reduced pension shall, after the employee's death, be continued to the contingent pensioner during the latter's lifetime.

(b) Option 2: The employee shall receive a reduced pension payable for life, and payments in the amount of seventy-five percent of such reduced pension shall, after the employee's death, be continued to the contingent pensioner during the latter's lifetime.

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- (c) Option 3: The employee shall receive a reduced pension payable for life, and payments in the amount of fifty (50) per cent of such reduced pension shall, after the employee's death be continued to the contingent pensioner during the latter's lifetime.

The aggregate of the pension payments expected to be paid to an employee and his contingent pensioner under any of the above options shall be the actuarial equivalent of the pension which the employee is otherwise entitled to receive upon retirement.

An employee may elect to revoke an option prior to retirement by filing such election or revocation in writing with the committee prior to retirement. Under no circumstances may an option be changed or revoked after the employee's retirement.

An election made pursuant to this section shall become inoperative in the event that:

- (1) The employee's death occurs prior to actual retirement; or
- (2) The death of the contingent pensioner occurs before the employee's actual retirement. (Ord. No. 226, § 6-1, 8-9-72)

Sec. 15A-16. Level income option.

If payment of an early pension commences prior to the earliest age as of which the employee will become eligible for an old age insurance benefit under the Social Security Act, the amount of the early pension may be adjusted so that an increased amount will be paid prior to such age and a reduced amount thereafter; the purpose of this adjustment is to enable the employee to receive, from the plan and under the Social Security Act, an aggregate income in approximately a level amount for life. Such adjusted pension payments shall be the actuarial equivalent of the pension otherwise payable to such employee. (Ord. No. 226, § 6-2, 8-9-72)

Sec. 15A-17. Other forms of payment.

The committee may, in its sole discretion, at the request of an employee or contingent pensioner, direct that any benefit provided by the plan be paid in some form other than that expressly set forth in the plan; provided, that payments in

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such other form shall be the actuarial equivalent of the benefit otherwise payable. The committee shall, if it deems it appropriate, require an employee or contingent pensioner to submit evidence of good health as a condition to receipt of any such other form of payment, particularly any lump sum payment.

If a pension payable under the plan is less than twenty-five dollars (\$25.00) per month, the committee may direct that, in lieu of such pension, the actuarial equivalent thereof shall be paid in a lump sum, or in a series of uniform monthly, quarterly or annual amounts for life or for a designated period of time.

The time during which payment shall be made of any of the other forms of payment provided for in this section shall be limited to a period not exceeding the life or the life expectancy of the employee or contingent pensioner.

Notwithstanding anything herein to the contrary, if the actuarial value of an employee's benefit under any optional benefit is less than fifty (50) per cent of the value of the benefit otherwise payable to the employee, the optional benefit shall be adjusted so that the value of the employee's benefit under the option will be equal to fifty (50) per cent of the value of the benefit otherwise payable to the employee. (Ord. No. 226, § 6-3, 8-9-72)

Division 4. Other Benefits

Sec. 15A-18. Deferred termination benefit.

Upon an employee's termination of employment for any reason other than death or retirement, he shall be entitled to a deferred monthly benefit commencing as of his early or normal retirement date, as defined in sections 15A-9 and 15A-10.

The benefit shall be computed in the same manner as an early pension as defined in section 15A-13, subsection (a), considering compensation and service up to the date of termination, and in accordance with the following vesting percentages:

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<u>Years of Service at Date of Separation</u>	<u>Percentage of Vesting</u>
Less than 5 years	0
5 years but less than 6 years	25
6 years but less than 7 years	30
7 years but less than 8 years	35
8 years but less than 9 years	40
9 years but less than 10 years	45
10 years but less than 11 years	50
11 years but less than 12 years	60
12 years but less than 13 years	70
13 years but less than 14 years	80
14 years but less than 15 years	90
15 years and over	100

If the payment of an employee's deferred termination benefit commenced as of his early retirement date, the benefit as described in this section shall be reduced as defined in section 15A-13, subsection (b). (Ord. No. 226, § 7-1, 8-9-72; Ord. No. 75-5, § 1, 5-7-75)

Sec. 15A-19. Pre-retirement death benefit.

If the death of an employee occurs after his normal retirement date but prior to his retirement, and if the employee would have been entitled to a pension if his retirement had occurred immediately prior to his death, a pension shall be payable, except as provided by section 15A-15 in the event that Option 1, 2 or 3 has been elected, to the employee's beneficiary for sixty (60) months. The amount of such pension shall be equal to the pension which the employee would have received if his retirement had taken place immediately prior to his death.

If termination of employment is caused by the death of an employee and if death occurs before attainment of an employee's normal retirement date, but after becoming eligible for early retirement, a pension shall be payable to the employee's beneficiary for sixty (60) months. The amount of such pension shall be equal to the pension which the employee would have received if his retirement had taken place immediately prior to his death.

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If the death of an employee occurs prior to his becoming eligible for early retirement, there will be no benefits payable from the plan. (Ord. No. 226, § 7-2, 8-9-72.)

Sec. 15A-20. Post-retirement death benefit.

No benefit shall be payable under this section if an optional benefit under sections 15A-15 to 15A-17 is in effect at the time of the employee's retirement or death. Any death benefit payable will be in accordance with the option elected.

If a retired employee is receiving a pension under sections 15A-12 to 15A-14 and no option was elected and if his death occurs before he has received payments for sixty months, the employee's beneficiary shall be entitled to a monthly pension for the remainder of the sixty month period, that is, until such time as sixty monthly payments have been made to the employee and his beneficiary. The monthly amount payable to the beneficiary shall be equal to the monthly amount of pension which the employee was receiving prior to his death.

Every employee shall designate the beneficiary who shall receive the benefit, if any, which is payable upon his death under this section. An employee may change or revoke his designation of beneficiary at any time and from time to time. The designation of a beneficiary, and any change or revocation thereof, shall be made in writing on forms approved by the committee. An employee may also designate a contingent beneficiary to receive benefits under this section in the event the primary beneficiary's death occurs before all payments under this section have been made. If an employee fails to designate a beneficiary, or if no designated beneficiary survives the employee, or if all designated beneficiaries die before all payments required by this section have been made, the remaining payments shall be paid in accordance with the following order of precedence:

- (a) To the employee's surviving spouse; or, if there be none surviving,
- (b) To the employee's surviving children (in equal shares); or, if there be none surviving,
- (c) To the employee's surviving parents (in equal shares); or, if there be none surviving,
- (d) To the employee's estate. (Ord. No. 226, § 7-3, 8-9-72.)

Article III. Retirement Committee.

Sec. 15A-21. Appointment; composition; payment of expenses; compensation.

The plan shall be administered by a retirement committee who shall be appointed by and serve at the pleasure of the employer. The retirement committee shall be composed of the town commission. All usual and reasonable expenses of the committee may be paid by the employer. The members of the committee shall not receive compensation with respect to their services for the committee. (Ord. No. 226, § 8-1, 8-9-72.)

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mittee shall not receive compensation with respect to their services for the committee. (Ord. No. 226, § 8-1, 8-9-72.)

Sec. 15A-22. Powers and duties generally.

The committee shall have such powers as may be necessary to discharge its duties hereunder, including, but not by way of limitation, the following powers and duties:

- (a) To construe and interpret the plan, decide all questions of eligibility and determine the amount, manner and time of payment of any benefits hereunder.
- (b) To prescribe procedures to be followed by employees in filing applications for benefits.
- (c) To make a determination as to the right of any person to a benefit and to afford any person dissatisfied with such determination the right to a hearing thereon.
- (d) To receive from the employer and from employees such information as shall be necessary for the proper administration of the plan.
- (e) To prepare and distribute, in such manner as the committee determines to be appropriate, information explaining the plan.
- (f) To furnish the employer, upon request, such annual reports with respect to the administration of the plan as are reasonable and appropriate.
- (g) To receive and review the biannual valuation of the plan made by the actuary selected by the employer.
- (h) To receive and review reports of the financial condition and of the receipts and disbursements of the pension fund.
- (i) To appoint or employ an administrator for the plan and any other agents, it deems advisable, including legal and actuarial counsel. (Ord. No. 226, § 8-2, 8-9-72.)

Sec. 15A-23. Rules and decisions.

The retirement committee may adopt such rules and actuarial tables as it deems necessary or desirable. All rules and decisions of the committee shall be uniformly and consistently applied to all employees in similar circumstances.

Any rule or decision which is not inconsistent with the provisions of the plan shall be conclusive and binding upon all persons affected by it and there shall be no appeal from any ruling by the committee which is within its authority.

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When making a determination or calculation, the committee shall be entitled to rely upon information furnished by the employer, the legal counsel of the employer or the actuary for the plan. (Ord. No. 226, § 8-3, 8-9-72)

Sec. 15A-24. Adoption of bylaws; election of chairman and secretary.

The committee shall adopt such bylaws as it deems desirable. The committee shall elect one of its members as chairman and shall elect a secretary who may, but need not, be a member of the committee. The secretary of the committee shall keep a record of all meetings and forward all necessary communications to the actuary. (Ord. No. 226, § 8-4, 8-9-72)

Sec. 15A-25. Authorization of benefit payments.

The committee shall issue directions concerning all benefits which are to be paid from the pension fund pursuant to the provisions of the plan. The committee shall keep on file, in such manner as it may deem convenient or proper, all reports of the pension fund. (Ord. No. 226, § 8-5, 8-9-72)

Secs. 15A-26---15A-30. Reserved.

ARTICLE IV. PLAN FOR FIRE FIGHTERS AND POLICE OFFICERS

Editor's note---Ord. No. 75-19, adopted Sept. 10, 1975, did not expressly amend this Code, hence inclusion herein of §§ 1---9 as Art. IV, §§ 15A-31---15A-39, was at the discretion of the editors.

Cross references---Disposition of proceeds from tax levied on companies selling casualty risks insurance, § 21-24(note); disposition of proceeds from tax levied on companies selling property insurance, § 21-25(note).

Sec. 15A-31. Definitions and rules of construction.

(A) Definitions. Where the following words and phrases appear in this plan, they shall have the respective meanings set forth below, unless their context clearly indicates to the contrary:

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- (a) Plan: Town of Longboat Key Pension Retirement Plan for Fire Fighters and Police Officers as contained herein or as amended from time to time.
- (b) Pension fund: The fund established to receive and invest contributions of the employer and from which benefits are paid.
- (c) Employer: Town of Longboat Key, Florida.
- (d) Committee: The persons appointed to administer the plan.
- (e) Employee: Any fire fighter or police officer:
 - (1) Who is regularly employed by the employer and receiving remuneration for personal services rendered to the employer, hereinafter referred to as employee or employees; and
 - (2) Whose customary employment is for one thousand (1,000) hours or more in the prior calendar year.
- (f) Pension: A series of monthly amounts which are payable to a person who is entitled to receive benefits under the plan.
- (g) Retirement: Termination of employment after an employee has fulfilled all requirements for a pension. Retirement shall be considered as commencing on the first day of the month immediately following an employee's last day of employment (or authorized leave of absence, if later).
- (h) Service: An employee's last period of continuous employment with the employer prior to retirement. Any absence which is authorized by the employer shall not be considered as interrupting continuity of employment, provided the employee returns within the period of authorized absence. Rules regarding leaves of absence shall be established by the employer and shall be uniformly applied to all employees. Any reference in this plan to the number of years of service of an employee shall be deemed to include all years and completed months.
- (i) Compensation: The remuneration paid to an employee by the employer for personal services which are

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rendered during the period considered as service, as reported on the employee's federal income tax withholding statement (Form W-2).

- (j) Average monthly compensation: The result obtained by dividing the total compensation paid to an employee during a considered period by number of months for which compensation was received. The considered period shall be the five (5) consecutive calendar years within the last ten (10) completed calendar years of service which yield the highest average, or such shorter period if service is less than five (5) years.
- (k) Normal retirement date: The first day of the month coinciding with or next following an employee's 60th birthday.
- (l) Actuarial equivalent: Equality in value of the aggregate amounts expected to be received under different forms of payment based upon mortality and interest rate assumptions approved from time to time by the committee.
- (m) Effective date: September 10, 1975.

(B) Construction. The masculine gender, where appearing in the plan, shall be deemed to include the feminine gender, unless the context clearly indicates to the contrary. The words "hereof," "herein," "hereunder" and other similar compounds of the word "here" shall mean and refer to the entire plan, not to any particular provision or section. (Ord. No. 75-19, §§ 1-1, 1-2, 9-10-75)

Sec. 15A-32. Eligibility and participation.

Section 2 of Ordinance No. 226 [sections 15A-3 and 15A-4 of this chapter] is hereby incorporated by reference. (Ord. No. 75-19, § 2, 9-10-75)

Sec. 15A-33. Contributions.

Section 3 of Ordinance No. 226 [section 15A-5 of this chapter] is hereby incorporated by reference. (Ord. No. 75-19, § 3, 9-10-75)

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Sec. 15A-34. Requirements for retirement benefits.

(a) Normal retirement. An employee shall be eligible for a normal pension if his employment is terminated on or after his 60th birthday. Payment of a normal pension shall commence as of the first day of the month coinciding with or next following the date of retirement, and if the employee has received sixty (60) monthly payments, the last payment thereof shall be made as of the first day of the month in which the death of the retired employee occurs.

Every employee shall retire on his normal retirement date; however, at the request of the employer an employee may continue working after such date, for such period or periods as shall be mutually agreed upon. Retirement shall occur at the end of the last agreed period.

(b) Early retirement. Section 4-2 of Ordinance No. 226 [section 15A-10 of this chapter] is hereby incorporated by reference.

(c) Disability retirement. Section 4-3 of Ordinance No. 226 [section 15A-11 of this chapter] is hereby incorporated by reference. (Ord. No. 75-19, §§ 4-1---4-3, 9-10-75)

Sec. 15A-35. Amount of retirement benefit.

(a) Normal pension. An employee who meets the requirements for a normal pension shall receive a monthly amount determined as follows:

One and one-half (1 1/2) per cent of the average monthly compensation multiplied by his years of service up to age fifty (50) plus two (2) per cent of the average monthly compensation multiplied by his years of service from age fifty (50) to retirement. Such pension benefits together with the employee's primary social security benefits shall not exceed seventy-five (75) per cent of the average monthly compensation.

If the employment continues after an employee's normal retirement date, his pension shall commence upon his actual retirement and the amount of such employee's pension shall be computed in accordance with this subsection (a) and in so computing such pension his service up to normal retirement date and compensation up to his actual retirement date shall be used. In addition, the pension shall reflect an actuarial increase

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recognizing the years from the employee's normal retirement date of the date of actual retirement.

(b) Early pension. An employee who meets the requirements for an early pension shall receive a monthly amount determined as follows:

- (1) The early pension commencing at the employee's normal retirement date shall be one and one-half (1 1/2) per cent of the average monthly compensation multiplied by his years of service up to age fifty (50) plus two (2) per cent of the average monthly compensation multiplied by his years of service from age fifty (50) to retirement. Such pension benefits together with the employee's primary social security benefits shall not exceed seventy-five (75) per cent of the average monthly compensation.
- (2) If payment of an early pension commences prior to the employee's normal retirement date, the monthly amount shall be the pension computed in subsection (b)(1) above, reduced by five-twelfths of one per cent for each month between the date payments commence and his normal retirement date.

(c) Disability pension. An employee who meets the requirements for a disability pension shall receive a monthly amount which shall be computed in the same manner as an early pension under subsection (b)(1) above without reduction for early commencement. (Ord. No. 75-19, §§ 5-1---5-3, 9-10-75)

Sec. 15A-36. Optional retirement benefits.

Section 6 of Ordinance No. 226 [sections 15A-15 through 15A-17 of this chapter] is hereby incorporated by reference. (Ord. No. 75-19, § 6, 9-10-75)

Sec. 15A-37. Other benefits.

Section 7 of Ordinance No. 226 [sections 15A-18 through 15A-20 of this chapter], as amended by Ordinance No. 75-5, is hereby incorporated by reference. (Ord. No. 75-19, § 7, 9-10-75)

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Sec. 15A-38. Administration.

Section 8 of Ordinance No. 226 [sections 15A-21 through 15A-25] is hereby incorporated by reference. (Ord. No. 75-19, § 8, 9-10-75)

Sec. 15A-39. Reemployment of retired employees.

Section 9 of Ordinance No. 226 [sections 15A-6 through 15A-8 of this chapter] is hereby incorporated by reference. (Ord. No. 75-19, § 9, 9-10-75)

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Chapter 15B

PLANNING AND ZONING GENERALLY

Cross references—Building generally, Ch. 6; coastal construction, Ch. 7; dredging and filling, Ch. 8; subdivisions, App. A; zoning, App. B; board of adjustment, App. B, § 8.10 et seq.

State law reference—Local Government Comprehensive Planning Act of 1975, Fla. State., Ch. 163.

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- § 15B-1. Temporary use permits.
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Division 2. Local Planning Agency

- § 15B-27. Authority.
- § 15B-28. Designation and establishment.
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- § 15B-30. Organization, rules and procedures.
- § 15B-31. Public meetings and records.
- § 15B-32. Funding.
- § 15B-33. Designation of member to technical advisory committees.

ARTICLE I. IN GENERAL

Sec. 15B-1. Temporary use permits.

(a) In case of real estate development projects in any district, the owner-developer may request a temporary use permit to permit necessary commercial, promotional, storage and fabrication activities which occur during construction of the project and which terminate upon completion of the project. The following activities may be permitted under such temporary use permit on the real estate being developed, for a period not in excess of six (6) months, provided all setback requirements of the zoning code are met.

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- (1) Model homes or apartments.
- (2) Real estate sales offices limited to the sales of dwelling units on those premises.
- (3) Construction material and equipment storage.

(b) The applicant for a temporary use permit shall present plans indicating the area in which the temporary use permit is to apply, the nature of the activities which will occur, and the time for which the temporary use permit is requested. The application shall be submitted to the town manager who shall grant or deny a temporary use permit and in addition the town manager may attach suitable conditions, stipulations and safeguards. Prior to granting a temporary use permit, the town manager shall insure that any nuisance or hazardous feature involved is suitably separated from adjacent uses and excessive vehicular parking problems will not be created. Each temporary use permit shall be granted for a specific period of time, at the end of which, if the use permitted as a temporary use has not been discontinued, it shall be deemed a violation of the Code and subject to the penalties provided for therein. (Ord. No. 76-8, § 1, 4-7-76)

Sec. 15B-2. Zoning and subdivision fees.

The Town of Longboat Key shall collect from each applicant, as indicated in the Zoning Ordinance and Subdivision Ordinance of the Town of Longboat Key, the following fees:

(a) Application for certificate of occupancy or temporary certificate of occupancy, per unit	\$ 3.00
(b) Statement of zoning compliance	10.00
(c) Appeal of a decision of the building and zoning official	35.00
(d) Application for variance	100.00
Plus postage, publication and cost of planning consultant	
(e) Application for special exception use	100.00
Plus postage, publication and cost of planning consultant	
(f) Application for rezoning	100.00
Plus postage, publication and cost of planning consultant	
(g) Application for site plan review, filing fee	50.00
Plus \$4.00 per unit and cost of planning consultant	
(h) Application for commercial site plan review, per acre	50.00
And cost of planning consultant	
(i) Application for PD outline development plan review, filing fee	50.00
Plus \$4.00 per unit, maximum \$2,000.00, and cost of planning consultant	
(j) Application for final PD approval	50.00
And cost of planning consultant	

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(k) Application for subdivision approval:

Preliminary plan 75.00

Filing fee 200.00

Plus \$25.00 per acre or fraction thereof and cost of planning consultant

(l) Application for seawall permits, per 100 feet 10.00

Where the matter under consideration by the board of appeals involves an application for variance or an application for special exception use and the town attorney has ruled that it is not within the jurisdiction of the board, or where the variance or special exception applied for involves values of insignificant cost, the town manager may reduce the fee set in item (d) or (e) above to not less than the cost to the town in processing the application.

When the application for a subdivision approval involves values of insignificant costs, the town manager may reduce the fee set in (k) above to an amount not less than the cost incurred by the town in processing the application. (Ord. No. 76-6, § 1, 3-17-76)

Cross references—Subdivision ordinance, App. A; zoning ordinance, App. B.

Secs. 15B-3—15B-15. Reserved.

ARTICLE II. PLANNING AND ZONING BOARD

DIVISION 1. GENERALLY

Sec. 15B-16. Created; composition; chairman.

There is hereby created a planning and zoning board for the town, which shall consist of seven (7) members, including a chairman. The chairman shall be appointed by the town commission. (Ord. No. 169, § 1, 4-1-70)

Sec. 15B-17. Terms of office; vacancies.

Of the seven (7) appointed members of the planning and zoning board, three (3) shall serve for a period of two (2) years, and four (4) shall serve for a period of one (1) year. Thereafter three (3) members shall be appointed to serve for a period of two (2) years and one (1) member shall be appointed for a period of one (1) year. The terms of office of four (4) members of the existing board shall terminate on April 1, 1970; the terms of office of three (3) members of the existing board shall terminate on April 7, 1971; and thereafter, terms of office shall terminate on the first Wednesday of April of each year. Vacancies shall be filled by appointment for unexpired terms only. (Ord. No. 169, § 4, 4-1-70)

State law reference—Limitation on time in which vacancies to be filled, Fla. Stats. § 163.160(2).

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Sec. 15B-18. Officers; duties.

(a) *Enumeration.* In addition to the chairman, the officers of the planning and zoning board shall be a vice-chairman and a secretary, which shall be elected by the board.

(b) *Duties.*

- (1) **Chairman:** The chairman shall preside at all meetings of the planning and zoning board, and shall have such other duties as may be prescribed by law.
- (2) **Vice-chairman:** The vice-chairman, in the absence or inability of the chairman to serve, shall have all the duties, powers and obligations of the chairman.
- (3) **Secretary:** The secretary of the planning and zoning board shall:
 - a. Post or mail notices as may be required herein.
 - b. Take minutes of all of the meetings of the board.
 - c. Handle all correspondence to and from the board.
 - d. File all minutes in the office of the board. (Ord. No. 169, § 4, 4-1-70)

Sec. 15B-19. Duties generally.

(a) The planning and zoning board shall consider all matters referred to it by the town commission and report its recommendations thereon back to such commission within a reasonable time or within such other time as may be specified.

(b) The planning and zoning board shall consider and report its recommendations on all petitions to change the zoning district boundaries within the town.

(c) The planning and zoning board shall prepare, submit and make recommendations for the amendment of a comprehensive road and zoning plan for the town. Such comprehensive road and zoning plan shall specify the location, width and type of proposed streets and roads and the zoning of the property abutting the same. Such plan shall be prepared with a view toward bettering the public health, safety and welfare and promoting the orderly development of the town.

(d) The planning and zoning board shall consider and make recommendations on all proposed subdivision plats within the town.

(e) The planning and zoning board may consider on its own motion any matter which seems beneficial with regard to the use and improvement of property within the town, and consistent with other usual duties and powers of planning and zoning boards, and in general do such things as may secure the recognized advantages of building and zoning regulations. (Ord. No. 169, § 2, 4-1-70)

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Sec. 15B-20. Meetings.

(a) Meetings of the planning and zoning board shall be held at least monthly and at the call of the chairman, or in his absence at the call of the vice-chairman.

(b) At least six (6) hours' notice of each meeting shall be given to each member of the planning and zoning board. Such notice shall specify the matters to be acted upon at the meeting.

(c) A quorum for any meeting of the planning and zoning board shall be four (4) of the members thereof. When less than a quorum is present at any meeting, which has been duly called, those present may adjourn or recess such meeting to a future date to be specified in the motion of adjournment or recess.

(d) The order of business at regular public meetings shall be as follows:

- (1) Roll call.
- (2) Approval of minutes of previous meeting.
- (3) Adoption of reports.
- (4) Fixing dates for future hearings.
- (5) Hearings.
- (6) New business.
- (7) Old business.

(e) Matters not on the calendar shall be considered only by unanimous consent of members present.

(f) The chairman shall direct a roll call upon every proposition to be acted upon and all votes shall be taken by the ayes and nays.

(g) At a public hearing, those in favor of a proposition shall be heard first, and then those opposed, unless otherwise ordered by the chairman.

(h) Any official action by the board shall require an affirmative vote of a majority of the members present.

(i) Final action shall be taken on applications no later than the next regular monthly meeting of the board after the public hearing thereon.

(j) All reports relative to matters considered by the board shall be in a form adopted by the board and incorporated and made a part of the record of the board and a copy thereof shall be transmitted to the town commission. (Ord. No. 169, § 3, 4-1-70)

Sec. 15B-21. Minutes.

The minutes of the planning and zoning board shall contain an accurate report of all matters taken up by the board, and the summary of all testimony heard in public hearings, and a record of all recommendations made by the planning and zoning board

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to the town commission. The minutes shall also contain a record of the votes of each member of the board on every matter acted upon, and shall indicate the absence of any member, or any member not voting. The minutes of the planning and zoning board shall be filed in the office of the town clerk and shall be a public record. (Ord. No. 169, § 5, 4-1-70)

Sec. 15B-22. Public hearings.

(a) The planning and zoning board shall hold a public hearing on any matter if requested by the town commission. The planning and zoning board may hold one or more public hearings on any matter, if in the opinion of such board the best interests of the town will be served, except on matters initiated by the planning and zoning board. On such matters initiated by the planning and zoning board public hearings will be held only with the approval of the town commission.

(b) Notice of public hearings of the planning and zoning board shall be posted at least fifteen (15) days prior to the hearing and published in a newspaper in general circulation within the town and copy of the legal notice sent by certified mail by the petitioners to all owners of property involved in the petition, and to all owners of property immediately adjacent to and in rear thereof extending three hundred (300) feet from the perimeter of each area.

(c) Notice of a public hearing of the planning and zoning board may be in the form following:

**PUBLIC NOTICE
PLANNING AND ZONING BOARD
LONGBOAT KEY, FLORIDA**

Please take notice that a public hearing will be held at the request of _____, to consider the following: _____

The public hearing will be held at _____ on the _____ day of _____, A.D., 19 ____.
All interested are invited to attend

Secretary
Longboat Key Planning and Zoning Board

(Ord. No. 169, § 6, 4-1-70)

Secs. 15B-23—15B-26. Reserved.

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DIVISION 2. LOCAL PLANNING AGENCY

Sec. 15B-27. Authority.

This division is enacted pursuant to and in accordance with the Local Government Comprehensive Planning Act of 1975 (Chapter 163, Florida Statutes). (Ord. No. 76-17, § 1, 6-16-76)

Sec. 15B-28. Designation and establishment.

Pursuant to, and in accordance with, Section 163.3174, Florida Statutes, the planning and zoning board is hereby designated and established as the local planning agency for the incorporated territory of the Town of Longboat Key, Florida. (Ord. No. 76-17, § 2, 6-16-76)

Sec. 15B-29. Duties and responsibilities.

The local planning agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Sections 163.3161 through 163.3211, Florida Statutes, shall:

- (a) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the Town of Longboat Key;
- (b) Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida;
- (c) Recommend said comprehensive plan or elements or portions thereof to the Town of Longboat Key for adoption; and
- (d) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the town commission of the Town of Longboat Key such changes in the comprehensive plan as may be required from time to time. (Ord. No. 76-17, § 3, 6-16-76)

Charter reference—Comprehensive plan for town, § 24.

Sec. 15B-30. Organization, rules and procedures.

Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in the Town Code of the Town of Longboat Key. (Ord. No. 76-17, § 4, 6-16-76)

Cross reference—Organization, rules and procedures for planning and zoning board, § 15B-24 et seq.

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Sec. 15B-31. Public meetings and records.

All meetings of the local planning agency shall be public meetings and all agency records shall be public records. The local planning agency shall encourage public participation. (Ord. No. 76-17, § 5, 6-16-76)

Sec. 15B-32. Funding.

The town commission of the Town of Longboat Key shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the town commission of the Town of Longboat Key. (Ord. No. 76-17, § 6, 6-16-76)

Sec. 15B-33. Designation of member to technical advisory committees.

Pursuant to and in accordance with said Local Government Comprehensive Planning Act of 1975, the town commission of the Town of Longboat Key hereby designates the director of public works as a member of the technical advisory committee within Manatee County and as a member of the technical advisory committee within Sarasota County. (Ord. No. 76-17, § 7, 6-16-76)

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Chapter 16

PLUMBING

Cross references—Building regulations, Ch. 6; licensing of contractors, Ch. 12.

- § 16-1. Plumbing code—Adopted.
§ 16-2. Same—Modifications, amendments, etc.

Sec. 16-1. Plumbing code—Adopted.

There is hereby adopted by reference the Standard Plumbing Code, 1975 edition, with the modifications, changes and additions set forth in section 16-2 of the Code of the Town of Longboat Key. Any reference in the Standard Plumbing Code, 1975 edition, that uses the word "city" shall mean "town." (Code 1965, § 20-1; Ord. No. 73-22, § 1, 9-12-73; Ord. No. 74-32, § 1, 11-6-74; Ord. No. 76-7, § 1, 4-7-76)

Sec. 16-2. Same—Modifications, amendments, etc.

The following modifications, changes and additions to the Standard Plumbing Code, 1975 edition, are hereby adopted:

- (1) *Section 106.3, Schedule of Permit Fees*, is hereby amended to read as follows:

"For issuance of each permit	\$ 5.00
Each plumbing fixture up to and including the first twenty (20) fixtures	1.50
Each plumbing fixture in excess of twenty (20) fixtures	1.00
Building sewers four (4) inches and not over fifty (50) feet long	2.00
Each additional fifty (50) feet or fraction thereof	1.00
Larger sewers, each one hundred (100) feet or fraction thereof, per inch of diameter	1.00
Trailer connection	2.00
For installation, repair or alteration of water piping	1.00
Repair, alteration of drainage or vent piping	2.00
Water service (new construction)	2.00
Water service only (permit fee not required)	3.00
Septic tanks, grease traps, oil separators, lint traps, etc., in excess of five hundred (500) gallons	5.00
Reinspection, when work is not ready or does not meet code, twenty cents (\$0.20) per mile plus	5.00"

- (2) *Section 109.2, Qualification of Plumbers*, is amended by the addition of the following:

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"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) *Section 302, Building Drains*, is amended to change the distance to three (3) feet rather than ten (10) feet.

(4) *Section 417.1* is deleted.

(4.1) *Section 506.7, Chapter V*, of said Standard Plumbing Code is amended to read as follows:

"The use of plastic pipe and fittings for the drainage waste below and above ground within buildings is prohibited.

(5) *Section 703.5, Prohibited Traps*, is amended by the addition of the following:

"(g) Drum traps.

"(h) Tubular traps shall be not less than 20 U.S. gauge."

(6) *Section 907.1, Public Use*, is amended to read as follows:

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

(7) *Section 907.6, Seats*, the second sentence thereof is amended to read as follows:

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

(8) Section 908 Urinals is amended by adding:

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

(9) Section 911.2 Construction is amended by adding to the 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) Section 1206.2 is amended by changing in the first line type K to type L and by adding:

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

(11) Section 1211 is amended by adding 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) Section 1211.1 Water Supply Control 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) Section 1212.1 Water Service Pipe is amended by adding to the 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.

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"(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) Section 1213.1 is amended by adding thereto:

"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) Section 1213.3 Size of Fixture Supply is amended by adding

"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 twenty (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 "

(16) Section 2113.8 Hazard and Noise is amended by adding:

"Air chamber fifteen (15) inches long or equal shall be provided on each lavatory or washbasin "

(17) Section 1215.5 Relief Outlet Wastes is amended by adding:

"All relief valve tail lines shall be 3/8 inch or larger and run to outside of enclosed building in a safe place "

(18) Section 1216.4 is hereby added to read as follows:

"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) Section 1301.3 Aboveground Piping is amended to read as follows:

"Soil and waste piping for the drainage system shall be cast iron, type L copper, lead or brass "

(20) Section 1301.4 Underground Piping within Buildings is amended by changing the first sentence to read as follows:

"(a) All soil and waste piping within building when underground shall be cast iron or type K copper

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"(b) No horizontal soil drains underground shall be smaller than four (4) inches.

"(c) Three-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) Section 1302 Building Sewer is changed to read as follows:

"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) Section 1304.2 Fixture Units Per Fixture or Group is amended by adding:

"All residential type washing machines shall be valved at three (3) fixture units and shall have minimum size trap of two (2) inches."

(23) Section 1305.5 Minimum Wet Vents is amended to read as follows:

"(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) Section 1306.2 Waste Stacks Serving Kitchen Sinks is changed to read as follows:

"Waste pipes from kitchen sinks shall be not less than three (3) inches in diameter to the highest branch, with

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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."

(25) Section 1409.3 Distance of Fixture Trap from vent is hereby added to read as follows:

"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 one and one-fourth (1 1/4) inches.

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) Section 1422.3 Fixture Branches is hereby added to read as follows:

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

(27) Section 1502.1 Inside Conductors is hereby amended to read as follows:

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

(28) Section 107.1 Inspection Required is hereby amended to read as follows:

"The minimum number of inspections shall be:

1st inspection	Under Floor

2nd inspection	Under Floor

Sewer inspection

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Final inspection."

(Code 1965, § 20-2; Ord. No. 190, § 1; Ord. No. 74-32, §§ 1, 2, 11-6-74; Ord. No. 76-7, § 2, 4-7-76)

Chapter 17

POLICE DEPARTMENT

Cross references—Seizure of dogs and cats running at large, § 4-11; supervision of public pound, § 4-12; designation of dog and cat warden, § 4-13; authority to impound certain vehicles, § 13-38 et seq.; duty of police department relative to firearms and weapons found on arrested person, § 14-5(c).

Charter reference—Duty of police regarding execution and service of municipal court writs and processes, Art. VII, § 2.

State law references—Police powers of municipalities generally, Fla. Stats., §§ 168.01—168.13; organization and appointment of municipal police force, Fla. Stats., § 168.01.

Article I. In General

- § 17-1. Appointment of police chief; administration of department.
- § 17-2. Officers to protect public peace.
- § 17-3. Powers, rights and duties of police officers.
- § 17-4. Reserved.
- § 17-5. Reserved.
- § 17-6. Only authorized persons may wear uniforms and use police equipment; exceptions.
- §§ 17-7—17-15. Reserved.

Article II. Special Police

- § 17-16. Designated.
- § 17-17. Powers and duties.
- § 17-18. Reciprocity.

ARTICLE I. IN GENERAL

Sec. 17-1. Appointment of police chief; administration of department.

The town manager shall appoint a chief of police who will be responsible to the town manager for the management, control, administration and discipline of the police forces.

Editor's note—Former § 17-1, providing for organization of the police department and appointment of officers and employees by the mayor, and derived from Code 1965, § 21-1, has been deleted and a new § 17-1 added to read as herein set out pursuant to instructions from the town.

Charter reference—Authority of town manager to appoint chief of police, Art. III, § 4(a).

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Sec. 17-2. 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 and of the United States now or hereafter made, within the town. (Code 1965, § 21-2)

Sec. 17-3. Powers, rights and duties of police officers.

In order to carry out their duties, the police officers of the town shall have all of the powers, rights and duties of police officers provided by law. (Code 1965, § 21-3)

Secs. 17-4, 17-5. Reserved.

Editor's note—Pursuant to instructions from the town, former § 17-4 pertaining to officers serving without compensation and former § 17-5, providing that the town manager regulate and administer the police department, have been deleted as being obsolete and as being set out in § 17-1, respectively. Said former sections were derived from Code 1965, §§ 21-4 and 21-5.

Sec. 17-6. Only authorized persons may wear uniforms and use police equipment; exceptions.

(a) 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:

- (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, 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.

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(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.

(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.

(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.

(b) The foregoing provisions shall not be construed to prevent persons specifically authorized by the laws of the United States of America, the state or any municipality or governmental subdivision of the state, 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.

(c) The provisions of this section 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 services 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, 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.

(d) The provisions of paragraph (3) of subsection (a) of this section 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. (Code 1965, §§ 21-6---21-8)

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Secs. 17-7---17-15. Reserved.

Article II. Special Police

Editor's note---Ord. No. 74-6, §§ 1---3, adopted March 6, 1974, did not specifically amend the Code, hence codification as Art. II, §§ 17-16---17-18, was at the editor's discretion.

Sec. 17-16. Designated.

The police officers of the City of Bradenton Beach, the City of Anna Maria and the City of Holmes Beach are hereby designated as subordinate officers of the police department of the Town of Longboat Key, subject to exclusive control of the chief of police of the Town of Longboat Key and in his absence the town manager for the Town of Longboat Key or any on duty police officer of the Town of Longboat Key. (Ord. No. 74-6, § 1, 3-6-74)

Sec. 17-17. Powers and duties.

Such special police officers are hereby authorized to fully and completely exercise and enforce the police powers of the Town of Longboat Key and to make arrests in the name of the Town of Longboat Key within the municipal boundaries of the Town of Longboat Key. Such special police officers shall have authority granted herein only when requested to act by the chief of police of the Town of Longboat Key, and in the absence of the chief of police of the Town of Longboat Key, the town manager for the Town of Longboat Key or any on duty police officer of the Town of Longboat Key. (Ord. No. 74-6, § 2, 3-6-74)

Sec. 17-18. Reciprocity.

Regular members of the police department of the Town of Longboat Key are hereby authorized to act as special police officers for the City of Bradenton Beach, the City of Anna Maria and the City of Holmes Beach, pursuant to appointment by the mayors or governing bodies of those municipalities, and only in the circumstances and subject to the conditions and provisions of this article, subject to assignment by the chief of police of the Town of Longboat Key, and in his absence the town manager of the Town of Longboat Key or any on duty police officer of the Town of Longboat Key. (Ord. No. 74-6, § 3, 3-6-74)

CHAPTER 17A
POLLUTION CONTROL

- § 17A-1. Findings of fact and declaration of policy.
§ 17A-2. Prohibited acts and exceptions.
§ 17A-3. Penalty.

Editor's note---Ch. 17A, §§ 17A-1---17A-3, derived from Ord. No. 73-1, §§ 1---3, adopted Jan. 10, 1973, non-amendatory of the Code, has been included herein at the editor's discretion.

Cross references---Fire prevention and protection, Ch. 9A; burning of garbage and refuse, § 10-5.

Sec. 17A-1. Findings of fact and declaration of policy.

(a) Section 403.182, Florida Statutes, authorizes each municipality to administer and establish local pollution control programs in compliance with Chapter 403, Florida Statutes, and provides among other things that such local pollution control programs must provide by ordinance requirements compatible with or stricter than those imposed by Chapter 403, Florida Statutes and the regulations issued thereunder.

(b) Chapter 71-913, Florida Laws, Special Acts of 1971, authorized the board of county commissioners to promulgate and adopt by county ordinance an air pollution code and provides that any county ordinance adopted pursuant to that act shall be applicable and in force throughout the entire area of such county adopting said code.

(c) It is declared to be the public policy of the Town of Longboat Key and the purpose of this chapter to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable to prevent injury to plant and animal life and to foster and protect the comfort and convenience of the people, to promote the economic and social development of the community and to facilitate the enjoyment of the natural attributes of this community. (Ord. No. 73-1, § 1, 1-10-73)

Sec. 17A-2. Prohibited acts and exceptions.

No person shall ignite, cause to be ignited, permit to be ignited or maintain any open fire except as follows:

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- (a) Open fires for the cooking of food for human consumption on other than commercial premises.
- (b) Fires to abate a fire hazard, providing hazard is so declared by the fire department.
- (c) Fires for prevention or control of disease or pests.
- (d) Fires for training personnel in the methods of fighting fires.
- (e) Fires for the disposal of dangerous materials, where there is no alternate method of disposal and burning is approved by the town manager. (Ord. No. 73-1, § 2, 1-10-73)

Sec. 17A-3. Penalty.

Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not more than five hundred dollars (\$500.00), or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 73-1, § 4, 1-10-73)

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Chapter 17B

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Chapter 17C

SHRUBS AND TREES

Article I. In General

§§ 17C-1—17C-15. Reserved.

Article II. Tree Removal

- § 17C-16. Requirements for removal.**
- § 17C-17. Investigation of application.**
- § 17C-18. Application fee.**
- § 17C-19. "Tree" defined.**
- § 17C-20. Special conditions.**
- § 17C-21. Penalty.**

ARTICLE I. IN GENERAL

Secs. 17C-1—17C-15. Reserved.

ARTICLE II. TREE REMOVAL

Editor's note—Ord. No. 74-21, adopted July 24, 1974, did not expressly amend this Code, hence inclusion of §§ 1—6 thereof as Art. II, §§ 17C-16—17C-21, was at the discretion of the editors.

Cross reference—Overgrowth of trees and shrubs, § 10-12 et seq.

Sec. 17C-16. Requirements for removal.

It shall be unlawful for any person, corporation or agent to remove any tree as defined herein until a request has been submitted to the town commission of the Town of Longboat Key in writing on a form provided by the town manager, and accompanied with the following information:

- (1) An overall site plan including the approximate shape and dimensions of the lot or parcel of land, together with existing and proposed driveways, structures and improvements.
- (2) The approximate location of all trees, as defined herein, which trees shall be identified as to type and species.
- (3) The designation of all trees which are to be removed.

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- (4) A statement as to why said trees are to be removed.
- (5) A statement as necessary, explaining how any standing trees or trees to be relocated as part of a development project are to be protected during the construction of the development. (Ord. No. 74-21, § 1, 7-24-74)

Sec. 17C-17. Investigation of application.

After an application for removal of trees has been filed, said application shall be checked by the building and zoning official who will review and consider what effects the removal of said trees will have upon the drainage, topography and the natural resources of the affected area prior to granting or denying said application. Based upon a review of these factors, the application shall be approved or denied. (Ord. No. 74-21, § 2, 7-24-74)

Sec. 17C-18. Application fee.

Application for tree removal permits filed with the town manager shall be accompanied by a fee of five dollars (\$5.00). Such fees are hereby declared to be necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement of this article. (Ord. No. 74-21, § 3, 7-24-74)

Cross reference—Inspection fee for improvements, § 19-4.1.

Sec. 17C-19. "Tree" defined.

A "tree" is defined as any self-supporting woody plant having a diameter of four (4) inches or more measured four and one-half (4½) feet above ground level in the environs of the Town of Longboat Key and which provides shade or is capable of providing shade at maturity. (Ord. No. 74-21, § 4, 7-24-74; Ord. No. 76-21, § 2, 12-1-76)

Sec. 17C-20. Special conditions.

(a) Any tree, other than an oak tree and other than mangroves as provided for in subsection (c) of this section, located on a parcel of improved single-family residential land, provided such tree is located on the premises of an individual resident owner, and further provided such property is not being prepared for the development of a subdivision or other non single-family residential use, is specifically exempt from the requirements of section 17C-16 of this Article II.

(b) Subject to the provisions of section 10-13 of Article III of Chapter 10 of the Code of the Town of Longboat Key relating to the clearing of overgrowth, it shall be unlawful for any person, corporation or agent in the trimming of any tree as normal maintenance or otherwise to so trim such tree as to cause mutilation of such tree or to trim more than fifty (50) per cent of the leaves, limbs and foliage of such tree existing or which would exist if such tree were not disturbed or previously trimmed during or after the same growing season.

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(c) Subject to the provisions of section 10-13 of Article III of Chapter 10 of the Code of the Town of Longboat Key insofar as it pertains to keeping canals or other navigable waterways or man-made drainage ditches clear of overgrowth, it shall be unlawful for any person, corporation or agent in the absence of a seawall at or adjacent to the mean high waterline of any wetland in the Town of Longboat Key to remove or mutilate mangroves of all species or other plant life important to shoreline ecology, except for trimming as permitted in subsection (b) of this section, within a distance of four (4) feet upland of said mean high waterline without first applying for and obtaining a permit to do so from the town manager setting forth the extent of such permissible operation.

(d) Any person, corporation or agent who feels aggrieved by the strict enforcement of this Article II by any administrative official may file, within five (5) days after the said aggrievement, a petition to have his case reviewed and acted upon by the town commission, whose decisions on all matters shall be final. (Ord. No. 74-21, § 5, 7-24-74; Ord. No. 76-21, § 3, 12-1-76)

Sec. 17C-21. Penalty.

Any person found guilty of violating any provisions of this article or any order issued pursuant thereto shall upon conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 74-21, § 6, 7-24-74)

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CHAPTER 18

SIGNS

- § 18-1. Definitions.
- § 18-2. Sign permit required.
- § 18-3. Procedure and requirements for obtaining permit.
- § 18-4. Fees.
- § 18-5. Exemptions.
- § 18-6. Signs and sign structures prohibited.
- § 18-7. Conditions and limitations affecting certain categories of signs.
- § 18-8. Maximum area of signs and sign structures; number of signs permitted.
- § 18-9. Construction and safety requirements.
- § 18-10. Nonconforming signs; removal.
- § 18-11. Variances.
- § 18-12. Enforcement.
- § 18-13. Removal of unsafe or unlawful signs.
- § 18-14. Penalties.

Editor's note---At the editor's discretion, Ord. No. 73-12, §§ 1---14, adopted May 24, 1973, nonamendatory of the Code, has been codified as superseding former Ch. 18, §§ 18-1---18-12, pertaining to signs and derived from: Ord. No. 114, adopted Sept. 13, 1966; Ord. No. 197, adopted May 19, 1971; Ord. No. 223, adopted Dec. 20, 1972; and Ord. No. 73-6, adopted March 21, 1973.

Sec. 18-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the following meanings.

(a) Sign: A device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

(b) Types of signs:

(1) Banner. A sign having letters, illustrations, or ornamentations applied to paper, or fabric of any kind with only such material for a backing. "Banner" shall include any animated, rotating or fluttering devices designed to attract attention.

(2) Directory signs: Sign structures containing individual plates or panels bearing the names of individuals, organizations or businesses.

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(3) Double-faced sign: A device consisting of a single panel with two (2) surfaces, both sides of which are used for advertising or other communication.

(4) Electrical sign: A sign or sign structure in which electrical wiring, connections or fixtures are used as part of the sign proper, or which themselves constitute a sign.

(5) Flat sign: A sign erected parallel to and extending not more than eight (8) inches from the facade of any building to which it is attached, and supported throughout its entire length by the facade of the building.

(6) Ground sign: A sign supported by uprights or braces, permanently placed on or in the ground and wholly independent of any building for support.

(7) Front of building: Those parts of the building which are parallel or nearest to a public road, canal, waterway, or other body of water, and where there is no intervening property between said building and the public road, canal, waterway or other body of water.

(8) Off-premises sign: A sign upon property other than that upon which the business or activity advertised is or is to be conducted.

(9) Painted wall sign: A sign painted on any outside wall or roof, or on the glass of any building.

(10) Pendant sign: An auxiliary or supplementary sign, affixed or hung below another and supplementing the main sign. Such signs are used to indicate "Vacancy," "Air Conditioned," "Credit Card Accepted," etc.

(11) Political sign: A sign erected to advocate the candidacy of a party or issues or individual(s) for elective office.

(12) Portable, sidewalk and sandwich sign: A movable sign not secured or attached to the ground.

(13) Projecting sign: A sign other than a flat sign, which extends outward for more than eight (8) inches from the facade of any building and is affixed thereto.

(14) Real estate sign: A nonilluminated sign of temporary character advertising premises for sale, rent or lease.

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(15) Roof sign: A sign erected over or on, and dependent upon, the roof of any building for support.

(16) Single-faced sign: A device consisting of a single panel, only one side of which is used for advertising or other communication.

(17) Snipe sign: A sign which is affixed to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

(18) Vehicle advertising sign: A sign which is affixed to a transportation vehicle, for the purpose of advertising.

(19) Window sign: A sign displayed inside a building for commercial purposes and visible to persons off the premises upon which the building is located.

(c) Area of sign: The square foot area of the panel, board or other material bearing the legend of the sign, with each face contributing to the aggregate area; but structural elements supporting the sign and not bearing advertising matter or other communication shall not be deemed a part of the area of the sign. In the case of flat signs or painted wall signs without border or frame, the surface area shall include such reasonable and proportionate space as would be required if border or frame were used. Where a single sign structure is used to support two (2) or more signs, or unconnected elements of a single sign, the surface area shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign elements. (Ord. No. 73-12, § 1, 5-24-73)

Sec. 18-2. Sign permit required.

Except as may be otherwise provided hereinafter, it shall be unlawful for any person to erect, post, display or change any sign or sign structure without first having obtained a permit therefor. (Ord. No. 73-12, § 2, 5-24-73)

Sec. 18-3. Procedure and requirements for obtaining permit.

Each person who shall be required by this chapter to obtain a permit to post, display, erect or change any sign or

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sign structure shall make application for the same to such officer of the town as the town manager shall direct. Every such application shall contain:

- (1) Name, address and phone number of the applicant.
- (2) Such drawings and specifications necessary to show the location, construction, materials and manner of illuminating and of securing and fastening of such proposed sign.
- (3) Written consent of the owner of the property on which the sign and structure is to be placed.
- (4) The following changes in a sign or its location will not require either a new permit or the payment of a new fee:
 - (a) The removal of a real estate sign, in regard to which a permit has already been issued, to a new location by a duly authorized person.
 - (b) Changes in the wording or legend of a sign designed for such changes.
 - (c) Changes in the wording or legend of a sign if the new wording or legend does not increase the area of the sign or require structural changes therein and the changes are made by the owner to whom the current sign permit was granted. (Ord. No. 73-12, § 3, 5-24-73)

Sec. 18-4. Fees.

Fees, to be paid prior to the issuance of a permit, are as follows:

Real estate signs	\$ 5.00
Off-premises directional signs	5.00
Flat sign	15.00
Painted wall sign	15.00
Projecting sign	20.00
Ground sign	20.00
Directory sign	20.00

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Electrical sign \$25.00

Pendant signs will be regarded as part of the sign to which they are attached, and will not pay a separate fee. Similarly, more than one sign supported by the same structure will pay only one fee, according to the character of the sign.

Any sign or sign structure in which electrical wiring, connections and/or fixtures are used shall pay the fee established for an electrical sign.

Permit renewal fees shall be paid annually, on or before the first day of June. The renewal fee for all signs shall be five dollars (\$5.00). (Ord. No. 73-12, § 4, 5-24-73)

Sec. 18-5. Exemptions.

(1) The following signs are exempt from the provisions of this chapter:

(a) Signs not exceeding two (2) square feet in area denoting only the name, street and number of the occupants of a building.

(b) Professional name plates not exceeding two (2) square feet in area.

(c) Traffic or other municipal, county, state or federal signs, legal notices, signs of municipal service vehicles, as well as emergency signs approved by the town manager.

(d) Identification signs at the entrance of private residences, which do not exceed two (2) square feet in area.

(e) Nonadvertising signs located in private property and not exceeding two (2) square feet in area indicating direction, danger, identification or similar necessary information ("entrance," "no smoking," "office," etc.).

(f) One (1) national flag and one (1) flag of the State of Florida and one (1) flag of a foreign state, country or prominent organization. In no case may more than three (3) flags be flown.

(g) Private navigational aids.

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(h) Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to beverage machines, newspaper racks, telephone booths, gasoline pumps, etc.

(2) The following signs are exempt from the requirements of obtaining a permit and paying a fee, although they shall be subject to the other provisions of this chapter:

(a) One (1) real estate sign belonging to an owner of real estate and displayed upon his own premises, provided such sign does not exceed four (4) square feet in area.

(b) Vehicle identification signs.

(3) The following signs are exempt from the payment of a fee, and from the requirement of obtaining renewal permits, if no change is made in the sign; but they shall be subject to the other provisions of this chapter:

(a) Signs of religious, charitable or other non-profit organizations located upon the premises of said organizations.

(b) Temporary signs, as permitted in section 18-7(a).

(c) Residential directory signs.

(d) Ornamental subdivision name signs at subdivision entranceways erected after the effective date of this chapter (see section 18-7(h)). (Ord. No. 73-12, § 5, 5-24-73)

Sec. 18-6. Signs and sign structures prohibited.

The following signs are prohibited:

(a) Portable, sidewalk and sandwich signs.

(b) Signs containing intermittent lights or animation.

(c) Roof signs.

(d) Signs on the sides or rear of any building or property (excluding the front of said building) directly facing residentially zoned property.

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- (e) Signs containing exposed neon tubing.
- (f) Political signs.
- (g) Signs on mailboxes, other than the name and street number of the establishment or residence. Names shall be in letters, not more than three (3) inches high.
- (h) Snipe signs.
- (i) The display of merchandise, or the parking of unusual vehicles, or the use of any other unusual device or contrivance upon a public or private street or right-of-way, for advertising or commercial purposes, shall be deemed to be prohibited by this chapter. (Ord. No. 73-12, § 6, 5-24-73)

Sec. 18-7. Conditions and limitations affecting certain categories of signs.

(a) Banner signs: Except as provided in subsection (i) hereinafter, banner signs are prohibited; except that religious, charitable or civic organizations, with the approval of the town manager, may use banner signs or other temporary signs in connection with their sponsorship of temporary events, provided that such use shall not exceed seven (7) days for any one (1) event, and further provided that the town manager shall specifically approve the number and placement of the signs and that the organization shall remove the signs immediately after the event.

(b) Vehicle advertising signs: The only permissible type of vehicle advertising sign is a sign affixed to the door panel or body of a transportation vehicle advertising the business of the owner of the vehicle. A vehicle to which a permissible vehicle advertising sign is affixed may not be regularly parked in an R-1A, R-1B, R-1C, R-1, R-1S or R-2 zoning district, unless kept in an enclosed carport or garage, or unless the vehicle advertising sign is otherwise removed from public view.

(c) Electrical signs may be erected in R-1A, R-1B, R-1C, R-1, R-1S or R-2 zoning districts only with the approval of the town commission.

(d) Off-premises signs; directory signs: Off-premises signs will not be permitted, except as follows:

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(1) Where an off-premises parking area has been approved by the town commission, a permit may be granted for the erection of a sign at the parking area. In such cases the sign shall indicate only the existence at that location of a parking area for the establishment for whose benefit the parking area was approved.

(2) Where a business or organization, or its activities, are conducted at a location not having frontage on Gulf of Mexico Drive, directional signs, not exceeding four (4) square feet in area, and denoting only the name, business and direction of the establishment, business or organization, may be erected with the approval of the town commission.

(3) Where two (2) or more applications seek permission to erect off-premises directional signs at the same general location, the town commission, may require the applicants to join in the erection of a directory sign in lieu of separate directional signs; and, if they are unwilling to do so, the town commission may deny the applications for individual off-premises signs. The structure of a directory sign shall not exceed twelve (12) feet in height aboveground, nor shall its width exceed eight (8) feet (outside dimension). The individual panels or name plates of the directory shall be uniform in size, color and lettering. An individual panel or name plate may not exceed four (4) square feet in area, and the aggregate area of all panels or name plates shall not exceed twenty-four (24) square feet.

(e) Real estate signs shall have a maximum of four (4) square feet of sign face. Only one (1) real estate sign may be erected per each two hundred and fifty (250) feet of road frontage, or fraction thereof in the case of properties having less than two hundred and fifty (250) feet. Similarly, where a ground sign is erected to advertise development of a tract of land, only one (1) such sign may be erected per each two hundred and fifty (250) feet of road frontage or fraction thereof; each ground sign must conform to the area requirements of section 18-8.

Property on opposite sides of a road shall be treated as separate properties, even if in the same ownership.

(f) Illuminated signs, whether they are electrical signs or signs illuminated by spotlight or otherwise, will not be permitted on vacant or unoccupied lands without the approval of the town commission.

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(g) Signs on waterways: Marinas, restaurants and other commercial activities providing access by waterway as part of their business may, with the approval of the town commission, erect one (1) sign upon their waterway frontage, said sign to be in addition to any sign permitted along the landward front of the establishment. Off-premises waterway signs may be erected only with the approval of the town commission.

(h) Residential land development name signs at development entrances, which are in existence upon the effective date of this chapter, must be approved by the town commission if they do not conform to the requirements of this chapter. In the event that such a sign is nonconforming, the town commission may nevertheless either approve said sign, or require that it be made conforming.

(i) Window signs; merchandise displays: In addition to any sign or signs allowed by section 18-8 of this chapter, commercial establishments shall be entitled to use window signs for the temporary advertisement of special events at their place of business. Such window signs may be banner signs; but they may not be electrical signs, nor may more than one (1) window sign be used for each twenty (20) feet or fraction thereof of display window frontage, nor may any such sign exceed six (6) square feet in area.

Displays of merchandise in the display window of a commercial establishment, which are customary to the business, will not be subject to the requirements of this chapter.
(Ord. No. 73-12, § 7, 5-24-73)

Sec. 18-8. Maximum area of signs and sign structures; number of signs permitted.

Except for special limitations imposed by this chapter upon certain types of signs, no sign shall have an area exceeding thirty-two (32) square feet for a sign with a single face, and sixty-four (64) square feet for a sign with a double face.

Each separate commercial establishment or property owner, except as may be otherwise provided by this chapter, shall be entitled to (1) a single sign, or (2) a sign together with pendant signs; or (3) two (2) or more signs, if supported by the same sign structure; provided, however, that the aggregate area of the sign, or of all the signs together, does not exceed the maximum set forth above. Where a single commercial establishment exists on both sides of a public road, however,

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it shall be entitled to the same privileges in respect to a sign on each side of the road.

No sign or sign structure or part thereof shall exceed twelve (12) feet in height above the ground, nor ten (10) feet in width. Sign structures shall not themselves contain advertising matter, nor shall the form or substance of the sign structure be such as to advertise or denote the business or other activity of the establishment or organization owning the sign. (Ord. No. 73-12, § 8, 5-24-73)

Sec. 18-9. Construction and safety requirements.

Signs may not be located upon any public right-of-way, and must be so placed as not to obstruct entrances to or exits from buildings, nor may signs impede the visibility of oncoming traffic or its safe and efficient flow. Signs shall not overhang walkways, sidewalks, streets, or public rights-of-way. Signs may not be placed in a location which might prove dangerous to individuals or the public. No illuminated sign shall be erected or maintained along or adjacent to any public right-of-way unless the source of illumination is shaded and not directly visible from any public right-of-way. (Ord. No. 73-12, § 9, 5-24-73)

Sec. 18-10. Nonconforming signs; removal.

(a) A sign or sign structure existing within the town on the effective date of this chapter, which by its height, square foot area, location, or use does not conform to the requirements of this chapter, shall hereinafter be termed nonconforming.

(b) Nonconforming signs and sign structures in existence upon the effective date of this chapter shall be removed by the owner or lessee of the sign, or by the owner of the property where the sign is located, on or before September 1, 1973, except:

One nonconforming on-premises sign with its supporting structure may be retained until June 1, 1976; provided, however, that all other signs on the property (except as permitted in section 18-7) shall be removed by the owner or lessee of the sign, or by the property owner where the sign is located, on or before September 1, 1973; and further provided that said sign and sign structure shall be removed on or before June 1, 1976.

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Nonconforming signs permitted to continue under the foregoing provisions may be kept up and maintained; but such signs may not be moved, enlarged, or changed in any manner. Any such change shall be grounds for causing the removal of the sign. (Ord. No. 73-12, § 10, 5-24-73)

Sec. 18-11. Variances.

The town commission may authorize variance from the provisions of this chapter as amended, except for size, where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the provisions of said chapter relating to the use, construction or alteration of signs, or where the provisions of the chapter impose an unusual hardship upon a particular person, business or organization. However, no variance shall be granted until after full consideration of the request by the town commission. Any variance which shall be granted, shall be granted upon such terms as the town commission may stipulate and set forth. No variance shall be allowed to permit the continuation of a nonconforming use which will materially interfere with the use of adjoining premises. (Ord. No. 73-12, § 11, 5-24-73)

Sec. 18-12. Enforcement.

No sign or advertising display shall be permitted to be maintained or used in the town contrary to the provisions of this chapter. The town manager, by and through the duly authorized employees of the town, shall enforce the provisions of this chapter; and he is hereby authorized and directed to cause the removal of all signs or advertising displays from areas in which they are prohibited by this chapter or which are maintained or used contrary to the provisions of this chapter. (Ord. No. 73-12, § 12, 5-24-73)

Sec. 18-13. Removal of unsafe or unlawful signs.

Should, upon inspection by the building inspector, any sign be found unsafe or insecure, not properly constructed, or erected without a permit, according to the requirements of this chapter, the owner or lessee shall be required to make it safe and secure and of proper construction, or remove it, within forty-eight (48) hours from the time of notification in writing to that effect from the building inspector; and if such notice is not complied with within the time specified,

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the building inspector shall cause such sign to be removed at the expense of the owner or lessee. If the delay in repairing or removing the sign is occasioned by circumstances beyond the control of the owner or lessee, the building inspector may grant additional time for the repair or removal of the sign. (Ord. No. 73-12, § 13, 5-24-73)

Sec. 18-14. Penalties.

A person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, may be fined an amount not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding sixty (60) days. Each and every day that such violation continues shall be considered a separate and specific violation of this chapter. (Ord. No. 73-12, § 14, 5-24-73)

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Chapter 19

STREETS, SIDEWALKS AND PARKS

State law reference—Powers of town relative to streets and sidewalks, Fla. State., §§ 167.01, 167.02, 167.09, 167.21.

Cross references—Dogs and cats, §§ 4-2—4-19; prohibition against depositing garbage and refuse on streets and sidewalks, § 10-3; presumption as to refuse thrown from motor vehicles, § 10-4; motor vehicles and traffic regulations, Ch. 13; peddlers and solicitors, Ch. 15; signs and billboards, Ch. 18; streets, roads and sidewalks in subdivisions, App. A, §§ 7.70, 8.40.

Article I. In General

- § 19-1. Drainage culvert construction permit—Required.
- § 19-2. Same—Application.
- § 19-3. Same—Fee.
- § 19-4. Same—Removal of noncomplying culverts.
- § 19-4.1. "Improvements" defined; inspection fee.

Article II. Closing of Streets and Parks

- § 19-5. Authority of town commission.
- § 19-6. Petitions by interested parties.
- § 19-7. Public hearing.
- § 19-8. Action by commission.
- § 19-9. Copy of resolution to be recorded.
- § 19-10. Deposit of expenses.

ARTICLE I. IN GENERAL

Sec. 19-1. 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 without first making application for and obtaining a permit from the town to construct such culvert. (Code 1965, § 22-1)

Sec. 19-2. Same—Application.

Application for a permit under section 19-1 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. (Code 1965, § 22-2)

Sec. 19-3. Same—Fee.

An application fee of three dollars (\$3.00) shall accompany an application under section 19-2, to partially offset the processing and inspection costs. (Code 1965, § 22-3)

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Sec. 19-4. Same—Removal of noncomplying culverts.

Any noncompliance with sections 19-1 to 19-3 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 such order. (Code 1965, § 22-4)

Sec. 19-4.1. "Improvements" defined; inspection fee.

(a) "Improvements" [shall mean] streets, roads, bridges, alleys, parking areas and appurtenances; curbs, sidewalks, bike paths, signs, filling, dredging, clearing of land, tree removal and landscaping; storm sewer systems, water distribution systems, waste water systems and appurtenances.

(b) For the purpose of defraying the expenses of inspecting improvements, an inspection fee shall be paid as determined by the director of public works equivalent to the cost of the inspection made by the Town of Longboat Key, plus ten (10) per cent; provided, however, such inspection fee shall not be less than fifteen dollars (\$15.00) per hour or fraction thereof. The town may employ a full-time inspector, require a professional engineer or the use of specific equipment and any and all tests shall be at the cost of the developer when conducted by an engineer or testing laboratory selected by the town. (Ord. No. 76-25, §§ 1, 2, 7-21-76)

Cross references—Inspections relative to tree removal, § 17C-18; inspection costs relative to drainage culvert construction permit, § 19-3; inspections relative to construction of water distribution systems, § 22-77(I); inspection fees for users of the waste water system, § 22-96(b).

ARTICLE II. CLOSING OF STREETS AND PARKS

Sec. 19-5. Authority of town commission.

The town commission may on its own motion, or upon the petition of an interested party, close and discontinue any public park or street within the town. (Code 1965, § 17-1)

Sec. 19-6. Petitions by interested parties.

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. 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. (Code 1965, § 17-2)

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Sec. 19-7. Public hearing.

Upon petition being filed as provided in section 19-6, or upon the motion or resolution of the town commission acting on its own motion, the commission may, if 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, the publication being at least seven (7) days prior to the time and date set for such hearing. (Code 1965, § 17-3)

Sec. 19-8. Action by commission.

After the public hearing is held, as provided in section 19-7, and the town 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. (Code 1965, § 17-4)

Sec. 19-9. Copy of resolution to be recorded.

Upon the adoption of any resolution closing and vacating and discontinuing any public park or street, a copy of such resolution, 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. (Code 1965, § 17-5)

Sec. 19-10. Deposit of expenses.

Accompanying each petition filed as provided in this article, shall be a deposit in such amount as the town commission may from time to time 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. (Code 1965, § 17-6)

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CHAPTER 20

RESERVED

Editor's note---At the editor's discretion, the town's subdivision regulations have been transferred to Appendix A following the Code. See the editor's note to App. A.

CHAPTER 21

TAXATION

Article I. In General

§§ 21-1---21-5. Reserved.

Article II. Excise Taxes on Electricity,
Metered and Bottled Gas, Etc.

- § 21-6. Definitions.
- § 21-7. Reserved.
- § 21-9. Duty of seller to collect; discontinuance of service for failure to pay bill.
- § 21-9. Computation when seller collects monthly.
- § 21-10. When sale is determined to have been made.

Article III. Excise Tax on Cigarettes

- § 21-11. Levied; amount.
- § 21-12. Collection by state division of beverage.
- § 21-13. Disposition of revenue.
- §§ 21-14---21-23. Reserved.

Article IV. Excise Tax on Insurance Companies

- § 21-24. Levied on companies selling casualty risks insurance, amount; when due.
- § 21-25. Levied on companies selling property insurance, amount; when due.

Cross references---Social security for town employees,
§§ 2-6---2-13; license tax on alcoholic beverages,
§§ 3-1, 3-2.

State law reference---Authority of town to impose and collect taxes, Fla. Stats., § 167.43.

ARTICLE I. IN GENERAL

Secs. 21-1---21-5. Reserved.

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ARTICLE II. EXCISE TAXES ON ELECTRICITY,
METERED AND BOTTLED GAS, ETC.

State law reference---Town authorized to levy tax on public services, Fla. Stats., § 167.431.

Sec. 21-6. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Purchase. Every act or transaction whereby possession of, utilization of, control over or title to electricity, metered gas and bottled gas (natural or manufactured), fuel oil and local telephone service, and the duty and obligation to pay therefor, becomes vested in the purchaser within the town, but not any such act or transaction when undertaken or performed by an agency or instrumentality of the government of the United State of America, (other than a national bank or financial institution), the state, (other than a state bank or financial institution), the county or the town. Purchase of less than five (5) gallons of fuel oil, purchase of fuel oil by public or private utilities for use as fuel in the generation of electricity, under section 167.431, Florida Statutes, fuel oil purchase subject to state road tax and purchase by churches, under section 167.432, Florida Statutes, shall be exempt from taxation.

Purchaser. Every person legally liable for the payment of electricity, metered gas and bottled gas (natural or manufactured), fuel oil delivered or local telephone service rendered to him by a seller, unless such person is an agency or instrumentality of the government of the United States of America, (other than a national bank or financial institution), the state, (other than a state bank or financial institution), the county or the town. Purchase of less than five (5) gallons of fuel oil, purchase of fuel oil by public or private utilities for use as fuel in the generation of electricity, under section 167.431, Florida Statutes, fuel oil purchase subject to state road tax and purchase by churches, under section 167.432, Florida Statutes, shall be exempt from taxation.

Telephone service. All such types and kinds of local service as are rendered by telephone companies to any purchaser of such service within the town, but not such service

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(as is rendered in consideration of the deposit of money in telephone coin boxes installed within the town; provided, that the total amount of the guaranteed charge for semi-public coin box telephone service shall be subject to tax. (Ord. No. 183, § 2, 11-4-70; Ord. No. 188, § 1)

Sec. 21-7. Reserved.

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Editor's note---Section 1 of Ord. No. 232, adopted Dec. 6, 1972, repealed former § 21-7, derived from Ord. No. 183, § 1, adopted Nov. 4, 1970, as amended by Ord. No. 209, § 1, adopted Jan. 5, 1972, pertaining to utility tax rate schedules.

Sec. 21-8. Duty of seller to collect; discontinuance of service for failure to pay bill.

It shall be the duty of every seller of electricity, metered or bottled gas (natural or manufactured), fuel oil or local telephone service, to collect from the purchaser, for the use of the town, the tax hereby levied, at the time of collecting the selling price charged for each transaction, and to report and pay over, on or before the fifteenth day of each calendar month, to the treasurer of the town, all such taxes levied and collected during the preceding calendar month. It shall be unlawful for any seller to collect the price of any sale of electricity, metered or bottled gas (natural or manufactured), fuel oil or local telephone service, without, at the same time, collecting the tax hereby levied in respect to such sale or sales, unless such seller shall elect to assume and pay such tax without collecting the same from the purchaser. Any seller failing to collect such tax at the time of collecting the price of any sale, where the seller has not elected to assume and pay such tax, shall be liable to the town for the amount of such tax in like manner as if the same had been actually paid to the seller, and the town manager shall cause to be brought all suits and actions and to take all proceedings in the name of the town as may be necessary for the recovery of such tax; provided, that the seller shall not be liable for the payment of such tax upon uncollected bills. If any purchaser shall fail, neglect or refuse to pay to the seller, the seller's charge, and the tax hereby imposed and as hereby required, on account of the sale for which such charge is made, or either, the seller shall have and is hereby vested with the right, power and authority to immediately discontinue further service to such purchaser until the tax and the seller's bill shall have been paid in full. (Ord. No. 183, § 3, 11-4-70)

Sec. 21-9. Computation when seller collects monthly.

In all cases where the seller of electricity, metered gas or bottled gas (natural or manufactured), fuel oil or local telephone service collects the price thereof at monthly periods, the tax hereby levied may be computed on the

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aggregate amount of sale during such period; provided, that the amount of tax to be collected shall be the nearest whole cent to the amount computed. (Ord. No. 183, § 4, 11-4-70)

Sec. 21-10. When sale is determined to have been made.

For the purpose of this article, a sale shall be determined to be made in the town in every instance where electricity, metered or bottled gas (natural or manufactured), fuel oil and local telephone service is delivered to a purchaser residing within the town, regardless of whether the residence or business office of headquarters of the sellers is located within the town or elsewhere. (Ord. No. 183, § 5, 11-4-70)

Article III. Excise Tax on Cigarettes

State law reference---Cigarette tax generally, Fla. Stats., § 210.01 et seq.

Sec. 21-11. Levied; amount.

(a) 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 town for cigarettes of standard dimensions as defined by the general law of the state in the following amounts:

(1) Upon all cigarettes, as herein defined, four (4) inches long or less, five and one-half (5-1/2) mills on each cigarette.

(2) Upon all cigarettes, as herein defined, more than four (4) inches long and not more than six (6) inches long, eleven (11) mills on each cigarette.

(3) Upon all cigarettes, as herein defined, more than six (6) inches long, twenty-two (22) mills on each cigarette.

(b) The description of cigarettes contained in paragraphs (1), (2) and (3) of subsection (a) are hereby declared to be standard as to dimensions for taxing purposes as provided in this article and should any cigarette be received, purchased, possessed, sold, offered for sale, given away or

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used of a size other than of standard dimensions, the same shall be taxed at the rate of one cent (\$0.01) on each such cigarette.

(c) Where cigarettes as described in paragraph (1) of subsection (a) are packed in varying quantities of twenty (20) cigarettes or less, the following rates shall govern:

(1) Packages containing ten (10) cigarettes or less require a five and one-half cent tax.

(2) Packages containing more than ten (10) but not more than twenty (20) cigarettes require an eleven-cent (\$0.11) tax.

(d) Where cigarettes, as described in paragraph (2) of subsection (a), are packed in varying quantities of twenty (20) cigarettes or less, the following rates shall govern:

(1) Packages containing ten (10) cigarettes or less require an eleven cent (\$0.11) tax.

(2) Packages containing more than ten (10) but not more than twenty (20) cigarettes require a twenty-two cent (\$0.22) tax.

(e) Where cigarettes, as described in paragraph (3) of subsection (a) are packed in varying quantities of twenty (20) cigarettes or less, the following rates shall govern:

(1) Packages containing ten (10) cigarettes or less require a twenty-two cent (\$0.22) tax.

(2) Packages containing more than ten (10) but not more than twenty (20) cigarettes requires a forty-four cent (\$0.44) tax. (Code 1965, § 25-1; Ord. No. 136, § 1, 4-1-68)

Sec. 21-12. Collection by state division of beverage.

The tax levied and imposed in this article shall be collected by the division of beverage of the department of business regulation of the state in the manner prescribed in Chapter 210, Florida Statutes. (Code 1965, § 25-2)

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Sec. 21-13. Disposition of revenue.

All funds received by the town by virtue of this article 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 210.03, Florida Statutes. (Code 1965, § 25-3)

Secs. 21-14---21-23. Reserved.

ARTICLE IV. EXCISE TAX ON INSURANCE COMPANIES

Sec. 21-24. Levied on companies selling casualty risks in-
surance, amount; when due.

(a) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now engaging in or carrying on, or which shall hereafter engage in or carry on, the business of insuring with respect to casualty risks, as shown by the records of the Insurance Commissioner of the State of Florida, an excise or license tax in addition to any license tax or excise tax now levied by the Town of Longboat Key, which said tax shall be in the amount of one (1) per cent of the gross amount of receipts of premiums from policyholders on all premiums collected on casualty insurance policies, covering property within the corporate limits of the Town of Longboat Key.

(b) The license or excise tax herein levied shall be due and payable annually on the first day of March of each year hereafter. (Ord. No. 75-15, §§ 1, 2, 9-10-75)

Editor's note---Ord. No. 75-15, adopted Sept. 10, 1975, did not expressly amend this Code, hence inclusion of §§ 1 and 2 thereof as § 21-24 of Art. IV was at the discretion of the editors. The preamble of said ordinance provides that the proceeds from the tax levied thereby be used in partial support of the municipal police officers retirement trust fund.

Sec. 21-25. Levied on companies selling property insurance,
amount; when due.

(a) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now

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engaging in or carrying on, or which shall hereafter engage in or carry on, the business of property insurance, as shown by the records of the Insurance Commissioner of the State of Florida, an excise or licence tax in addition to any license tax or excise tax now levied by the Town of Longboat Key, which said tax shall be in the amount of two (2) per cent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of the Town of Longboat Key.

(b) The license or excise tax herein levied shall be due and payable annually on the first day of March of each year hereafter. (Ord. No. 75-16, §§ 1, 2, 9-10-75)

Editor's note---Ord. No. 75-16, adopted on Sept. 10, 1975, did not expressly amend this Code, hence inclusion of §§ 1 and 2 thereof as § 21-25 of Art. IV was at the discretion of the editors. The preamble of said ordinance provides that the proceeds from the tax levied thereby be used in partial support of the firemen's pension fund.

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Chapter 22

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§ 22-101. Rates for large users of water and/or sewer service may be by contract.

ARTICLE I. IN GENERAL

Sec. 22-1. Unlawful connection; connections to be supervised by town.

No person shall be allowed to connect into any waterline or sewer line owned by the town without the written consent of the town, and then the connection with such line shall be made only under the direction and supervision of the town. Any property owner or plumber who shall make any connection without such consent of the town shall, upon conviction, be subject to the penalties hereinafter provided (Ord. No. 75-21, § 6, 10-21-75)

Sec. 22-2. Crossing private property to make connections.

This chapter shall not be construed to require or entitle any person to cross the private property of another to make any sewer or water connection. (Ord. No. 75-21, § 3, 10-21-75)

Sec. 22-3. Permanent easement or right-of-way required prior to making extensions.

Extensions to the water and/or sewer system shall be made only when the customer shall grant or convey, or shall cause to be granted or conveyed, to the town a permanent easement or right-of-way across any property traversed by the lines. Extensions may also be made subject to construction grant-in-aid contracts approved by the town. (Ord. No. 206, § 1, 10-20-71; Ord. No. 75-14, § 1, 9-10-75)

Sec. 22-4. Utility easements, maintenance.

Prior to installation of lines across private property to provide either water or sewer service, utility easements sufficient for the required installation and the maintenance thereof in a form acceptable to the town manager shall be furnished to the town. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-5. Connecting old plumbing.

Whenever it is desirable to connect old plumbing with the town sewer main and/or waterline, the owner or plumber contemplating doing such work shall notify the town building inspector who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place such old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the plumbing inspector shall, upon conviction, be subject to the penalties hereinafter provided. (Ord. No. 75-21, § 8, 10-21-75)

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Sec. 22-6. Maintenance of plumbing system; failure to maintain sewer pipe grounds for cutoff of water; penalty.

(a) The owner of the property shall be responsible for maintaining and keeping clean the water and sewer pipes leading to and connecting with the plumbing system to the town's distribution lines and main sewers.

(b) Failure to keep the sewer pipe, i.e., the pipe leading from the plumbing system to the town's main, clean and maintained in a proper manner will give the town the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. Any violation of this provision by reconnecting a private water supply or the connection from the town's waterline, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this chapter and subject the violator to the penalties hereinafter provided. (Ord. No. 75-21, §§ 12, 14, 10-21-75)

Sec. 22-7. Bond required to make tap.

Any person who desires to make any tap to any water or sewer main within the Town of Longboat Key shall, before engaging in such work, obtain the necessary permits and give bond in the sum of ten thousand dollars (\$10,000.00), payable to the Town of Longboat Key, in cash or a surety bond with a surety company authorized to do business in the State of Florida, approved by the Town of Longboat Key and filed with the town; which bond shall be conditioned upon such person complying with the requirements of the town in respect to any installation, construction or repair of water or sewer mains, and payment to the Town of Longboat Key for any and all damages resulting from construction. (Ord. No. 76-18, § 1, 6-2-76)

Sec. 22-8. Approval of plans for service in new subdivisions, housing developments, etc.

In all new subdivisions, group housing developments and mobile home parks where there are in excess of twelve (12) dwelling units, plans for water and sewer service must be prepared by a registered professional engineer licensed to practice in the State of Florida. Plans for such water and sewer service must be approved by the town and by the proper agencies of the state department of health and rehabilitative services prior to commencement of any construction. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-9. Right of appeal to town commission; granting of special exception or variance.

Every person who shall, by reason of the imposition of the requirements, rules and regulations established by this chapter, or who shall by reason of a decision made by an administrative officer of the town in the application of the provisions hereof, be aggrieved thereby shall have an appeal to the town commission. The town commission shall hear such appeal at any regular meeting thereof, or at any special meeting called for the purposes thereof, and upon finding that a literal enforcement of such rules,

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requirements and regulations will result in an unnecessary hardship upon the applicant, owing to special conditions, may thereupon grant a special exception and variance to such requirements, not contrary to the public interest or injurious to public health and welfare, and not in impairment to the general purposes sought to be obtained by such requirements, rules and regulations. (Ord. No. 75-12, § 8, 7-9-75)

Sec. 22-10. Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, for each such offense be subject to a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed sixty (60) days. Any failure or refusal by an owner to connect to the town's sewer system after notification so to do, as hereinabove provided, or any failure or refusal to pay the charges or rates provided in this chapter, shall be construed to be a violation of this chapter. (Ord. No. 75-21, § 17, 10-21-75)

Secs. 22-11—22-20. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION I. GENERALLY

Sec. 22-21. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) *BOD* (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.
- (b) *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipe inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.
- (c) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- (d) *Town* shall mean the Town of Longboat Key, Florida.
- (e) *Combined sewer* shall mean a sewer receiving both surface runoff and waste water.
- (f) *Director* shall mean the town manager of the Town of Longboat Key or his authorized deputy, agent or representative.

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- (g) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (h) *Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary waste water.
- (i) *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (j) *Person* shall mean any individual, firm, company, association, society, corporation or group.
- (k) *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (l) *Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (m) *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- (n) *Sanitary sewer* shall mean a sewer which carries waste water and to which storm, surface and ground waters are not intentionally admitted.
- (o) *Waste water* shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (p) *Waste water treatment plant* shall mean any arrangement of devices and structures used for treating waste water.
- (q) *Waste water works* shall mean all facilities for collecting, pumping, treating and disposing of waste water.
- (r) *Sewer* shall mean a pipe or conduit for carrying waste water.
- (s) *Shall* is mandatory; *may* is permissive.
- (t) *Sludge* shall mean any discharge of water, waste water or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.
- (u) *Storm drain (building)* shall mean a building drain used for conveying rainwater, surface water, groundwater, subsurface water, condensate, cooling water or other similar discharge to a building storm sewer or a combined building sewer extending to a point not less than ten (10) feet outside the building wall.

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- (v) *Storm sewer* shall mean a sewer used for rainwater, surface water, condensate, cooling water or other similar liquid wastes.
- (w) *Suspended solids* shall mean solids that are in suspension in water, waste water or other liquids, and which are removeable by laboratory filtering.
- (x) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 73-4, § 1, 3-7-73)

Sec. 22-22. When connections with sewer required; manner of making connection; charge.

The owner of each lot or parcel of land within the Town of Longboat Key upon which lot or parcel of land any building, or trailer used as a dwelling, is now situated or shall hereafter be situated, for either residential, commercial or industrial use, shall connect or cause such building or buildings or trailer or trailers to be connected with the public sewer facilities of the municipal sewer system of the Town of Longboat Key and use such facilities within ninety (90) days following notification so to do by the town clerk of the town. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the town commission, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the town commission may fix and determine. (Ord. No. 73-4, § 2, 3-7-73; Ord. No. 75-12, § 8, 7-9-75; Ord. No. 75-21, § 2, 10-21-75)

Cross reference—Waste water system connection fee, § 22-93.

Sec. 22-23. Connections may be made by town; recovery of costs.

If any such owner of any lot or parcel of land within the town shall fail and refuse to connect with and use the facilities of the sewer system of the town after notification by the town clerk, as provided herein, then the town shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The town shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the town shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the town in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate. (Ord. No. 75-21, § 4, 10-21-75)

Sec. 22-24. Private waste water disposal.

The disposal of waste water by means other than the use of the available sanitary waste water system shall be in accordance with ordinances of the town and laws of the State of Florida. The disposal of waste water by private disposal systems shall be

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permissible only in those instances where service from the sanitary waste water system is not available. (Ord. No. 73-4, § 3, 3-7-73)

Sec. 22-25. Disposal regulations.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on any public or private property within the town, or in any area under its jurisdiction, any human excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the town, or in any area under its jurisdiction, any waste water or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of waste water. (Ord. No. 73-4, § 2, 3-7-73; Ord. No. 75-12, § 6, 7-9-75)

Sec. 22-26. Sanitary requirements.

(a) *Method of disposal; restriction on use and construction of septic tanks.* Every residence and building in which human beings reside, are employed or congregated, shall be required to have a sanitary method of disposing of human excrement, namely either a sanitary water closet that is connected with the town sewer, or an approved type of septic tank. A septic tank shall not be used or constructed if the property is within two hundred (200) feet of the sewer line. No septic tank other than those approved by the state department of pollution control shall be constructed within the corporate limits of Longboat Key, Florida.

(b) *Responsibility of owner or lessor.* It shall be unlawful for any person, firm or corporation owning or leasing any premises in the town to permit the disposal of any human excrement on any property, leased or rented by any such person, firm or corporation, or the agent of any such person, firm or corporation, except in a sanitary water closet where sewage lines are available as defined above.

(c) *Responsibility of builder or remodeler.* No person, group of persons, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the town which is within two hundred (200) feet of a public sanitary sewer line, unless it is provided with water-carried sewerage facilities. (Ord. No. 75-21, §§ 7, 9—11, 10-21-75)

Sec. 22-27. Sewer to be capped prior to moving or demolition of buildings; permit required.

All persons engaged in the moving or demolition of buildings shall, prior to such movement or demolition, first locate the sewer lateral at the property line and obtain a permit from the town to cap such sewer. In applying for such a permit, the applicant

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shall be required to first submit an inspection ticket showing that such premises have been inspected by the building inspector. (Ord. No. 73-4, § 8, 3-7-73)

Cross reference—Moving of buildings, § 6-31 et seq.

Sec. 22-28. Tampering with or damaging waste water works or appurtenances.

It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the waste water works. This provision, however, shall not be construed to prevent persons authorized by the town or the director from performing maintenance and repairs in connection with the waste water works. (Ord. No. 73-4, § 7, 3-7-73)

Secs. 22-29—22-33. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 22-34. Compliance with plumbing and building codes, other applicable regulations; minimum standards for gravity sewers, etc.; inspection.

(a) All inside plumbing; the size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench; and the connection of the building sewer with the public sewer; shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town.

(b) Construction of gravity sewers, lift stations and force mains must conform to "Standards for Waste Water Collection System, Town of Longboat Key, dated December 1, 1972," hereby adopted by reference, as authorized by Section 165.191, Florida Statutes.

(c) All such work must be inspected and approved by the building inspector before any new installations are connected to the existing public sewer system. (Ord. No. 73-4, §§ 4, 5, 3-7-73)

Cross references—Building code adopted, § 6-1, plumbing code adopted, § 16-1.

Sec. 22-35. Prohibited connections.

It shall be unlawful for any person to make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. No. 73-4, § 5, 3-7-73)

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Sec. 22-36. Permit required for connection to public sewer.

It shall be unlawful for any unauthorized person to make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-37. Application for permit.

When sewer service is required or desired, the owner or his agent shall make application on a special form furnished by the director. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director. Such permit, tapping and inspection fees as provided by ordinances of the town shall be paid to the town at the time the application is filed. (Ord. No. 73-4, § 5, 3-7-73)

Cross references—Waste water system connection fee, § 22-33; inspection fees, § 22-36(b).

Sec. 22-38. Connections to be gastight and watertight; deviations must be approved.

All connections of the building sewer into the public sewer shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-39. Separate sewers required; exception.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-40. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-41. When lifts required.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary waste water carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. No. 73-4, § 5, 3-7-73)

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Sec. 22-42. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-43. Preconnection inspection.

The applicant for the building sewer permit shall notify the building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the building inspector or his representative. (Ord. No. 73-4, § 5, 3-7-73)

Sec. 22-44. Responsibility for costs incident to installation and connection; restoration of affected surface; liability for damages and claims.

(a) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(b) Installation of waste water sewer laterals between the main sewer located in the street or easement and the property line of the property requiring a waste water sewer connection shall be the responsibility of the property owner (those requiring service) to install and maintain. Until a connection fee becomes mandatory, the restoration of the street or easement will be accomplished by the Town of Longboat Key. When the connection fee becomes mandatory, the owner will be reimbursed one hundred dollars (\$100.00) when he completes the restoration work to the satisfaction of the town. The excavation is to be protected at all times and the restoration completed within thirty (30) days or when otherwise directed by the town. The property owner shall be responsible for all damages and claims as a result of the excavation until such time as the one hundred dollars (\$100.00) is refunded. (Ord. No. 73-4, § 5, 3-7-73; Ord. No. 75-14, § 2, 9-10-75)

Secs. 22-45—22-49. Reserved.**DIVISION 3. USE OF PUBLIC SEWERS****Sec. 22-50. Unlawful discharges to sanitary sewer.**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water into any sanitary sewer. (Ord. No. 73-4, § 6, 3-7-73)

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Sec. 22-51. Discharge of storm water and unpolluted drainage.

Storm water and all other unpolluted drainage, including cooling water, shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the town engineer. (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-52. Discharge of certain waters and wastes to public sewers prohibited.

It shall be unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste water treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the waste water treatment plant;
- (3) Any waters or wastes having a pH lower than five (5) or greater than ten (10), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the waste water works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the waste water works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper towels, dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-53. Wastes containing certain substances subject to review of director.

It shall be unlawful for any person to discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the director that such wastes can harm either the sewers, waste water treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of those wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the waste water treatment process, capacity of the waste water treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade);

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- (2) Any water or waste containing fats, wax, grease or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade);
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.75 hp metric) or greater shall be subject to the review and approval of the director;
- (4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc, nickel, cyanide and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite waste water at the waste water treatment works exceeds the limits established by the director;
- (6) Any waters or wastes containing phenols or other taste-producing or odor-producing substances in such concentrations exceeding limits which may be established by the director as necessary, after treatment of the composite waste water, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
- (8) Materials which exert or cause:
 - (i) Unusual concentrations of inert suspended solids including, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids including, but not limited to, sodium chloride, sodium sulfate, phosphates, nitrates and ammonia;
 - (ii) Excessive discoloration including, but not limited to, dye wastes and vegetable tanning solutions;
 - (iii) BOD (above three hundred (300) mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the waste water treatment works;
 - (iv) Unusual volume of flow or concentration of wastes constituting sludge as defined herein;
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the waste water treatment processes employed, or are amenable to treatment only to such degree that the waste water treatment plant effluent

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cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

- (10) Waters or wastes containing suspended solids in excess of three hundred (300) mg/l. (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-54. Powers of director relative to discharges.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 22-53, and which in the judgment of the director may have a deleterious effect upon the waste water works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 22-60.

If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director and the department of public health, and subject to the requirements of all applicable codes, ordinances and laws. (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-55. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the building inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the building inspector and shall be located so as to be readily and easily accessible for cleaning and inspection. (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-56. Maintenance of preliminary treatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. No. 73-4, § 6, 3-7-73)

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Sec. 22-57. Manholes.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenance in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be maintained by the owner so as to be safe and accessible at all times. (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-58. Measurements, tests, etc.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the waste water works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, where pH's are determined from periodic grab samples.) (Ord. No. 73-4, § 6, 3-7-73)

Sec. 22-59. Right of entry for purposes of inspection, etc.; observance of safety rules; right of entry when town has easement.

(a) The director, building inspector and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division. The director, building inspector or their representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director, building inspector and other authorized employees of the town shall observe all safety rules applicable to the premises established by the owners of such private properties.

(c) The director and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town has an easement for the purposes of, but not limited to, inspection,

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observation, measurement, sampling, repair and maintenance of any portion of the waste water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement to the private property involved. (Ord. No. 73-4, § 8, 3-7-73)

Sec. 22-60. Special arrangements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment satisfactory to the town by any such industrial concern. (Ord. No. 73-4, § 6, 3-7-73)

Secs. 22-61—22-65. Reserved.

ARTICLE III. WATER

Sec. 22-66. Operation of water department.

The town water department shall operate in accordance with the services, rules and regulations established by this chapter. (Ord. No. 206, § 1, 10-20-71)

Sec. 22-67. Connection to town water supply required; exception.

The owner, tenant or occupant of each parcel of land within the town which abuts on a street or easement which contains a water main which serves or which may be served by the town's water distribution system and is not connected to such water main, or upon which lot or parcel a building has been or shall be constructed for the public, multiple unit apartments and multiple unit condominiums, commercial and industrial uses, motels, hotels, duplexes and trailer park facilities shall, within thirty (30) days after placing the town's public water system in operation, or within thirty (30) days after construction of such building, connect the building with the water system, and shall cease to use any other water, except for outside use, including lawn sprinkling and automobile washing, for consumption purposes; provided, however, that if the existing water supply system meets the minimum standards of the department of air and water pollution control of the state for potable water, connection of such building shall not be required unless connection is otherwise required by law or regulations of the state. All such connections shall be in accordance with the rules and regulations which shall be adopted from time to time by the town commission. A charge for making such connection shall be as provided in section 22-92. (Ord. No. 200, § 3, 10-6-71; Ord. No. 75-21, § 1, 10-21-75)

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Sec. 22-68. Minimum standards for determining if existing water supply is potable; frequency of tests.

(a) The existing minimum standards of the department of air and water pollution control of the state for potable water shall govern and determine whether the existing water supply is potable.

(b) In order to ascertain that the existing water supply meets the minimum standards of the department of air and water pollution control of the state for potable water, the town commission shall cause such water supply to be tested not less than four (4) times per year and if such minimum standards for potable water are not met, such building shall be required to connect to the town's public water system. (Ord. No. 200, §§ 2, 4, 10-6-71)

Sec. 22-69. Application for service.

Each customer requesting service shall make the necessary application at the Town Hall, and at the same time pay the necessary deposits and meter charge. (Ord. No. 206, § 1, 10-20-71)

Cross reference—Installation charge and meter deposit, § 22-94(b).

Sec. 22-70. Tapping water mains, etc., without permission.

No person, without the consent of the town or its proper public official, shall tap any pipe or main belonging to the town water department for the purpose of taking or using water from such pipe or main, or for any other purpose, nor take or use any water from such pipe or main, or from any hydrant used for the purpose of taking or drawing water from such pipe or main. (Ord. No. 195, § 1, 4-21-71)

Sec. 22-71. Rights and responsibilities of town.

(a) The town shall run a service line from its distribution line to the property line where the distribution line exists, or is to be constructed, and runs immediately adjacent and parallel to the property to be served.

(b) The town may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extension of its distribution lines as may be required to render such service.

(c) The town may install its meter at or near the property line or, at the town's option, on the consumer's property within three (3) feet of the property line.

(d) The town reserves the right to refuse service unless the consumer's lines or piping are installed in such a manner as to prevent cross-connection or backflow. A plumbing inspection by the town will be made to ensure compliance with the foregoing.

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(e) Under normal conditions, the consumer will be notified of any anticipated interruption of service; however, the town reserves the right to discontinue its service without notice for the following reasons.

- (1) To prevent fraud or abuse;
- (2) Consumer's willful disregard for the town's rules;
- (3) Emergency repairs;
- (4) Legal processes;
- (5) Direction of public authorities;
- (6) Strike, riot, fire, flood, accident or any unavoidable cause.

(f) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.

(g) Duly authorized agents of the town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing town property, inspecting piping, reading and testing meters, or for any other purpose in connection with the town's service and facilities. (Ord. No. 206, § 1, 10-20-71)

Sec. 22-72. Consumer's responsibilities.

(a) Where a meter or meter box is placed on the premises of the consumer, a suitable place shall be provided by the consumer therefor, unobstructed and accessible at all times to the water meter reader.

(b) The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter; the town shall provide a like valve on its side of such meter.

(c) The consumer's piping and apparatus shall be installed and maintained, by the consumer at the consumer's expense, in a safe and efficient manner and in accordance with the town's rules and regulations and in full compliance with the sanitary regulations of the state and county health authorities.

(d) Water furnished by the town shall be used for consumption by the customer and users connected to the system and is not for resale. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

(e) All air-handling equipment which employs the use of water shall be designed to recirculate the water. There shall be no waste of water except that which is lost by cleaning, lubricating, repairing and evaporation. (Ord. No. 206, § 1, 10-20-71; Ord. No. 74-19, § 1, 7-24-74)

Sec. 22-73. Procedure upon change of occupancy.

(a) Not less than three (3) days' notice must be given in person or in writing at the town office to discontinue service or to change occupancy.

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(b) The outgoing party shall be responsible for all water consumed up to the time of departure, or the time specified for departure, whichever period is longer.

(c) The new occupant will apply for water service within forty-eight (48) hours after occupying the premises and failure to do so will make him liable for the water consumed since the last meter reading. (Ord. No. 206, § 1, 10-20-71)

Sec. 22-74. Use of nonpotable water supply by public places, etc., prohibited; penalty.

(a) The continued use of a nonpublic water supply in any school, hotel, motel, public place or other public building where water is served to customers, patrons or the general public, including commercial and industrial uses, apartments, multiple unit apartments and multiple unit condominiums, duplexes, trailer parks and mobile home parks, which secures its water from a water supply which does not meet the minimum standards for potable water of the department of air and water pollution control of the state, promulgated pursuant to Chapter 120, Florida Statutes, is expressly prohibited.

(b) Any person, firm, company, corporation or association, or the managing agent of any person, firm, company, corporation or association, who violates this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum of not more than five hundred dollars (\$500.00), or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 200, §§ 1, 5, 10-6-71)

Sec. 22-75. Use of water supplied by town for watering lawns, landscaping, etc., during emergency.

(a) *Use restricted to certain times.* The use of public water from the mains of the town, within the Town of Longboat Key, is prohibited for the purpose of watering lawns, landscaping and other similar uses out-of-doors, except as follows:

- (1) By property owners with even number house numbers on even-numbered days between the hours of 7:00 p.m. and 7:00 a.m.; and
- (2) By property owners with odd number house numbers on odd-numbered days between the hours of 7:00 p.m. and 7:00 a.m.

(b) *Suspension or reinstatement of water ban to be by resolution.* When, in the judgment of the town commission, an emergency is deemed to have abated, the town commission may suspend the water ban by resolution. When, in the judgment of the town commission an emergency is deemed to exist, the town commission may reinstate the water ban by resolution.

(c) *Penalty.* Any person found guilty of violating any provision of this section or any order issued pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 75-9, §§ 2-4, 5-7-75)

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Sec. 22-76. Special contract agreement for subdivision extensions, industrial users, etc.

Extraordinary circumstances, such as subdivision extensions, industrial users, etc., shall be governed by a special contract agreement. (Ord. No. 206, § 1, 10-20-71)

Sec. 22-77. Planning and construction of water distribution systems.

All planning and construction of water distribution systems within the Town of Longboat Key shall conform with this section, state laws applying to health regulations, and the following regulations:

(A) *Preliminary report:* Prior to the preparation of construction drawings, the design engineer shall submit a preliminary report to the Town of Longboat Key establishing the elements of the proposed engineering design. The report shall contain at least the following information:

- (1) A map of the proposed distribution system, showing its location and relationship to the existing system, or any other system that may be affected by the proposed construction.
- (2) Pipe sizes and approximate lengths.
- (3) Location of fire hydrants.
- (4) Design criteria, including:
 - (a) Lots or tracts to be served.
 - (b) Population designed to be served.
 - (c) Hydraulic computations justifying pipe sizes larger than six (6) inches in diameter.
 - (d) Location and method of connection to the existing system.

This submittal is intended to inform the Town of Longboat Key of all aspects of the engineering design and assist in planning for the future. The preliminary report will be reviewed by the town engineer and returned with approval or appropriate comments within fifteen (15) days.

(B) *Construction Drawings:* All construction drawings shall comply with the preliminary report and shall be done in ink on twenty-four (24) by thirty-six (36) inch mylar reproducible materials provided by the Town of Longboat Key and imprinted with their title block. Each drawing shall provide space for the name, address, registration number, signature and seal of the registered engineer preparing the drawings, and for the name and signature of the approving official of the Town of Longboat Key.

Plans for the water system shall not be combined with the waste water system or any other system. However, such other systems and facilities, such as storm drainage, in the vicinity of the water system shall be indicated in an appropriate form.

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Final approval and acceptance at the completion of the project shall be contingent upon the following:

- (1) Certification by the design engineer that the water distribution system has been completed in accordance with the plans and specifications.
- (2) Delivery to the Town of Longboat Key of the original mylar reproducible drawing showing completed construction and with certification by the design engineer that they are "as-built" drawings.

All original drawings of constructed water distribution systems shall remain the property of the Town of Longboat Key and the information they contain shall be available for planning for future construction.

(C) *Design Criteria Generally. Pipe Size and Materials:* The following design criteria shall govern all public water distribution systems. A "public water distribution system" is defined as a system which can serve twenty-five (25) or more persons. All such systems shall become the property of the Town of Longboat Key, together with rights-of-way and easements (minimum five (5) feet each side of main) necessary for the operation and maintenance of the system. Mains shall be generally located along street and drives for ready access.

(1) *Pipe size.* The minimum size of pipe shall be six (6) inches in diameter, except that smaller sizes may be allowed under special circumstances, provided the future extensions and looping will not be jeopardized. The standard grading schedule of the American Insurance Association and related agencies shall be followed in determining larger sizes. Supply mains not intended to carry fire flows shall not be connected to fire hydrants.

(2) *Materials.* Pipe shall be cast iron or ductile iron manufactured in conformance with the latest standards of the American Water Works Association, except that for pipe sizes four (4) inch, six (6) inch, eight (8) inch, ten (10) inch and twelve (12) inch PVC class pressure pipe complying with American Water Works Association specifications C-900-75, having Underwriters Laboratories, Inc., approval; SDR 17 or SDR 18 having cast-iron pipe equivalent OD may be allowed.

Joints shall be push-on or mechanical compression-type joints manufactured in conformance with the latest standards of the American Water Works Association. Iron pipe shall be suitably protected against corrosion with polyethylene wrapping or other approved methods. When required by the Town of Longboat Key, PVC pipe shall be buried with a metal tape capable of being detected with aboveground detection equipment.

Selection of pipe is at the option of the Town of Longboat Key.

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- (D) *Adoption of standards for provision of fire protection.* All public water distribution systems must make provision for fire protection in accordance with the standard grading schedule of the American Insurance Association and related agencies, hereby adopted by reference, as authorized by Section 165.191, Florida Statutes, three (3) or more copies of which are on file with the town clerk, identified as official copies, and shall be kept available for public use, inspection and examination.
- (E) *Extensions:* Extension of water mains must be provided to adjacent properties when, in the opinion of the Town of Longboat Key, it will assist in providing proper circulation and looping of mains for future construction.
- (F) *Individual Connections; Meter:* Each building must be connected individually to the water main, complete with meter.
- (G) *Right of Town To Specify Materials, Method of Construction, etc.:* The Town of Longboat Key reserves the right to specify materials, methods of construction and locations of facilities when, in their judgment, it will provide for improved long-range operation of the system. The town reserves the right to revise the foregoing provisions or to supplement them by the adoption of standard plans and specifications.
- (H) *Review Procedures:* The town engineer shall review the design engineer's plans and specifications not only as to the foregoing provisions, but also for conformance to established good practices for water system design, which shall include provisions for inspections and test requirements.
- (I) *Inspection:* The town shall provide an inspector, full-time or part-time as deemed appropriate by the town, unless the town waives this requirement in favor of other appropriate inspection. The cost of the town's inspector, as determined by the town, shall be borne by the contractor. (Ord. No. 73-8, § 1, 5-2-73; Ord. No. 76-5, § 1, 2-4-76)

Cross reference—Inspection fee for improvements, § 19-4.1.

Sec. 22-78. Temporary or permanent injunctions.

In addition to the remedies provided in this article, and notwithstanding the existence of any adequate remedy at law, the town commission is authorized to make application to a court of competent jurisdiction for a temporary or permanent court of competent jurisdiction for a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the sections of this article or from failing or refusing to comply with the requirements of this article. (Ord. No. 200, § 5, 10-6-71)

Secs. 22-79—22-88. Reserved.

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ARTICLE IV. CHARGES, RATES AND BILLING

Sec. 22-89. No service free.

No water or sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the town and each and every agency, department or instrumentality which uses either or both such services shall pay therefor at the rates fixed by this article. (Ord. No. 75-21, § 15, 10-21-75)

Sec. 22-90. "Unit" defined.

For the purposes of this article a "unit" is defined as follows:

- (a) Each single hotel or motel unit;
- (b) Each single apartment;
- (c) Each single-family dwelling;
- (d) Each single efficiency apartment;
- (e) Each individual dwelling within a duplex;
- (f) In each individual office building or store building providing private lavatory facilities within the building, each private lavatory facility shall be considered one unit, except in instances where separate lavatory facilities are provided for men and women, then each two (2) lavatory facilities shall be considered one unit;
- (g) In office buildings or store buildings providing lavatory facilities to be used in common with other tenants of the store or office building, and where separate facilities are provided for men and women, then each two (2) lavatory facilities shall be considered one unit;
- (h) In all other commercial-type buildings or businesses, including for the purposes of illustration, but not for purposes of limitation, restaurants, bars, factory buildings, nightclubs and banks, there shall be one connection fee charged for each lavatory facility; provided, however, where separate lavatory facilities are provided for men and women, then each two (2) lavatory facilities shall be considered one unit;
- (i) In instances where bars, restaurants, nightclubs, etc., are operated within hotels or motels, then for the purposes of computing the water and waste water connection fees such operations shall be considered as separate, and connection fees shall be charged for each operation and computed as set forth above. (Ord. No. 74-19, § 3, 7-24-74; Ord. No. 75-12, § 2, 7-9-75)

Sec. 22-91. Separate connections and meters required for each residential unit for purposes of billing.

Each residential unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit shall be considered a

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separate unit for the payment of the water fees and the sewage disposal fees, and separate connections and meters will be required for each of such units. (Ord. No. 75-21, § 16, 10-21-75)

Sec. 22-92. Fee for connection to town water system.

(a) *Established.* There is hereby established a water connection fee of one hundred fifty dollars (\$150.00) for each living unit connected to the water system, whether by individual connections or by one connection.

(b) *When due, disposition.* The water connection fee hereby established shall be payable to the town at the time the meter installation fee is paid, shall be placed in a separate fund for construction and improvements of the system, and deposited by the town to the credit of said fund of the town water system.

(c) *Exemptions.* All applications for water connections prior to the effective date of this section are specifically exempted from the foregoing connection fee. (Ord. No. 74-19, § 3, 7-24-74)

Sec. 22-93. Waste water system connection fee.

(a) *Established.* There is hereby established a waste water connection fee of one hundred fifty dollars (\$150.00) for each unit connected to the waste water system, whether by individual connections or by one connection.

(b) *Payment, disposition.* The waste water connection fee hereby established shall be payable to the town, treated as waste water operating revenue, and deposited by the town to the credit of the revenue fund of the town waste water system.

(c) *Waived for existing building; time limit for waiver.* No person who is the owner of a building served by a septic tank or temporary waste water treatment plant at the time the waste water system is made available to the building shall be required to pay a waste water connection fee if such person shall cause such building to be connected to the town's waste water system within a period of two (2) months immediately succeeding the date upon which such waste water system shall be made available to such person's building. The town manager may, upon finding that a literal enforcement of the provisions of this section will result in an unnecessary hardship to the applicant owing to special conditions, grant an extension to such applicant; provided, however, that in no case may this period exceed a total of four (4) months at which point the monthly charge and connection fee will be applied.

(d) *Persons constructing new buildings required to pay when applying for construction permit.* Except as hereinafter may be expressly provided otherwise, all persons making application for the construction of new buildings within the town shall be required to pay the waste water connection fee at the time such person makes application for a permit for construction of a new building.

(e) *Refund of portion thereof under certain circumstances.* Any person who has paid or who hereafter pays the town a waste water connection fee shall be entitled to a

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refund of one-half the waste water connection fee paid by such person for each unit (as said term is defined in section 22-90) which is eliminated from the construction permit within one year from the date of its issuance; provided, however, that in no event shall any person be entitled to any refund whatsoever if the town has expended, contracted to expend or otherwise become obligated to pay any money for constructing or furnishing waste water services to the property described in said construction permit. (Ord. No. 75-12, §§ 2-5, 7-9-75; Ord. No. 75-14, § 3, 9-10-75)

Sec. 22-94. Water—Rates and charges.

The rates for all water used through water meters installed shall be due and payable on a monthly basis, commencing the first day of the month, as follows.

(a) Classes of service:

(1) Residences, apartments, condominiums and mobile homes:

First 5,000 gallons	\$6.25
5,000 gallons to 10,000 gallons, per 1,000 gallons	0.75
Over 10,000 gallons, per 1,000 gallons	0.65

Minimum monthly charge is \$6.25 for each living unit with a 5,000-gallon allowance per unit.

Separate meter for irrigation use: \$0.65 per 1,000 gallons, with the following minimum:

Meter Size	Minimum Charge
1 inch	\$3.25
1½ inch	6.50

(2) Hotel or motel units:

First 4,000 gallons	\$5.50
4,000 gallons to 10,000 gallons, per 1,000 gallons	0.75
Over 10,000 gallons, per 1,000 gallons	0.65

Minimum monthly charge is \$5.50 for each living unit with a 4,000-gallon allowance per unit.

(3) Commercial:

First 5,000 gallons	\$6.25
5,000 gallons to 10,000 gallons, per 1,000 gallons	0.75
Over 10,000 gallons, per 1,000 gallons	0.65

Minimum monthly charge (except where minimum charge based on apartments, condominiums, mobile homes, hotel or motel units is larger):

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Meter Size (inches)	Minimum Charge	Allowance (gallons)
1/2 x 3/4	\$ 6.25	5,000
3/4	19.75	25,000
1	29.50	40,000
1 1/4	49.00	75,000
2	84.75	130,000
3	149.75	230,000

- (b) *Meters: Installation charges and deposits:* The town shall collect the following charges as installation charges and the following meter deposits:

Meter Required (inches)	Installation Charge	Deposit
1/2 x 3/4	\$160.00	\$ 20.00
3/4	200.00	20.00
1	250.00	50.00
1 1/4	405.00	80.00
2	Cost + 20%	150.00
3	Cost + 20%	350.00
4	Cost + 20%	450.00
6	*Cost + 20%	600.00

*Cost will be based on estimates by public works director. Public works director may require wet taps. The cost will be at the expense of the customer requiring service.

Construction meters:

- (1) Standard two-inch meter connected to fire hydrant requires deposit of \$350.00 plus deposit on water to be used, \$150.00. Water rates will be same as irrigation rates. Refunds on deposit for meter will be based upon condition of meter, length of service, etc. Rate of depreciation, minimum of \$15.00 per month. (Estimated life of construction meter approximately two (2) years.)
- (2) Connection to fire hydrant without a meter shall cost \$25.00 per day, minimum deposit of four (4) days required, \$100.00.
- (3) Installation cost will be at town's cost plus twenty (20) per cent.

(c) *Service charges:*

Disconnect	\$25.00
Reconnect	10.00
Service call	10.00
Inspection fee	2.00

(Ord. No. 195, § 2, 4-21-71; Ord. No. 203, § 1, 10-20-71; Ord. No. 206; Ord. No. 74-19, § 2, 7-24-74; Ord. No. 75-1, § 1, 2-5-75; Ord. No. 75-21, § 5(A), 10-21-75)

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Sec. 22-95. Same—Meter reading; billing generally.

(a) Meters will be read and bills rendered monthly, but the town reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.

(b) Bills for water service will be figured in accordance with section 22-94 and will be based on the amount consumed for the period covered by the meter reading, except where a consumer orders turn-off less than one month after turn-on, the minimum bill to such consumer for such period shall be equal to the minimum charge for one full month's service.

(c) Customer subscribing for water service will commence payment of at least a minimum water bill when water is available and a meter is installed.

(d) Readings from different meters will not be combined for billing. (Ord. No. 206, § 1, 10-20-71; Ord. No. 75-1, §§ 2, 3, 2-5-75)

Sec. 22-96. Sewer service—Rates and charges.

The monthly rate and charges for the services and facilities of the town's waste water system shall be as follows:

(a) *Classes of service:*

- (1) Residences, apartments, townhouses, duplexes, condominiums and mobile homes: Seven dollars (\$7.00) per month for each living unit.
- (2) Hotel or motel units: Six dollars and twenty-five cents (\$6.25) per month for each living unit.
- (3) Commercial: The rate and charges for all buildings and other establishments other than those listed above and for the commercial uses in motels-hotels shall be one hundred twenty-five (125) per cent of the monthly charge made for the services and facilities of the town's water system. In cases where it shall be apparent to the town manager that a user's water consumption does not approximately reflect such user's disposal of waste into the town's waste water system, the town manager is authorized to increase or decrease such user's monthly rate and charge so that such rate and charge shall more nearly reflect such user's disposal of waste.

- (b) *Inspection fees:* The inspection fee for all single-family units shall be a minimum of ten dollars (\$10.00) for two (2) inspections. The inspection fee for all other units shall be determined by the director of utilities and shall be at least the cost of inspection plus ten (10) per cent. (Ord. No. 75-21, § 5(B)(E), 10-21-75)

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Sec. 22-97. Same—Billing generally.

(a) Bills will be rendered monthly for waste water service and the charges included as a separate amount on the town's monthly utility bills.

(b) Customers applying for waste water service on or before the fifteenth of the month will be billed for the entire month in which the connection is made. Connections after the fifteenth will not be billed until the following month. (Ord. No. 75-21, § 5(D), 10-21-75)

Sec. 22-98. Payment of bills; when due; surcharge for delinquency; notice.

(a) Bills shall be paid at the Town Hall, or at other specific places of business as designated by the town commission, by mail or in person.

(b) All accounts shall be due and payable on the date statements are submitted to the customer and shall become delinquent on the thirtieth of the month in which the bill is submitted. If not paid within such period, bills shall be subject to a ten (10) per cent surcharge on the delinquent amount.

(c) Once said account is delinquent, the customer will be mailed a delinquent notice stating that if the account is not paid in full by the fifteenth of the month, the service may be discontinued.

(d) Failure to receive bills or notices shall not prevent such accounts from becoming delinquent, nor relieve the consumer from payment.

(e) The town manager is hereby authorized to place in effect a system of rendering bills and past-due accounts necessary to effect proper administrative procedures in complying with the provisions of this chapter. (Ord. No. 206, § 1, 10-20-71; Ord. No. 75-1, §§ 2, 3, 2-5-75; Ord. No. 75-21, §§ 5(C), 13, 10-21-75)

Sec. 22-99. Procedure for complaints and adjustment of bills.

(a) If the consumer believes his bill to be in error, he shall present his claim at the town office before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest, and such payment shall not prejudice his claim.

(b) The town will make a special meter reading at the request of a consumer for a fee of two dollars (\$2.00); provided, however, that if such special reading discloses that the meter was overread, no charge will be made.

(c) Meters will be tested at the request of the consumer upon payment to the town of the actual cost of making the test; provided, however, that if the meter is found to overregister beyond three (3) per cent of the correct volume, no charge will be made.

(d) If the seal of a meter is broken by other than the town's representative, or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an

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amount estimated by the town from the record of his previous bills or from other proper data. (Ord. No. 206, § 1, 10-20-71)

Sec. 22-100. Refund of service deposit; discontinuance and restoration of service for nonpayment of bills.

(a) When services are discontinued and all bills paid, the service deposit will be refunded.

(b) Upon discontinuance of service for nonpayment of bills, the service deposit will be applied by the town toward settlement of the account. Any balance will be refunded to the consumer but if the service deposit is not sufficient to cover the bill, the town may proceed to collect the balance in the usual way provided by law for collection of debts.

(c) Service discontinued for nonpayment of bills will be restored only after such bills are paid in full, such service deposit as may be required by the town is made, and a service charge of ten dollars (\$10.00) is paid for each meter reconnected. (Ord. No. 206, § 1, 10-20-71)

Sec. 22-101. Rates for large users of water and/or sewer service may be by contract.

The town reserves the right to enter into contracts with large users of water and/or sewer service for the purpose of setting and determining a monthly charge or rate for the use of such services, which monthly rate or charge may be computed upon a different basis than set forth in sections 22-94 and 22-96. Such contracts shall be entered into by means of resolution duly adopted by the town commission. (Ord. No. 75-21, § 5(F), 10-21-75)

APPENDIX A

SUBDIVISION REGULATIONS

Editor's note—Ord. No. 74-27, adopted Nov. 6, 1974, amended Ch. 20, the town's subdivision regulations in its entirety. To facilitate inclusion of the new material, Arts. 1-11 of Ord. No. 74-27 have been included as App. A. Absence of a history note indicates that a section derives unchanged from Ord. No. 74-27. Prior to this amendment, the town's subdivision regulations were derived from Ord. No. 174, adopted June 17, 1970, and Ord. No. 73-10, adopted May 16, 1973.

Cross references—Planning and zoning board, §§ 2-14 et seq.; buildings, Ch. 6; fire prevention and protection, Ch. 9B; plumbing, Ch. 16; water, sewers and sewage disposal, Ch. 22; approval of plans for water and sewer service in new subdivisions, housing developments, etc., § 22-8; special contract agreement for subdivision extensions, § 22-76; planning and construction of water distribution systems, § 22-77; zoning, App. B.

State law reference—Maps and plats of subdivided lands, Fla. Stats., § 177.01 et seq.

- Art. 1. Short Title and Purpose.
- Art. 2. Authority and Jurisdiction.
- Art. 3. Definitions.
- Art. 4. Application of Ordinance.
- Art. 5. Procedure.
- Art. 6. Plat Specifications.
- Art. 7. Design Standards.
- Art. 8. Required Improvement.
- Art. 9. Legal Status Provisions.
- Art. 10. Variances.
- Art. 11. Enforcement.

ARTICLE 1. SHORT TITLE AND PURPOSE

1.10 Title and citation.

This ordinance shall be known and may be cited as the Town of Longboat Key Subdivision Regulations.

1.20 Purpose.

The procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, adopted and prescribed by this ordinance are hereby found by the Town of Longboat Key, Florida, to be necessary and appropriate to:

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1. Protect the public health, safety, comfort, convenience and general welfare of the residents.
2. Encourage economically sound and stable land development.
3. Assure the provision of adequate streets, utilities, and other facilities and services to new land developments in conformance with public improvement needs and plans for the town.
4. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
5. Assure equitable handling of all subdivision plats by providing uniform procedures and standards for observation both by the developers of land and the Town of Longboat Key.

ARTICLE 2. AUTHORITY AND JURISDICTION

2.10 Jurisdiction.

This ordinance shall govern the subdivision of any and all lands, located within the incorporated limits of the Town of Longboat Key, Florida.

ARTICLE 3. DEFINITIONS

3.10 Terminology.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. Words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. The word "may" is permissive.

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3.20 Definition of words.

Certain words in these regulations are defined for the purpose hereof, as follows:

1. Alley: A facility which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
2. Block: A group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.
3. Buildable lot area: Land located within the required front, rear, and side building setback lines as established by the applicable zoning regulations upon which a structure may be positioned.
4. Building setback line: A line across a lot establishing the minimum open space to be provided between the building and the street property lines, shorelines, or other boundaries of a building site.
5. Comprehensive plan: A comprehensive plan, which may consist of several maps, data, and other descriptive matter, for the physical development of the town or any portion thereof, including any amendments, extensions, or additions thereto, indicating the general location for major streets, parks or other public utilities, zoning districts, or other similar information. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data regarding the future development of the town.
6. Crosswalk: A right-of-way within a block dedicated to public use, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to provide pedestrian access to adjacent roads, lots, or public use areas.
7. Cul-de-sac: A street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.
8. Easement: A grant by the subdivider for the use by the public, a corporation, or persons of a strip of land for

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public utilities, drainage and other public purposes.

9. Registered engineers: A professional engineer registered under Chapter 471, Florida Statutes, and in good standing with the Florida Board of Engineering Examiners.

10. Health agencies: The Manatee or Sarasota County Health Department, as applicable, and the Florida Division of Health or Florida Department of Pollution Control, as applicable, and in accordance with Florida Statutes and the town ordinances and regulations.

11. Registered land surveyor: A professional land surveyor registered under Chapter 472, Florida Statutes, and in good standing with the Florida Board of Engineering Examiners.

12. Lot: A portion of a subdivision or other parcel of land, however, designated, intended as a single building site or unit for the transfer of ownership, for development or for separate use of another.

13. Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

14. Lot, interior: A lot other than a corner lot having frontage on one (1) street.

15. Lot, double frontage (lot, through): An interior lot having frontage on two (2) streets, other than a corner lot.

16. Mean high water line: The land contour line derived from the intersection of the land surface with a level plane at the elevation of mean high water as established by US Coast and Geodetic Survey and measured relative to 1929 sea level datum.

17. Planning and zoning board: The Longboat Key Planning and Zoning Board, the legally constituted membership of the planning and zoning board of Longboat Key, Florida, as referenced in this ordinance.

18. Plat: A map indicating the subdivision or resubdivision of land intended to be filed for record, as regulated elsewhere herein.

19. Plat, final: A finished drawing of a subdivision showing completely and accurately all legal and surveying information and certifications necessary for recording.

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20. Plat, preliminary: A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate clearly its workability, but not in final form for recording.

21. Right-of-way: A strip of ground dedicated or deeded by the owner for public use.

22. Roadside drainageway: A channel alongside a street or road for the purpose of drainage.

a. Roadside swale: A roadside drainageway which does not require a culvert for ordinary vehicular crossing.

b. Roadside ditch: A roadside drainageway which requires a culvert for ordinary vehicular crossing.

23. Street: The term "street" shall mean a public or private right-of-way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, avenue, road, boulevard, land, place or otherwise designated.

a. Highways: Those traffic routes officially designated as federal or state highway routes, also referred to as state primary and secondary roads.

b. Arterial streets: Thoroughfare routes intended to carry moderate to large volumes of traffic through or around major sections of the town and a part of or connecting to the highway thoroughfare network.

c. Collector streets: Those streets which carry intermediate volumes of traffic from minor or local streets to arterial streets, including the principal entrance streets of a residential development.

d. Minor or local streets: Those streets, the primary function of which is to provide access and service to abutting properties, including access and services to residential, commercial and public uses.

e. Marginal access street (service street): Streets which are parallel to and adjacent to highways and arterial streets, and which provide access to abutting properties. These streets are designed to protect the highways and arterial streets from the danger created by numerous points of conflict by driveways and individual access to abutting properties. A marginal access street provides access to property on one (1) side only.

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f. Width of street: Is the shortest distance between the parallel lines delineating the right-of-way of a street.

24. Subdivider: Any person, individual, firm, partnership, association, corporation, estate, or trust, or any group or combination of the foregoing acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined.

25. Subdivision: A subdivision shall include all divisions of a tract or parcel of land into two (2) or more lots for the purposes of building development and recording a plat thereof in the public records of Manatee or Sarasota Counties, Florida, or any divisions of land involving the dedication of a new street or other public way or a change in existing streets, or alleys, providing, however, that public acquisition of land for streets or highway purposes shall not be deemed a subdivision. The term "subdivision" includes resubdivision of an existing plat and when appropriate to the context shall relate to the process of subdividing.

26. Title certification: The certification which accompanies every plat of a subdivision submitted to the planning and zoning board consisting of a title opinion by an attorney-at-law, licensed in Florida, or a title insurance company policy confirming that the lands as described and shown on the plat are in the name of the person, persons or organization executing the dedication as it is shown on the plat and that the developer has apparent title to the lands. The title opinion or policy shall also show all mortgages on the land to be platted.

ARTICLE 4. APPLICATION OF ORDINANCE

4.10 Plats to be submitted.

Any person proposing to subdivide land within the Town of Longboat Key shall submit to the town manager plats of the proposed subdivision which shall conform to all the requirements set forth in this ordinance and the required fee as set forth within a separate ordinance.

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4.20 Approval required before construction.

No subdivider shall proceed with any construction work or clearing of land whatsoever on a proposed subdivision before obtaining preliminary plat and construction plans approvals from the town commission as certified thereon.

4.30 Construction to standards required for dedication or approval.

No street shall be accepted as part of the town street system or approved for private use and maintenance, nor shall a public street be maintained by the town unless all improvements are constructed and inspected in accordance with the specifications contained herein, provided however, no streets shall be maintained by the town unless accepted by the town commission for maintenance.

4.40 Legal access required.

No building permit shall be issued for and no building or other structure shall be erected on any lot within the town, unless such lot has frontage to a street which shall have been accepted, or opened as, or otherwise shall have received the legal status of a public or private street, or which corresponds in its location and lines with a street shown on a plat approved by the town or a plat made and adopted by the town.

4.50 Acceptance of plat.

No subdivision of lands as herein defined within the town shall be made without prior approval of a plat thereof by the town, and no such plat shall be considered finally approved until such plat has been submitted and approved by Manatee or Sarasota County, Florida, for recording purposes and dedication of public streets, parks, easements, and places have been accepted by the town.

4.60 Subdivision required for building permits.

No building permit shall be issued for and no building or other structure be erected on any lot, tract or parcel of real estate unless such lot, tract or parcel has been subdivided

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according to this ordinance, provided however any lot, tract or parcel conveyed and the deed recorded in the public records prior to the effective date of this ordinance is exempted from this provision.

ARTICLE 5. PROCEDURE

5.10 General requirements.

5.11 Qualification of person making survey and plat certification: Every subdivision of lands made within the provisions herein shall be made under the responsible direction and supervision of a land surveyor who will certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor.

5.12 Dedication and adoption: The following shall apply to all subdivisions:

a. Every plat of a subdivision filed for record must contain a dedication of streets or easements by the developer. The dedication shall be executed by all developers and mortgagees having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed.

b. When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the developers and mortgagees having a record interest in the lands subdivided, and the approval of the planning and zoning board has been secured and recorded in compliance with this act, all streets, alleys, easements, rights-of-way and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes thereon stated. However, nothing herein shall be construed as creating an obligation upon the town commission to perform any act of construction or maintenance within such dedicated areas except where the obligation is voluntarily and specifically assumed by the town commission.

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5.20 Preapplication procedure.

5.21 Informal conferences: The subdivider or his engineer, planner or land surveyor, prior to the preparation of the preliminary plat, shall informally seek the advice of the town manager and other responsible public agencies, in order that he may become familiar with the subdivision requirements and with the provisions of the comprehensive plan affecting the territory in which the proposed subdivision is located.

5.30 Preliminary plat procedure.

5.31 Submission of preliminary plat materials: Following the preapplication conference on the proposed subdivision the applicant shall submit preliminary plat materials which have been prepared in accordance with section 6.20 of this ordinance, with a processing fee payable to the town as provided in a separate ordinance.

5.32 Agency reviews: The subdivider or his agent shall transmit copies of the preliminary plat and supporting data to the town and all appropriate county, regional and state agencies including, but not limited to, the Florida Department of Pollution Control and the Florida Department of Transportation.

5.33 Planning and zoning board: The planning and zoning board shall review the preliminary plat, and shall make a recommendation to the town commission within sixty (60) days after receipt of the preliminary plat by the town; provided, however, that the review period may be extended if additional information is requested from the applicant by the board or by other public agencies. Failure to act within the review period shall be construed as a favorable recommendation by the planning and zoning board.

5.34 Town commission action: The town commission shall review the preliminary plat and supporting data along with agency comments and the planning and zoning board recommendations and within thirty (30) days of the receipt of the planning and zoning board's recommendations shall:

- a. Approve the preliminary plat; or
- b. Conditionally approve the preliminary plat subject to any necessary modifications, the nature of which shall

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be indicated on the preliminary plat or attached to it in writing; or

c. Disapprove the preliminary plat or any portion thereof, stating the reasons for disapproval in written form.

5.35 Notification of action: The town manager shall notify the applicant of the town commission's action in writing within five (5) days.

5.36 Effect of approval: Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted and of preliminary engineering plans and design concepts, as a guide to the preparation of the final plat and the final construction plans, and shall not constitute advance approval of said final plat or plans.

The approval of the preliminary plat shall be for one (1) year within which time the subdivider shall submit a final plat for all or a part thereof in accordance with the procedures and requirements of section 5.40 and other applicable provisions provided, however, that the town may extend the time of approval of the preliminary plat upon written request of the subdivider. If the approval of the preliminary plat expires, said preliminary plat is null and void and the subdivider shall reapply according to the provisions and requirements of this ordinance if he desires to reobtain preliminary plat approval.

5.37 Construction plans: Upon approval of a preliminary plat and prior to submission of a final plat or commencement of any work whatsoever to the land, complete construction plans for all required improvements shall be submitted and approved by the town. Said construction plans and specifications shall be in a form as specified by the town.

5.40 Procedure for final plat approval.

5.41 Submission of final plat for review: Whenever the provisions of these regulations have been complied with and while the approval of the preliminary plat is in effect and after construction plans and other supporting data and documents that may be required by these regulations or other regulations related thereto have been approved the applicant shall submit the final plat for approval. The final plat and plans shall conform essentially to the preliminary plat as approved, and, at the option of the subdivider, may constitute only

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that portion of the approved preliminary plat which he proposes to record and/or develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

5.42 Platting fee: The applicant shall simultaneously pay to the town a fee to cover the town's expenses for processing, administration, legal and engineering reviews, and other expenses related thereto.

5.43 Posting of surety device: Prior to or at the time the final plat of a subdivision is executed on behalf of the town, the subdivider shall do or have done one of the following:

a. Deliver to the town a satisfactory performance bond issued by a recognized surety company licensed to do business in the State of Florida, or other security satisfactory to the town commission. The said surety shall have provisions and meet requirements as set forth herein:

(1) The bond or surety shall be for the use of the town and all persons supplying the obligator or its contractors or subcontractors, or some or any of them, with labor, services, materials and supplies used directly or indirectly in and about the construction of all improvements required by the regulations of the town for or in connection with the approval of the plat.

(2) The bond or surety shall be in the penal sum of one hundred and twenty-five per cent (125%) of the estimated cost of construction. Said cost estimate shall be prepared by a registered engineer retained by the applicant and confirmed by the town, and shall be submitted in detailed written form for town approval.

(3) The bond or surety shall guarantee the performance required in the applicable provisions of this ordinance within one (1) year of the date thereof, provided however, the town commission, on request, may extend the period of performance to two (2) years from the date thereof.

The bond or surety shall cover all improvements for a period of one (1) year after completion and acceptance of said improvements by the town provided however that if the surety is cash or other liquid security, the town may release a sum equal to seventy-five per cent (75%) of the cost of those improvements completed and accepted by the town after receipt of "as-built" plans for said improvements.

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b. Have constructed the required improvements and performed all required actions as set forth in this ordinance and delivered to the town a satisfactory maintenance bond issued by a recognized surety company licensed to do business in Florida, or other security satisfactory to the town commission. The said surety shall have provisions and meet requirements as set forth herein:

(1) The bond or surety shall be for a period of one (1) year after acceptance of said improvements by the town and guarantee the repair or replacement of any such improvements to the condition required by these regulations and other applicable requirements of the town because of defective materials, engineering or workmanship.

(2) The bond or surety shall be in the penal sum of twenty-five per cent (25%) of the cost of said improvements as determined by a registered engineer and approved by the town; provided however that the town commission, upon request, may reduce the said amount.

5.44 Town commission action: Whenever a final plat has been submitted to the town commission and is in conformance with the approved preliminary plat and the provisions of these regulations, the town commission shall consider and take action on the plat.

Final approval by the town commission shall not be shown on the final plat until all requirements of these rules and regulations have been met, and the town manager has determined that:

a. All improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been completed in accordance with the appropriate specifications and the provisions of section 5.43(b) and "as-built" construction plans for all required improvements have been filed with the town.

b. A surety has been provided by the subdivider or developer to satisfy the requirements herein as set forth in section 5.43.

Approval by the town commission shall appear on the original tracing.

5.45 Submission of final plat for recording: Upon final approval by the town commission, the applicant shall submit the original and one (1) copy of the approved final

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plat to the town, and neither the applicant nor his attorney or other agent shall have custody thereafter. The applicant shall provide the town with the costs of processing and recording, and within thirty (30) days the town shall submit the final plat to the applicable county for approval and recording in the official records.

5.46 Effect of approval: Approval of the final plat by the town commission shall, upon completion of work by the subdivider or developer and submission of an acceptable maintenance bond, be deemed an acceptance of the dedication of the public streets and other public land as shown upon said plat on behalf of the public, unless otherwise provided.

ARTICLE 6. PLAT SPECIFICATIONS

6.10 Preapplication plans and data.

6.11 General subdivision information: General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information shall include data on land characteristics, available community facilities and utilities information describing the subdivision proposal such as numbers of lots, typical lot widths and depths, business areas and other public areas, and proposed utilities and street improvements.

6.12 Location map: Location map shall show the relationship of areas immediately surrounding the proposed subdivision. Include development name and location; title; north arrow; and date.

6.13 Sketch plan: Sketch plan shall show in simple but relatively accurate sketch form the proposed land usage and arterial and collector street configurations.

6.20 Preliminary plat specifications.

6.21 Required materials for submission: The submittal for preliminary plat approval shall consist of fifteen (15) copies of black- or blue-line prints on white background, and such other documents in sufficient number to meet the requirements of this ordinance.

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6.22 Plat specifications: The preliminary plat shall be clearly and legibly drawn to the specifications herein required.

6.23 Name of subdivision: Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat in Manatee or Sarasota Counties as applicable as to confuse the records or to mislead the public to the identity of the subdivision, except where the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

6.24 Required information on preliminary plat: The preliminary plat shall be drawn to a scale and on a sheet size as required for final plat submission and contain the following:

- a. Proposed name of subdivision.
- b. Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates.
- c. Location, size of subdivision in acres, and number of lots.
- d. Location sketch locating the subdivision in relation to immediately surrounding area with regard to well known landmarks such as major highways, waterways or other landmarks.
- e. Name and delineation of former subdivision, if any or all of the area encompassed by the preliminary plat had been previously subdivided.
- f. Preliminary boundary lines of the entire tract to be subdivided eventually.
- g. Contour lines at six-inch intervals or as necessary based on 1929 sea level datum and referenced to established benchmarks.

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h. Natural features within the proposed subdivision and in an area within at least three hundred (300) feet beyond the boundary of the proposed subdivision, including drainage channels, bodies of water, existing vegetation and other significant features. Poorly drained areas or areas subject to storm flooding shall be shown where appropriate.

i. Cultural features within the proposed subdivision and in an area within at least three hundred (300) feet beyond the boundary of the proposed subdivision including right-of-way widths and names of existing and platted streets, bridges, easements, town and county lines, and other significant information.

j. Preliminary layout, including lot lines with approximate dimensions, basic lot sizes, lot numbers, block letters, street and alley lines with proposed street names, right-of-way widths for public or private streets, sites reserved through covenants, easements, dedication or otherwise for public or common uses, and all tracts designed for multifamily or commercial use.

k. Preliminary layout for all utilities including but not limited to sites, easements or other provisions for water supply and waste water collection.

l. Drainage plan, with preliminary computations.

m. Proposed unit division of stage development, if any, as proposed by the subdivider.

n. All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision or government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner, or other recorded and well established corner.

o. All contiguous properties shall be identified by the subdivision title, plat book and page or, if unplatted, land shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a sub-title following the name of the subdivision wherever it appears on the plat.

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p. Street names as submitted to the post office in a proposed subdivision shall be submitted by the developer to the town manager at the preapplication conference for review prior to final street naming.

q. Streetlighting plan.

r. The town bulkhead line whenever applicable.

6.30 Final plat specifications.

6.31 Drafting materials required: Every final plat of a subdivision within the Town of Longboat Key shall be submitted in a manner and form in conformance with Chapter 177, Florida Statutes, and the requirements of Manatee or Sarasota County, as applicable.

6.32 Required prints for recording: After approval of the final plat, with proper certifications and signatures attached, the subdivider shall furnish the following prints when recording:

a. Original on tracing cloth or stable base film.

b. One (1) black-line print.

6.33 Conformance to preliminary plat: The final plat shall conform to the approved preliminary plat in all significant respects and it may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at any one time, provided that such portion represents a reasonable staging procedure acceptable to the town.

6.34 Required information on final plat: The final plat shall contain the information as required by Chapter 177, Florida Statutes. In addition the following information shall be considered necessary for all plats within the Town of Longboat Key.

a. Name of subdivision and all street names.

b. Name of owner or owners of record.

c. Name of subdivider.

d. Date of plat drawing, graphic scale, north point, and a boundary description that a surveyor can readily follow for purposes of resurvey with ties to government

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corners and permanent reference markers at all angles in boundary and accurate dimensions and bearings.

e. Location of tract, acres, number of lots and area of each lot (in square feet).

f. Name and delineation of former subdivision if any or all of the final plat had been previously subdivided.

g. Location sketch.

h. The boundary lines of the subdivision with their accurate lengths and bearings and the exact location of the subdivision within the section or sections by means of accurate angle and distance ties to one (1) boundary of the section.

i. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. Lot, block, street and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of a foot adopted by the United States Bureau of Standards.

j. Municipal, county or government lot lines are to be shown from information available from the appropriate public agency.

k. Exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat and the exact location and widths of all crosswalks.

l. Street centerlines showing bearings, radii, length of arcs, chords and chord bearings, and central angles of curves.

m. Lot lines with distances to the nearest one-hundredth foot, line bearings, necessary internal angles, arcs, central angles, chords and chord bearings and radii of rounded corners.

n. All contiguous properties shall be identified by subdivision title, plat book and page or, if unplatted, land shall be so designated.

o. All section lines and quarter section lines occurring in the map or plat shall be indicated by lines

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drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner, or other recorded and well established corner.

p. Lots or sites numbered in numerical order and blocks, if any, lettered alphabetically.

q. Natural and cultural features to be retained in the proposed subdivision, as itemized in sections 6.24(j) and 6.24(k).

r. Locations, dimensions and purposes of all rights-of-way and easements for drainage, utilities and other purposes, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose or limitations; and areas to be reserved by deed covenant for common uses of all property owners.

s. Permanent reference monuments shall be placed at each corner or change in direction on the boundary of the lands being platted.

t. Place for certificates, easements and other legal statements.

6.35 Title certification: The final plat shall be accompanied by a title opinion by an attorney-at-law, licensed in Florida, or a title insurance company policy confirming that the lands as described and shown on the plat are in the name of the person, persons or organization executing the dedication of streets or other lands as it is shown on the plat and that the developer has apparent title to the lands. The title opinion or policy shall also show all mortgages on the land to be platted. The plat shall be consented to by all mortgagees.

6.40 Plat certificates.

6.41 Material required for certificates: Each final plat submitted to the town for approval shall carry the certificates as required by Sarasota or Manatee County as applicable. In

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In addition, the following town-required certificates shall be printed thereon substantially as follows, but adjusted as appropriate, subject to town approval:

(a) *Surveyor's Certificate:*

I, the undersigned Registered Land Surveyor, hereby certify that this plat was made under my responsible direction and supervision and is a true representation of the lands described and shown, to the best of my knowledge and belief, and that permanent reference monuments have been placed as required by the Town Code of the Town of Longboat Key, the Sarasota County Subdivision Regulations and the Statutes of the State of Florida thereunto appertaining.

Signature: _____
(Name)

Date of Survey: _____ Registered Land Surveyor
Florida Certificate No. _____

(b) *Certificate of Ownership and Dedication (for corporations):*

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

_____ a Florida Corporation, by its duly elected President, _____ and by its duly elected Secretary, _____, acting by and with authority of its Board of Directors, certifies ownership by said Corporation of the property described hereon, and does hereby dedicate and set apart all of the streets, walks, alleys, thoroughfares, front, rear and side lot line utility and drainage easements, parts and other open spaces, canals and drainage or other easements shown on this plat of _____ for said uses and purposes to the Town of Longboat Key forever.

IN WITNESS WHEREOF, the undersigned corporation has caused these presents to be executed by its President and attested by its Secretary, this _____ day of _____, A.D. 19____.

(CORPORATE SEAL) By: _____
President

ATTEST:

Secretary
STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

Before me, the undersigned Notary Public, personally appeared _____, President, and _____, Secretary, of _____ a Florida Corporation, to me known to be the individuals described in and who executed the foregoing

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Certificate of Dedication, and they each duly acknowledged before me that they executed the same, as such officers, for and in behalf of said Corporation.

WITNESS my hand and official seal at Sarasota County, Florida, this ____ day of _____, A.D. 19____.

Notary Public, State of Florida at Large

My Commission Expires: _____

(c) *Certificate of Ownership and Dedication (for individual owners):*

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

____ and _____, husband and wife, certify that we are the owners of the property described hereon, and do hereby dedicate and set apart all of the streets, alleys, walks, thoroughfares, front, rear and side lot line utility and drainage easements, parks and other open spaces, canals and drainage or other easements shown on this plat of _____, for said uses and purposes to the Town of Longboat Key forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of _____, A.D. 19____.

WITNESSES:

____ (SEAL)
____ (SEAL)

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

BEFORE ME, the undersigned Notary Public, personally appeared _____ and _____, husband and wife, to me known to be the individuals described in and who executed the foregoing Certificate of Dedication, and they each duly acknowledged before me that they executed the same.

WITNESS my hand and official seal at Sarasota County, Florida, this ____ day of _____, A.D. 19____.

NOTARY PUBLIC, State of Florida at Large

My Commission Expires: _____

(d) *Approvals:*

This plat conforms to the preliminary plat approval provisions made by the Town of Longboat Key Town Commission this ____ day of _____, A.D. 19____.

Town Manager, Town of Longboat Key

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Approved by the Longboat Key Town Commission this ____ day of _____, A.D. 19____.

Mayor

Town Clerk

Town Attorney

Accepted for file and recorded this ____ day of _____, A.D. 19____ in Plat Book ____ Page ____

Clerk of the Circuit Court

County, Florida.

(3) *Consent to Dedication (corporate):*

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

____, a ____ corporation, holder of Mortgage dated _____ and recorded in Official Record Book _____, at Page _____, Public Records of Sarasota County, Florida, does hereby consent to, ratify, approve and confirm this Plat and the dedication certificate thereon.

IN WITNESS WHEREOF, the undersigned Corporation has caused these presents to be executed by its ____ President and attested by its Secretary, this ____ day of _____.

By: _____
President

Attest: _____
(Corporate Seal)
Secretary

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

Before me, the undersigned Notary Public, personally appeared _____, President, and _____, Secretary of _____, a ____ corporation, to me known be the individuals described in and who executed the foregoing Certificate of Dedication, and they each duly acknowledged before me that they executed the same as such officers, for and in behalf of said Corporation.

WITNESS my hand and official seal at Sarasota County, Florida, this ____ day of _____, 19____

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Notary Public, State of Florida at Large

My Commission Expires: _____
(Ord. No. 76-2, § 1, 2-4-76)

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ARTICLE 7. DESIGN STANDARDS

7.10 Suitability of the land.

7.11 Limitation on platting for public purpose: Land unduly subject to rainstorm or tidal flooding, improper drainage, and erosion, as determined by the town, and any land deemed by the town to be unsuitable for development shall not be platted for any uses as may continue such conditions or increase danger to health, safety, life or property, unless steps satisfactory to the town are taken to eliminate the above mentioned hazards, especially as they relate to the construction of buildings thereon.

7.20 Access.

7.21 Legal access required: Every subdivision and every lot within it shall have legal access to a public street or private street constructed in accordance with these regulations.

7.22 Access to adjoining properties guaranteed: A subdivision shall be designed so as to provide for street access to adjoining parcels of land when appropriate. No subdivision shall be approved unless its improved street system is connected to a public street or highway.

7.30 Conformance to the comprehensive plan.

7.31 Conformance to comprehensive plan: All proposed subdivisions shall conform to the comprehensive plan and development policies in effect at the time of submission.

7.32 Refusal to approve plat for public purposes: Whenever the plat proposes the dedication of land to public use and the appropriate agency finds that such land is not required or suitable for public use, the town may either refuse to approve said plat or it may require the rearrangement of lots to include such land.

7.40 Zoning and other ordinances.

7.41 Conflict with other regulations: Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning ordinance, building

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code, or other official regulations or resolutions, the most restrictive shall apply unless an application for change is initiated by the subdivider. If uses are proposed that do not conform to the zoning ordinance, the zoning of the platted area proposed for platting must be changed to conform before the plat is filed.

7.50 Blocks.

7.51 The lengths, widths, and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated.
- c. Needs for convenient access, circulation, control and safety of vehicular and pedestrian traffic.
- d. Limitations and opportunities of topography and other natural features.

7.52 In general, residential blocks should not be greater than fourteen hundred (1,400) feet in length, depending on land configuration.

7.53 Residential blocks shall be wide enough to provide two (2) tiers of lots, except where fronting on major thoroughfares or prevented by physiographical conditions, size or configuration of property, in which case the town may require and/or approve a single tier of lots of minimum depth.

7.60 Lots.

7.61 Insofar as practicable, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a dedicated public or private street.

7.62 Every residential lot shall conform to at least the minimum dimension and area requirement of the zoning code.

7.63 Double frontage, unless required by the town, shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome

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specific disadvantages of topography, orientation, and property size. A planting screen reservation of at least ten (10) feet in width and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Such reservation shall be in addition to other setback requirements.

7.64 Corner lots shall have an extra width at least fifteen per cent (15%) greater than the required minimum to permit appropriate building setback from and orientation to both streets.

7.65 Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

7.66 The subdividing of the land shall be such as to provide each lot with direct abutting access to an existing public street or to a street contained within the proposed subdivision provided however that individual lots, except in unusual circumstances, shall not front on an arterial street as defined herein.

7.70 Streets.

The arrangements, character, extent, width, and location of all streets shall conform to the comprehensive plan for the town and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

7.71 Streets not on comprehensive plan: Where such is not shown in the comprehensive plan for the town, the arrangement of streets in a subdivision shall either:

a. Provide for the continuation or appropriate projection of existing streets in surrounding areas at the same or greater width, but in no case less than the required minimum width.

b. Conform to a plan for an area approved by the town to meet a particular situation where natural or other conditions made continuance or conformance to existing streets impracticable.

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7.72 Minor or local streets: Minor or local streets shall be so laid out that their use by through traffic will be discouraged.

7.73 Dead-end streets: Cul-de-sacs shall be required for dead-end streets.

7.74 Special requirements along certain major streets: Where a subdivision abuts or contains an existing or proposed major street, the town may require marginal access streets, double frontage lots with screen planting contained in a nonaccess reservation along the rear property lines, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

7.75 Street intersections: Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than sixty (60) degrees. Detailed designs of intersections may be required. Street jogs with centerline off sets of less than one hundred twenty-five (125) feet shall not be permitted unless the town determines their necessity.

7.76 Curb line radius: Curb line radius at street intersections shall be at least thirty (30) feet and where the angle of street intersection is less than ninety (90) degrees, the town may require a greater radius.

7.77 Cul-de-sac streets: Cul-de-sac streets shall be designed with a circular turnaround to have a minimum right-of-way radius of fifty (50) feet and a minimum pavement radius of thirty-five (35) feet.

7.78 Right-of-way and pavement widths: All streets, public or private, shall have a right-of-way width of at least fifty (50) feet and a pavement width of twenty-two (22) feet. The following minimum right-of-way and pavement widths shall apply to the following classifications of streets as defined. Pavement shall generally be centered within the right-of-way.

<u>Type</u>	<u>Right-of-way</u>	<u>Pavement (Excluding curb or gutter)</u>
a. Highways	100 feet	48 feet total, divided or undivided

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Type	Right-of-way	Pavement (Excluding curb or gutter)
b. Arterial streets	100 feet with divided lanes 80 feet with undivided lanes	48 feet total, divided or undivided
c. Collector streets	80 feet	36 feet
d. Minor or local	60 feet, unless 50 feet permitted	22 feet
e. Marginal access streets	50 feet	22 feet

7.79 Alleys or service drives: Alleys or service drives shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the town of the need of alleys or service drives. Where alleys or service drives are permitted, minimum right-of-way width shall be thirty (30) feet and improvements shall meet the construction specifications of the town.

7.80 Street prohibitions.

7.81 Half streets: Half streets shall be prohibited. Streets on the boundary of a subdivision shall be of full width.

7.82 Reserve strips: Reserve strips controlling access to streets, alleys, or public grounds shall not be permitted, except where approved by the town as dedicated public land or a controlled-access strip.

7.90 Street names.

7.91 Street names: Street names shall be designated by the subdivider for all streets.

a. No two (2) streets shall have the same name, nor shall any new street have the same name as an existing street in the town.

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b. Street names in a proposed subdivision shall be submitted by the developer to the post office for review and approval prior to the submission of the preliminary plat.

ARTICLE 8. REQUIRED IMPROVEMENTS

8.10 Minimum improvements.

Every subdivider, at his own expense, shall install or have made provisions for installations acceptable to the town, and in accordance with the provisions herein, certain improvements as hereinafter specified.

8.20 Construction plans and specifications.

The plans and specifications for the required improvements described in these subdivision regulations shall be prepared by a registered engineer and shall be clear and complete in all respects, at an appropriate scale, and shall conform to good engineering practices where not specifically detailed in these regulations or in other town ordinances or regulations or by county or state regulations, said practices being oriented to the special condition of the town. Allowance shall be made for the gulf setback requirements established by the town.

The registered engineer or engineers responsible for the approved plans shall supervise the construction of the improvements and shall provide certified "as-built" plans to the town upon completion.

8.30 Elevation and land filling.

Filling, dredging, or clearing of land, or otherwise changing the character of the site shall not be permitted until after construction plans have been approved and all local, county, regional, state and federal provisions, requirements or permits have been obtained.

Elevations of filled land shall be determined in conformance with all town regulations and other applicable provisions, with due allowance for the required elevation of buildings to be erected thereupon.

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8.40 Streets.

All streets shall be laid out and designed in accordance with section 7.70 of this ordinance and other applicable ordinances and regulations of the town.

8.41 Construction standards: All streets, public or private, shall be constructed to the standards of the town and consist of a properly prepared subgrade, an approved road base, and an approved wearing surface. All construction shall be in accordance with the approved plans and specifications but in all cases conform to the town's street construction specifications as adopted and amended from time to time by the town and on file in the office of the town clerk. Any and all tests required by the town shall be at the cost of the subdivider and conducted by an engineering laboratory acceptable to the town.

8.42 Curbs: When curbs are provided at the option of the town, they shall conform to the street construction specifications of the town.

8.43 Sidewalks and bike paths: At the discretion of the town and dependent upon potential pedestrian and/or bicycle traffic, the town may require either sidewalks, bicycle paths or both. Consideration will be given to a pedestrian and bike circulation system with an alignment that may reduce or eliminate roadside sidewalks and bike paths. If sidewalks or bicycle paths are provided, they shall conform to the street construction specifications of the town.

8.44 Signs: All streets shall be provided with street name signs and the necessary traffic-control and regulation signs as determined by the town. All signs shall conform to the street construction specifications of the town.

8.50 Drainage.

A complete storm drainage system shall be constructed which provides for proper drainage of all areas including lots, tracts, streets and other areas. Drainage runoff from areas outside the subdivision which passes over or through areas of the subdivision shall be allowed for in the drainage system design. The storm drainage system shall, in addition to meeting all town requirements, conform with all applicable county and state agency standards and requirements, including

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those relating to pollution control. Concentrated point discharge directly to the Gulf shall be prohibited.

8.51 Design: All drainage systems shall be designed for floods resulting from rainstorms of ten-year intervals, applying the "rational formula" or other acceptable methods commonly employed for drainage work in hydraulic calculations. Rainfall intensity data shall be taken from established references. Ultimate land uses shall be assumed for selection of the proper runoff coefficient whether within the subdivision or not. Weighted runoff coefficients may be applied where different coefficients apply within the area comprising drainage basins.

The design shall incorporate infiltration features where a positive, permanent outlet is not available or where percolation may be necessary for pollution control. Percolation testing under the control of a registered engineer may be required by the town to support the computations submitted for approval.

8.52 Construction: The drainage system including all drainage structures and appurtenances such as pipes, inlets, culverts, headwalls or weirs shall be constructed in accordance with the storm drainage construction specifications as adopted and amended from time to time by the town and on file in the office of the town clerk.

8.60 Utilities.

All subdivisions shall include within their design and construction the provision of adequate public and private utilities including, but not limited to, water supply, waste water collection and pumping, electricity, telephone and cable television, and shall be constructed in accordance with applicable town, county, state and federal standards and requirements. Utilities shall be located underground unless specifically approved otherwise by the town.

8.61 Water supply: All water supply systems shall be designed and constructed in accordance with relevant town ordinances and the procedures therein, and the water supply system construction specifications as adopted and amended from time to time by the town and on file in the office of the town clerk.

8.62 Waste water collection and pumping: All waste water collection and pumping systems shall be designed and

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constructed in accordance with relevant town ordinances and the procedures therein, and the waste water system construction specifications as adopted and amended from time to time by the town and on file in the office of the town clerk.

8.63 Other utilities: All other utilities shall be designed and constructed in accordance with relevant town ordinances and all requirements and standards of the appropriate private utility, including the procedures prescribed therein.

8.70 Monuments.

Permanent reference monuments as required by Chapter 177, Florida Statutes, shall be located and constructed. All points of curvature or tangency shall be clearly marked.

ARTICLE 9. LEGAL STATUS PROVISIONS

9.10 Amendment.

This ordinance may be amended from time to time as deemed necessary. All such amendments shall first be reviewed and acted upon by the planning and zoning board. The planning and zoning board recommendation shall then be forwarded to the town commission for action. However, no amendment to this ordinance shall become effective until after a public hearing on each amendment shall be held by the town commission.

9.20 Savings clause.

Should any article, section, subsection, provision, or clause of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason whatsoever, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part judicially determined to be invalid.

9.30 Interpretation.

This ordinance shall be considered to be minimum requirements, for the purpose of promoting the general public health, safety, comfort, convenience and welfare of the people of Longboat Key, Florida.

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9.40 Conflict with other regulations.

Where other laws, ordinances, or private restrictive covenants in recorded deeds or any other legally binding agreements impose greater restrictions and limitations than those provided herein, such laws, ordinances, covenants, or agreements shall control.

ARTICLE 10. VARIANCES

10.10 Variances.

The town commission may authorize a variance from these subdivision regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the town commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the town commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect on the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the town commission finds that all of the following conditions exist:

a. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

c. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

ARTICLE 11. ENFORCEMENT

11.10 Public utilities.

No public utility services shall be provided for any lot or building in a new subdivision until said subdivision is approved by the town.

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11.20 Private utilities.

No private utility service, including electricity, gas, telephone, or water, shall be provided for any lot or building in a new subdivision until said subdivision is approved by the town.

11.30 Other permits.

No building, electrical, plumbing, or such other permits or licenses as may be required by the Town of Longboat Key, Florida, for any construction, shall be issued for any building on any lot in a subdivision, until said subdivision is approved by the town.

The limitation under sections 11.10, 11.20 and 11.30 are not intended to restrict installation of temporary buildings or utility services to serve as construction offices.

11.40 Penalties.

Any person, persons, firms or corporations convicted of violating the provisions of this ordinance or any part hereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisoned for a period not to exceed sixty (60) days, and each day that such violation continues shall constitute a separate offense.

APPENDIX B

ZONING

Editor's note—Prior to amendment by Ord. No. 74-15, adopted Aug. 7, 1974, the town's zoning ordinances had been codified as Ch. 22. Although designated as amending Ch. 22, Arts. 1—12 of Ord. No. 74-15 have been included as App. B at the editor's discretion. Absence of a history note indicates that a section derives unchanged from Ord. No. 74-15. Prior to this amendment, the town's zoning regulations were derived from: Ord. No. 160, adopted Oct. 15, 1969; Ord. No. 171, adopted April 15, 1970; Ord. No. 180, adopted July 20, 1970; Ord. No. 196, adopted July 15, 1971; Ord. No. 214, adopted March 15, 1971; Ord. No. 219, adopted May 17, 1972; Ord. No. 73-3, adopted Feb. 21, 1973; Ord. No. 74-20, adopted July 24, 1974; and Ord. No. 74-31, adopted Nov. 6, 1974.

Charter references—Publication of zoning map amendments not required, § 17(d); comprehensive plan for town, § 24.

Cross references—Planning and zoning board, §§ 2-14 et seq.; buildings, Ch. 6; fire prevention and protection, Ch. 9B; plumbing, Ch. 16; sewers and sewage disposal, Ch. 17B; signs, Ch. 18; subdivision regulations, App. A.

State law reference—Zoning generally, Fla. Stats., §§ 176.01—176.24.

- Art. 1. Short Title and Purpose.
- Art. 2. Definitions.
- Art. 3. Establishment and Designation of Districts.
- Art. 4. District Regulations.
- Art. 5. Supplementary Lot Regulations.
- Art. 6. Supplementary Use Regulations.
- Art. 7. Planned Unit Development.
- Art. 8. Board of Adjustment.
- Art. 9. Administration and Enforcement.
- Art. 10. Amendments.
- Art. 11. Interpretation and Validity.
- Art. 12. Violations and Penalties.

Attachments

- One. Lot Illustrations.
- Two. Parking Area Illustrations.
- Three. Townhouse Illustrations.
- Four. Site Plan Review Procedure Chart.
- Five. Planned Unit Development Procedure Chart.

ARTICLE 1. SHORT TITLE AND PURPOSE

1.10 Short title.

This ordinance shall be known and cited as the "Town of Longboat Key Zoning Ordinance."

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1.20. Purpose.

The purpose of this ordinance is to establish comprehensive controls for the development of land in the Town of Longboat Key based on the comprehensive plan, as defined, and designed to preserve the unique island character of the town and enacted in order to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, morale and general welfare of the people.

The objectives of this ordinance are to provide: For efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public facilities and utilities, for promotion of the civic amenities of beauty and visual interest, and for development in accord with the comprehensive plan.

To accomplish these purposes, the town commission shall divide the entire town into districts of such number, shape and size as may be deemed best suited to carry out the purposes of the ordinance, and within these districts may regulate, determine and establish:

- (a) Height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration and use of buildings and other structures, for trade, industry, residence and other purposes;
- (b) Use of land and water for trade, profession, residence and other purposes;
- (c) Size of yards, and other open spaces;
- (d) Percentage of lot that may be occupied;

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(e) Density:

(f) Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of nonconforming uses:

(g) Use and types and sizes of structures in those areas subject to seasonal or periodic flooding so that danger to life and property in such areas will be minimized;

(h) Performance standards for use of property and location of structures thereon.

All such regulations shall be uniform throughout each district, but the regulations in one district may differ from those in other districts. For each district designated for the location of trades, callings, industries, commercial enterprises, residences or buildings designed for specific uses, regulations may specify those uses that shall be excluded or subjected to reasonable requirements of a special nature.

ARTICLE 2. DEFINITIONS

2.10 Definitions.

For the purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the words "used for" shall include the meaning "designed for;" the word "structure" shall include the word "building," the word "lot" shall include the words "plot," "tract" and the word "shall" is mandatory and directory; said definitions being as follows:

1. Accessory use or building. A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

2. Alley. A facility which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

3. Arts and crafts. The making of artifacts in a single-family dwelling as a home occupation and in compliance with section 6.62 of this ordinance.

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4. Auto rental lot. A lot or parcel of land on which passenger automobiles for active rental purposes only, are stored or parked.

5. Awning. An accessory structure either temporary or permanent which is supported by an open framework and is covered by cloth material.

5a. Beach shelter. An accessory structure, temporary or permanent, consisting of one or more columns and a roof and not including walls or a floor or facilities of any type.

6. Board of adjustment. The board of adjustment of the Town of Longboat Key, as herein provided for within this ordinance.

7. Building. See Structure.

8. Building, height of. The vertical distance measured from the minimum floor elevation, as established by the town, or from the ceiling of a one-level parking garage under the building, whichever is higher, to the highest point of any portion of the building.

9. Building line. The line, established by law, beyond which any part of a building shall not extend, except as specifically provided by law.

10. Building and zoning official. The official designated by the Town of Longboat Key as the individual responsible for the administration and enforcement of these regulations.

10a. Bulk. Height and percentage of land coverage of a building.

11. Bungalow courts. A group of two (2) or more detached single- or two-family dwellings under a common ownership interest and single management located on one(1) or more lots, kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations with individual kitchen or cooking facilities are supplied for pay to transient or semipermanent guests or tenants.

12. Cabana (pool house). An accessory structure usually used in connection with outdoor bathing or recreation providing enclosed space for showering or changing clothes, with recreational cooking and/or bar facilities including storage facilities, but no sleeping rooms.

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13. Comprehensive plan. A comprehensive plan, which may consist of several maps, data, and other descriptive matter, for the physical development of the town or any portion thereof, including any amendments, extensions, or additions thereto, indicating the general location for major streets, parks or other public utilities, zoning districts, or other similar information. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data regarding the future development of the town.

14. Club, private. Buildings and/or facilities, not open to the general public, owned and operated by an individual, corporation or association of persons for social or recreational purposes for members and their bona fide guests and which may render, as an accessory use, services which are customarily carried on as a business.

15. Dock. A structure built on piling, flotation devices or projected over the water which is designed or used to provide mooring for and access to one or more boats. Necessary service such as water, and other utilities are considered a part of a dock; however, no cooking, sleeping or unrelated business activity shall be permitted or conducted on a dock.

15a. Driveway. A private drive connecting a dwelling unit or other building and its adjacent parking area with the street.

16. Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, hotels, motels, motor lodges, boarding and lodging houses, tents, tourist courts, tourist homes, hospitals or nursing homes.

17. Dwelling unit (D.U.). A room or group of rooms including a kitchen and sanitary facilities designed and used exclusively or occupied as separate living quarters by not more than one (1) family.

18. Dwelling, single-family. A detached building designed for or occupied exclusively by one (1) family.

19. Dwelling, two-family. A building designed for, or occupied exclusively by, two (2) families living independently of each other.

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20. Dwelling, mobile home. A vehicle or movable dwelling structure which is designed to be used as a dwelling unit for one (1) family and which stands on wheels, on rigid supports or on a foundation, but excluding prefabricated homes or sections thereof and travel trailers as defined herein.

21. Dwelling, multiple or multifamily. A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other, within individual dwelling units.

22. Dwelling, townhouse. A building designed for or occupied exclusively by one (1) family and attached to two (2) or more other buildings of similar design and separated by one (1) or more party walls. The attached townhouses as defined constitute a building group.

23. Essential services. Public utility facilities related to the water, waste water sewer, storm drainage, solid waste, telephone, cable television, gas and electrical collection or distribution systems serving the town; but not including buildings housing employees; or public safety facilities such as fire and/or police stations.

24. Family. An individual, or two (2) or more persons related by legal adoption, blood, or a licit marriage, or a group of not more than four (4) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

25. Floor area total. The sum of the gross enclosed horizontal area of all of the floors of a building, except a basement as defined, measured from the exterior faces of exterior walls and/or supporting columns.

26. Frontage. All the property on one (1) side of a street between two (2) intersecting streets measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

27. Garage, private. A building or space used as an accessory to or part of a principal building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

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28. *Garage, public:* Any building or premises, other than a private garage, used exclusively for the temporary parking or storage of motor vehicles.
- 28a. *Home occupation:* A nonresidential use or business conducted within a residence and complying with the provisions of section 6.62 of this ordinance.
29. *Hotel or motel:* A building or structure under a common or multiple ownership interest and single management which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such rental units, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served; provided, however, that such sleeping accommodations, dining rooms, restaurants, cafes or cocktail lounges shall be located in the same building or buildings in connection therewith.
30. *Landscaping, required:* Required landscaping shall consist of those plantings required by this ordinance including beautification strips, hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only, as distinguished from artificially manufactured planting reproductions.
31. *Lot:* A parcel of land of at least sufficient size to meet minimum zoning requirements, occupied or intended for occupancy by a building together with its accessory buildings; including the open space required under this ordinance. For the purpose of this ordinance the word "lot" shall be taken to mean any number of contiguous lots or portions thereof not separated by a street, public way or water body upon which one or more main structures for a single use are erected or are to be erected.
32. *Lot of record:* A parcel of land as originally subdivided or subsequently resubdivided and properly recorded as a lot within a subdivision or plat.
33. *Lot, corner:* A lot abutting upon two (2) or more streets at their intersection. (See Attachment One.)
34. *Lot coverage:* That percentage of the lot area covered or occupied by the buildings or any part of the buildings.
35. *Lot depth:* The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.
36. *Lot, interior:* A lot other than a corner lot having frontage on one (1) street. (See Attachment One.)
37. *Lot lines:* The lines bounding a lot as herein defined as established by ownership except that where a lot line lies within a private street or waterway

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the edge of the street right-of-way or waterway shall be considered to be the lot line for the purposes of calculating density, lot, yard and bulk requirements.

38. *Lot, through:* An interior lot having frontage on two (2) streets, other than a corner lot. (See Attachment One.)
39. *Lot width:* The width of a lot is the distance measured along the front building line between the side lot lines of a lot.
40. *Medical clinic:* A building designed or used to house the offices of one (1) or more practitioners of the healing arts where patients are treated on an outpatient basis.
41. *Mobile home park:* Any parcel of land which is designed for or contains two (2) or more mobile home dwellings.
42. (a) *Nonconforming lot:* A lot which does not conform to the schedule of lot regulations of this ordinance pertaining to the district in which it is located.
(b) *Nonconforming building or structure:* A building or structure which does not conform to the yard or bulk regulations of this ordinance pertaining to the district in which it is situated.
(c) *Nonconforming use:* A use that does not conform to the regulations of the district in which it is situated.
43. *Parking lot:* An open area or plot of land used exclusively for the storage or parking of motor vehicles together with the associated access drives and aisles, either for profit or gratis, for commercial or residential uses.
44. *Planning and zoning board:* The Longboat Key Planning and Zoning Board, the legally constituted membership of the planning and zoning board of Longboat Key, Florida, as referenced in this ordinance.
45. *Principal use or building:* A use or building in which is conducted the predominant or primary function or activity of the lot upon which it is located.

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46. Public beach. Land, either in private or public ownership, abutting the Gulf of Mexico or Sarasota Bay, designed, used or held out as a place for one (1) or more persons to participate, actively or passively, in sunning, swimming, camping, picnicking or other similar activities either for a fee or at no charge provided, however, that such use by an owner or owners and his guests or tenants shall not constitute a public beach.

47. Rental unit. One (1) or more rooms designed as a unit and comprising sleeping accommodations with or without individual kitchen or cooking facilities for rental or lease for one (1) or more days. A rental unit shall be calculated when any room or rooms are capable of being separated as a self-contained entity by permanent or movable walls or doors with individual access to the public corridor, public access area or exterior.

48. Service station. A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, or where battery, tires or other repair services except body work or painting are rendered.

49. Special exception. A use which may be allowed within a zoning district subject to the provisions of this ordinance and in accordance with the procedures as set forth in this ordinance.

50. Statement of zoning compliance. A statement issued by the building and zoning official setting forth that the permitted construction has been completed in compliance with the approved plans and specifications and conforms with all provisions of this ordinance.

51. Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

52. Street. A facility, either public or private and either deeded or by easement, which affords the primary access to abutting property and is intended for general traffic circulation. A street includes the entire area between street lines (right-of-way line).

53. Street line. The line between the street and abutting property. Also referred to as right-of-way line.

54. Structure. Anything constructed or erected, the use of which requires permanent location on the land, or

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attachment to something having permanent location on the land.

55. Structural alterations. Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders or the rearrangement of any interior partitions affecting more than five per cent (5%) of the floor area of the building.

56. Town commission. The commission, as legally constituted, of the Town of Longboat Key.

57. Travel trailer or recreational vehicle. A vehicle less than forty (40) feet in length and used for temporary or recreational living or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separate vehicle for power.

58. Vacant land. Any lot or parcel of land which is completely open, has no use associated with or upon it and is not utilized as the required yard area for any adjoining uses.

59. Variance. A modification from the literal interpretation of the provisions of this ordinance for legal yard and bulk requirements.

60. Yard. An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except by trees or shrubbery, or improvements and usages as specifically provided herein.

61. Yard, front. A yard across the full width of the lot, extended from the front building line, including open porches, to the front street line of the lot. (See Attachment One.)

62. Yard, side. A yard on the same lot with a building between the building line and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required. (See Attachment One.)

63. Yard, rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear building line of the main building. In the case of corner lots, the rear yard shall be the yard opposite the yard designated as the front yard. (See Attachment One.)

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64. *Yard, waterfront*: A yard on lots abutting a waterfront measured from the mean high waterline or retaining wall, whichever is closer, and the closest building line.

(Ord. No. 76-26, § 1, 7-21-76)

ARTICLE 3. ESTABLISHMENT AND DESIGNATION OF DISTRICTS

3.10 Establishment of districts.

For the purposes of protecting, promoting and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the town is hereby divided into the following types of districts:

- R-1A— Single-family estate district
- R-1B— Single-family low density district
- R-1— Single-family moderate density district
- R-1S— Single-family medium density district
- R-2— Low density multifamily district
- R-3— Moderate density multifamily district
- R-C— Medium density residential-commercial district
- O-I— Office-institutional district
- C-1— Neighborhood commercial district
- C-2— Community commercial district
- M-1— Marine commercial district
- P-D— Planned development district
- I-S— Island sanctuary district
- G-P-D— Gulf-planned development

3.20 Zoning map.

Said districts are bounded as shown on the map entitled "Town of Longboat Key Zoning Map," adopted herewith which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this ordinance. The original map, properly attested, is and shall remain on file in the office of the town clerk.

3.30 Interpretation of boundaries.

3.31 *Designation of District Boundaries*. The district boundary lines are intended generally to follow the center lines of waterways and streets, existing lot lines, or municipal boundary lines, all as shown on the zoning map; but where a district boundary line does not follow such a line, its position is shown on said zoning map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.

3.32 *Determination of Locations of Boundaries*. In case of uncertainty as to the true location of a district boundary line in particular instance, the building and zoning

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official shall request the board of adjustment to render its determination with respect thereto; provided, however, no boundary shall be changed by the board of adjustment.

ARTICLE 4. DISTRICT REGULATIONS

4.10 Schedules of regulations.

The restrictions and controls intended to regulate development in each district are set forth in the attached schedules which are supplemented by other sections of this ordinance.

4.20 Application of regulations.

Except as hereinafter otherwise provided:

1. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
2. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

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3. No building shall be erected, no existing buildings shall be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.

4. No yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

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SCHEDULE ONE
SCHEDULE OF USE REGULATIONS

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
R-1A Single-family estate district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan suitable for residential development of a spacious character together with the associated accessory uses.	1. Single-family dwellings	None	1. Private swimming pools and/or cabanas 2. Private docks 3. Private garages 4. Other accessory uses customarily incident to a permitted or special exception uses, not involving the conduct of business	1. Home occupations 2. Essential services
R-1B Single-family low density district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan suitable for residential development of a low density character together with the associated accessory uses.	1. Single-family dwellings	1. Planned unit development (See Article 7)	1. Private swimming pools and/or cabanas 2. Private docks 3. Private garages 4. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	1. Home occupations 2. Essential services
R-1 Single-family moderate density district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan suitable for single-family residential development of a moderate density character together with the associated accessory uses.	1. Single-family dwellings	1. Planned unit development (See Article 7)	1. Private swimming pools and/or cabanas 2. Private docks 3. Private garages 4. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	1. Home occupations 2. Essential services

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SCHEDULE OF USE REGULATIONS—Cont'd.

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
R-15 Single-family medium density district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan suitable for single-family residential development of a medium density character together with the associated accessory uses.	1. Single-family dwellings	1. Planned unit development (See Article 7)	1. Private swimming pools and/or cabanas 2. Private docks 3. Private garages 4. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	1. Home occupations 2. Essential services 3. Nonprofit cultural centers
R-2 low density multifamily district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for multifamily development of a low density character together with the associated accessory uses.	1. Single-family dwellings 2. Two-family dwellings 3. Townhouse dwellings with less than ten (10) dwelling units 4. Multifamily dwellings with less than ten (10) dwelling units 5. Essential services	1. Planned unit development 2. Townhouse dwellings with ten (10) or more dwelling units 3. Multifamily dwellings with ten (10) or more dwelling units 4. Hotels and motels 5. Bungalow courts	1. Private swimming pools and/or cabanas 2. Private recreational facilities designed for the exclusive use of occupants of a permitted, approved permitted with site plan review or approved special exception use. 3. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only 4. Off-street parking 5. Commercial uses accessory to an approved permitted with site plan review hotel or motel use 6. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	1. Home occupations in single-family dwellings 2. Churches, synagogues or other houses of worship

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SCHEDULE OF USE REGULATIONS—Cont'd.

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
R-3 Moderate density multifamily district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for multifamily development and accessory commercial uses of a moderate density character together with the associated necessary uses.	1. Single-family dwellings 2. Two-family dwellings 3. Townhouse dwellings with less than ten (10) dwelling units 4. Multifamily dwellings with less than ten (10) dwelling units 5. Bungalow courts 6. Essential services	1. Planned unit development 2. Townhouse dwellings with ten (10) or more dwelling units 3. Multifamily dwelling units with ten (10) or more dwelling units 4. Hotels and motels	1. Private swimming pools and/or cabanas 2. Private recreational facilities designed for the exclusive use of occupants of a permitted, approved permitted with site plan review or approved special exception use 3. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only 4. Off-street parking 5. Commercial uses necessary to an approved permitted with site plan review hotel or motel use 6. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	1. Home occupations in single-family dwellings 2. Churches, synagogues or other houses of worship 3. Private clubs 4. Mobile home parks
R-C Medium density residential-commercial district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for residential and accessory commercial uses of a medium density character together with the associated necessary uses.	1. Single-family dwellings 2. Two-family dwellings 3. Townhouse dwellings with less than ten (10) dwelling units	1. Planned unit development 2. Townhouse dwellings with ten (10) or more dwelling units 3. Multifamily dwellings with ten (10) or more dwelling units 4. Hotels or motels	1. Private swimming pools and/or cabanas 2. Private recreational facilities designed for the exclusive use of occupants of a permitted, approved permitted with site plan review or approved special exception use	1. Churches, synagogues or other houses of worship 2. Private clubs

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SCHEDULE OF USE REGULATIONS—Cont'd.

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
		4. Multifamily dwellings with less than ten (10) dwelling units 5. Bungalow court 6. Home occupations 7. Essential services		3. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only 4. Off-street parking 5. Commercial uses accessory to an approved permitted with site plan review hotel or motel use 6. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	
C-1 Office-institutional district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, which, by their location, are suitable for nonresidential development but must be in harmony with residential development in close proximity.	None	1. Churches, synagogues and other houses of worship 2. Private clubs 3. Professional offices including medical and dental clinics 4. Photography, art or music studios	1. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only 2. Off-street parking and loading 3. Other accessory uses customarily incident to permitted with site plan review uses, not involving the conduct of business	None
C-1 Neighborhood commercial district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for neighborhood serving commercial and related uses.	1. Essential services	Retail and personal service uses such as: Food stores, drug and sundry stores, barber or beauty shops, clothing stores, laundromats or laundry or dry	1. Off-street parking and loading 2. On-dwelling unit for use by owner or lessee which shall be attached to the principal structure	1. Service stations 2. Churches, synagogues and other houses of worship 3. Day nurseries

SCHEDULE OF USE REGULATIONS—Cont'd.

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
			cleaning pickup stations, repair and service estab- lishments such as shoe re- pair, small appliances re- pair and watch or clock repair Business and professional offices Photography, art or music studios Restaurant and/or lounges Branch or drive-in banking facilities Private clubs Medical or dental clinics	2. Other accessory uses custom- arily incident to a permitted, permitted with site plan re- view or special exception uses, not involving the con- duct of business	
C-2 Community com- mercial district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for community serving commercial and related uses.	1. Essential services	Retail and personal service uses Business and professional offices Banks and financial institu- tions Department stores Photography, art or music studios Churches, synagogues or other houses of worship Nonprofit cultural centers Governmental offices Private clubs Service stations Restaurants and lounges	1. Off-street parking and load- ing 2. Public garages 2. Other accessory uses custom- arily incident to a permitted, permitted with site plan re- view or special exception uses, not involving the con- duct of business	1. Commercial amuse- ment facilities 2. Marinas

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SCHEDULE OF USE REGULATIONS—Cont'd.

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
M-1 Marine commercial district	The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for marine commercial and related uses and not including commercial passenger operations	None	Marina facilities including: Rental of wet storage, sale of marine fuels, boat and/or motor rental and/or maintenance, sale of bait and fishing equipment Convenience commercial food and sundries stores	1. Off-street parking and loading 2. Storage and/or drydocking of boats 3. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business 4. One dwelling unit for use by owner or lessee which shall be located on the same lot	1. Restaurant and/or lounge 2. Boat and/or marine engine sales and repair 3. Charter fishing docks
P-D Planned development district	The purpose of this district is to recognize a key area of the town proposed and suitable for a planned unit development, and to provide for its submission and development in accordance with the town's comprehensive plan.	None	Planned unit development	1. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	None
I-S Island sanctuary district	The purpose of this district is to delineate publicly owned islands.	1. Bird and wildlife sanctuaries 2. Public open areas	None	1. Accessory uses customarily incident to a permitted use not involving the conduct of business	None
G-P-D Golf planned development district	The purpose of this district is to recognize a partially submitted and partially developed planned unit development within a key area of the town and to provide for its final submission and ultimate development in accordance with the town's comprehensive plan.	None	1. Planned unit development	1. Other accessory uses customarily incident to a permitted, permitted with site plan review or special exception uses, not involving the conduct of business	None

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SCHEDULE TWO
SCHEDULE OF LOT, YARD AND BULK REGULATIONS

DISTRICT	Area (Sq. ft.)	LOT			Front (Feet)	YARD			Height (Stories/ Feet)	Coverage (Per cent)
		MINIMUM	MAXIMUM	Density (D.U.'s/ acre)		MINIMUM	MAXIMUM	BULK		
		Width (Feet)	Depth (Feet)			Side Yard Both yards/One yard (Feet)	Rear (Feet)			
R-1A	30,000	100	100	*(1)	20	25/10	20	2/30	35	
R-1B	15,000	100	100	*(1)	20	25/10	25	2/30	35	
R-1	10,000	100	100	*(1)	20	20/8	20	2/30	35	
R-1S	7,000	60	90	*(1)	20	20/8	15	2/30	35	
R-2										
Single-family	10,000	100	100	4	20	20/8	20	2/30	35	
Two-family	15,000	100	100	5	20	20/8	20	2/30	35	
Townhouses *(2)	25,000	125	100	6	20	25/10	20	2/30	30	
Multifamily	25,000	100	125	6	20	35/15	25	2/30	30	
Bungalow courts	20,000	100	100	6	20	20/12	25	2/30	35	
Hotels or motels	25,000	100	125	6	40	35/15	25	2/30	30	
R-3										
Single-family	10,000	100	100	4	20	20/8	20	2/30	35	
Two-family	15,000	100	100	5	20	20/8	20	2/30	35	
Townhouses *(2)	25,000	125	100	6	20	25/10	20	2/30	35	
Multifamily	25,000	100	125	6	40	35/15	25	2/40	30	
Bungalow courts	20,000	100	100	6	20	20/12	25	2/30	35	
Hotels or motels	25,000	100	125	6	40	35/15	25	2/40	30	
R-C										
Single-family	10,000	100	100	4	20	20/8	20	2/30	35	
Two-family	15,000	125	100	5	20	20/8	20	2/30	35	
Townhouses *(2)	20,000	125	100	5	20	25/10	20	2/30	35	
Multifamily	30,000	150	150	11	50	30/30	30	5/60	30	
Bungalow courts	20,000	125	100	11	20	20/12	25	2/30	35	
Hotels or motels	30,000	150	150	11	50	30/30	30	5/60	30	

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SCHEDULE OF LOT, YARD AND BULK REGULATIONS—Cont'd.

DISTRICT	LOT				YARD			BULK	
	Area (Sq. ft.)	Width (Feet)	Depth (Feet)	Density (D.U.'s/ acre)	Front (Feet)	Side Yard Both yards/One yard (Feet)	Rear (Feet)	Height (Stories/ Feet)	Coverage (Per cent)
O-I	20,000	100	180	N.A.	45	40/15	20	2/30	30
C-1	5,000	35	125	N.A.	45	15/15*(2)	10	2/30	60
C-2	40,000	150	200	N.A.	25	50/20	15	3/40	40
M-1	20,000	100	150	N.A.	45	40/15	20	2/30	40
PD	See Article 7 for Standards			4	See Article 7 for Standards			10/100	30
I-S	20,000	100	100	*(1)	20	25/10	20	2/30	25
G-P-D	See Article 7 for Standards			6	See Article 7 for Standards			10/100	30

*(1) Density expressed in term. of D.U.'s per acre is fractional and dependent upon lot sizes.

*(2) See section 6.41 for regulations regarding individual townhouses.

*(3) If commercial use adjoins another commercial use or district no side yard setback is required, however, if one is provided it shall be fifteen (15) feet.

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ARTICLE 5. SUPPLEMENTARY LOT REGULATIONS

5.10 Lot regulations.

5.11 *Existing Lots of Record.* A single-family structure may be constructed on any nonconforming lot in any R district if said lot is less than the minimum area required for building lots in the R district in which it is located, providing the following conditions exist or are met:

- (a) *Availability of adjacent vacant land.* No structure shall be constructed on any nonconforming lot if the owner of said lot owns any adjoining vacant land which would create a conforming lot if said vacant land were combined with the lot deficient in area.
- (b) *Side yards.* No structure shall be constructed on a nonconforming lot unless it shall have a minimum side yard of ten (10) feet, or a minimum side yard of twenty (20) feet where adjacent to any street.
- (c) *Front and rear yards.* No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums required for the R district in which said lot is located.

5.12 *Lot Width.* The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

5.13 *Lot Depth.* The minimum lot depth of any lot shall be measured by a straight line from the midpoint of the front lot line and perpendicular thereto, to its intersection with the rear lot line.

5.14 *Intersection Visibility.* At all street intersections no obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines thirty (30) feet distant from their point of intersection.

5.15 *Required Area or Space Cannot Be Reduced.* The area or dimensions of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this ordinance except as provided in this ordinance; and, if already less than the minimum required by this ordinance, said area or dimension may be continued but shall not be further reduced.

5.20 Maximum coverage.

Land coverage by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the district, as set forth within Schedule Two, Article 4, where such principal and accessory buildings are located.

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5.30 Yard regulations.

Every part of a required yard must be open to the sky unobstructed except for the ordinary projections of steps, sills, belt courses, cornices and other ornamental features projecting not more than four (4) inches from the building wall except as otherwise provided for in this ordinance.

5.31 Side Yards. Side yard of corner lot: Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street. The minimum side yard setback of a corner lot, however, shall not be in any case less than twenty (20) feet.

5.32 Transition Yard Requirements. Side or rear yard: Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, or where a side yard of a single-family residential district abuts a multifamily residential district, there shall be provided in the nonresidential or multifamily residential district along such abutting line or lines, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side yard or abutting rear yard of the nonresidential district be less than fifteen (15) feet.

5.33 Waterfront Yard Requirements.

- (a) **Gulfside yard:** Every lot which abuts the Gulf of Mexico shall have, on the gulfside, a gulfside waterfront yard. Said waterfront yard is a required yard and shall not be utilized for any purpose other than open area or landscaping or accessory beach shelter.

Said gulfside waterfront yard shall not be less than one hundred fifty (150) feet measured from the mean high waterline. No variance may be granted from this gulfside yard requirement except for a single-family dwelling where the 150-foot setback cannot be applied.

- (b) **Bayside yard:** Every lot which abuts Sarasota Bay or the passes thereto shall have, on the bay side, a bayside waterfront yard. Said waterfront yard is a required yard and shall not be utilized for any purpose other than open area or landscaping, except within an M-1 district which shall be subject to site plan review.

Said bayside waterfront yard shall not be less than fifty (50) feet measured from the bulkhead or bulkhead line except that a single-family residence may not be located closer than twenty (20) feet of the bulkhead or bulkhead line.

- (c) **Canalside yard:** Every lot which abuts a canal or waterway other than the Gulf of Mexico or Sarasota Bay or the passes thereto shall have, on the water side, a canalside waterfront yard. Said waterfront yard is a required yard and shall not be utilized for any purpose other than open area or landscaping, except within an M-1 district which shall be subject to site plan review. Said canalside waterfront yard shall not be less than thirty (30) feet measured from

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the bulkhead or bulkhead line except that a single-family residence may not be located closer than twenty (20) feet of the bulkhead or bulkhead line. (Ord. No. 76-26, § 2, 7-21-76)

5.40 Garden walls, fences and hedges.

All garden walls, fences or hedges located or constructed within the required yard areas shall conform to the following regulations except where special requirements are set forth for specific screening purposes elsewhere in this ordinance.

5.41 *Front Yard.* All garden walls, fences or hedges located within the required front yard shall not exceed three (3) feet in height.

5.42 *Side and Rear Yards.* All garden walls, fences or hedges located within the required side or rear yards shall not exceed six (6) feet in height except for a required street side [yard] or required street rear yard of a corner lot which shall be considered a front yard for these purposes.

5.43 *Waterfront Yard.* All garden walls, fences or hedges within a waterfront yard shall not exceed three (3) feet in height.

5.44 *Restrictions.* Such garden wall, fence or hedge shall in addition conform with section 5.14 of this ordinance.

5.50 Minimum yard regulations for accessory structures.

All accessory structures, either attached or unattached, in all districts shall conform to the regulations of this section unless specifically excepted by other provisions of this ordinance. In addition, necessary essential service facilities and other improvements related to the provision of basic services such as fire hydrants, outdoor lighting, mailboxes or integral components of underground utilities are not intended to be restricted from required yard areas or defined as accessory structures.

5.51 *Unattached Accessory Structures in R Districts.* Accessory structures without kitchen facilities which are located no closer than ten (10) feet to a principal structure are defined as unattached and may be erected in accordance with the following requirements:

- (a) An accessory building may occupy not more than ten (10) per cent of a required rear yard.
- (b) Any accessory structure located within a side or rear yard may not exceed eight (8) feet in height and in no case be located closer than ten (10) feet to the side or rear lot lines.
- (c) No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.

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- (d) For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.
- (e) No accessory structure shall be located within a waterfront yard except for davits as provided herein.
- (f) Davits located within a waterfront yard shall not be located closer than ten (10) feet to a side lot line nor exceed eight (8) feet in height.

5.52 *Attached Accessory Structures in R Districts.* When an accessory structure is located within ten (10) feet to a principal structure it is considered attached to the principal structure and shall comply in all respects with the yard requirements of this ordinance applicable to the principal building. Air conditioning units, pool circulating pumps and similar mechanical equipment may be located within a side or rear yard; provided, however, that no such equipment shall be closer than ten (10) feet to any lot line.

5.53 *Accessory Structures in Other Than R Districts.* Accessory structures shall comply with front yard requirements for the principal structure to which they are accessory and shall not be closer to any side or rear property line than ten (10) feet; provided, however, no accessory structures shall be located within a waterfront yard.

5.54 *Accessory structures on waterfront and noncontiguous lots.* A beach shelter may be located on a waterfront or noncontiguous lot as an accessory use. Said accessory beach shelter shall not exceed three hundred (300) square feet in area, exceed twelve (12) feet in height and shall have at least a fifty-foot setback from the mean high waterline. The support of a beach shelter roof and the roof itself must be of material that would present minimal damage to life or property in the event of a hurricane, tidal flood or other similar disaster. (Ord. No. 76-28, § 3, 7-21-76)

5.60 Height regulations.

5.61 *General Application.* No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted in subsection 5.62 of this ordinance.

5.62 *Permitted Exceptions to Height Regulations.* No exceptions to the height regulations shall be permitted except as specifically provided for below:

- (a) One television antenna per principal structure and one or more mechanical equipment rooms not exceeding ten (10) per cent of roof area and not exceeding the height regulations by more than ten (10) feet of the district in which it is located; however, such mechanical equipment rooms, their location and visibility from adjoining streets or properties should be the subject of site plan review considerations.
- (b) A church spire or tower may exceed the height regulations of the district within which it is located.

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- (c) No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any antenna, tower or other structure which extends above the roof of the principal structure or height regulations.
- (d) A planned unit development shall conform to the height regulations of the district within which it is located.
- (e) In instances where buildings are included in a site plan review under section 5.70 of this ordinance, so long as the building height does not exceed the maximum feet regulations and to allow flexibility of design the planning and zoning board may consider and make findings concerning an extension of the maximum stories regulations and the town commission in its action may grant an extension of the maximum stories regulation. (Ord. No. 78-28, §§ 4, 5, 7-21-78)

5.70 Screening regulations.

5.71 Required Screening. Where any nonresidential use directly abuts a single-family residential zone or where a nonresidential use within a multifamily residential zone abuts a residential use in the same or a different residential zone it shall be screened from the adjoining residential zone in one of the following ways:

- (a) By a fence or wall at least five (5) feet but not more than seven (7) feet in height of at least sixty (60) per cent solidity measured perpendicularly. Said fence or wall shall be located completely within the limits of the nonresidential lot and shall have equal architectural treatment on both sides.
- (b) By landscaping which is selected and arranged to form a visual screen between the nonresidential use and the residential district or use from which it is to be screened. Such landscaping shall be mature plants having already attained a six-foot height and providing the necessary screening, however a permanent fence to supplement the landscaping may be required.

5.72 Approval by the Planning and Zoning Board. Plans and site design for the installation of required fences, walls or landscaping shall be reviewed by the planning and zoning board prior to issuance of a building permit for such uses as are required by this ordinance to be provided with such fences, walls or landscaping.

5.73 Maintenance. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased

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landscaping shall be considered a violation of this ordinance.

5.80 Miscellaneous lot regulations.

5.81 Structures over water:

(a) No structures shall be erected or constructed beyond the established bulkhead or bulkhead line of any body of water, except piers or wharfs.

(b) No pier or wharf or other structure projecting into the water beyond the mean high water shall be constructed, reconstructed, 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 waterline in excess of thirty (30) feet except this limitation may be extended where the zoning board of adjustment grants a variance in a manner prescribed by law.

(4) Comes closer than thirty (30) feet to an extension of the side lot lines projected into the water.

5.82 Lot excavation: No person, firm or corporation shall strip, excavate, or otherwise remove soil, sand, shale or gravel for sale or use and thereby create a borrow pit except in connection with the construction or alteration of a building permitted by the issuance of a building permit on such premises and excavation or grading incidental thereto.

5.83 Lot grades: No natural grades of the upland or Gulf bottoms within five hundred (500) feet of the mean high waterline of the Gulf of Mexico shall be lowered. This provision is not to be considered a restriction against leveling minor irregularities in the surface of the ground.

5.84 Lot frontage: Every lot in every district shall have a minimum frontage of forty (40) feet on a public or approved private street.

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ARTICLE 6. SUPPLEMENTARY USE REGULATIONS

6.10 Special exception uses.

Special exception uses, as enumerated in Schedule One of Article 4 hereof, shall be permitted only upon authorization by the board of adjustment subsequent to a review and written recommendation by the planning and zoning board, provided that such uses shall be found by the board of adjustment to comply with the following requirements and other applicable requirements as set forth in Article 8 of this ordinance.

1. That the use is a permitted special use as set forth in Schedule One of Article 4 hereof.
2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
5. That adequate landscaping and screening is provided as required herein, or otherwise required.
6. That adequate off-street parking and loading is provided, that ingress and egress is so designed as to cause minimum interference with traffic on abutting streets and that the use has adequate frontage on a public or approved private street.
7. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for planned unit developments.

6.20 Accessory uses.

6.21 General. Accessory uses shall be clearly supplementary and incidental to the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate except as provided for in section 5.54.

Where a principal use within an R district is other than a hotel or motel, no commercial accessory uses will be permitted.

6.22 *Swimming Pools.* Swimming pools, not to be enclosed by a structure other than fences or screening as required or permitted by the town, may be constructed within yard areas except the required front yard, required street side yard or required street rear yard as prescribed by this ordinance; provided, however, that no part of the pool structure may protrude more than six (6) inches above finished ground level and that the pool walls shall be at least eight (8) feet from the lot lines. Swimming pools within waterfront yards shall not be located within one hundred fifty (150) feet of the mean high waterline on a gulfside waterfront yard, twenty (20) feet of the mean high waterline within a bayside waterfront yard and fifteen (15) feet of the mean high waterline within a canalside waterfront yard. In determining the percentage of coverage of a lot by buildings, swimming pools shall not be counted in such computation.

6.23 *Accessory Commercial Uses in Motels or Hotels.* Commercial services developed or used in connection with either motels or hotels, including cigar or newstands, personal service shops, restaurants, cocktail lounges, and similar uses, may be permitted provided the following conditions are fulfilled:

- (a) At least twenty-five (25) dwelling units shall be contained within the building group; provided, however, that a hotel or motel with less than twenty-five (25) units may provide up to two hundred (200) square feet for such accessory use.
- (b) Not more than ten (10) per cent of the total floor area within the buildings shall be so used.
- (c) All such commercial services shall be situated within the interior of the building so that no part thereof shall be directly accessible to the street, or public way. Exceptions to this provision may be granted through site plan review.
- (d) That all required parking is provided as set forth in section 6.31 of this ordinance.
- (e) Such accessory commercial uses are only permitted in connection with the principal use and may not be operated or advertised as an independent commercial use.

6.24 *Private recreational facilities.* Putting greens, shuffleboard courts and similar uses of a recreational nature not to be covered by a structure may be constructed within yard areas except the required front yard, required street side yard, required street rear yard, or required waterfront yard as prescribed by this ordinance; provided, however, that any walls or fences shall conform with section 5.40 of this ordinance. In determining the percentage of coverage of a lot by buildings, tennis courts, putting greens, shuffleboard courts and similar uses shall not be counted in such computation.

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Private recreational facilities within a structure shall conform with all pertinent yard requirements as set forth in section 5.50 of this ordinance. (Ord. No. 76-26, § 6, 7-21-76)

6.30 Services, automotive.

6.31 Off-Street Parking.

- (a) *Size and access:* An off-street parking space shall consist of a parking space having minimum dimensions of ten (10) feet in width by twenty (20) feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width of an access drive shall be ten (10) feet. Minimum width of an aisle designed and intended for the maneuvering of an automobile into a parking space shall be in conformance with the illustrative chart as set forth in Attachment Two of this ordinance and hereby made a part of this ordinance. The parking plan must be so arranged that each automobile may be placed and removed from the parking space assigned thereto and taken to and from the property without the necessity of moving any other automobile to complete the maneuver.

Street and/or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to street areas shall not exceed a maximum of twelve (12) feet for a one-way drive and twenty-four (24) feet for a two-way drive. The design, number and placement of such drives is subject to the approval of the town before being constructed.

- (b) *Automatic parking:* Nothing in this section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery.
- (c) *Number of parking spaces required:* There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking, minimum off-street parking facilities with adequate provisions for ingress and egress, in accordance with paragraphs (a) and (b) of this section and the schedule of off-street parking requirements, as prescribed in this ordinance.

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SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

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<u>USE</u>	<u>SPACES REQUIRED PER UNIT</u>
1. Single- and two-family dwellings and townhouses.	Two (2) per dwelling unit.
2. Multi-family dwellings.	One and one-half (1-1/2) per dwelling unit plus one (1) per each five (5) units or portion thereof.
3. Churches or other places of worship.	One (1) per seven (7) permanent seats in the main auditorium.
4. Social, swimming, golf, tennis and yacht clubs.	One (1) per five hundred (500) square feet of floor area plus four (4) per each court, one (1) per each one hundred (100) square feet of pool area, six (6) per each hole of golf, one (1) per each ten (10) boat slips except for a restaurant which shall be the same as (9) below and one (1) per five (5) linear feet of beach.
5. General business, commercial, and personal service establishments or office buildings.	One (1) per three hundred (300) square feet of total floor area.
6. Hotels, motels and motor inns.	One and one-tenth (1-1/10) per dwelling unit plus one (1) per five hundred (500) square feet of nondwelling unit floor area except for a restaurant which shall be the same as (9) below.
7. Libraries, art museums and similar cultural facilities.	One (1) per five hundred (500) square feet.
8. Medical and dental offices or clinics.	Seven (7) for each doctor or dentist or one (1) per one hundred (100) square feet of floor space whichever is greater.
9. Restaurants, nightclubs or other eating places.	One (1) per three (3) seats as established by the latest adopted standards of the Southern Standard Building Code or one (1) per two hundred (200) square feet of floor area, whichever is greater
10. Theatres, auditoriums, or other places of public assembly.	One (1) per each four (4) seats.
11. Accessory commercial uses in motels and hotels.	One (1) per five hundred (500) square feet except for a restaurant which shall be the same as (9) above.
12. Marinas.	One (1) per ten (10) slips whether wet or dry plus the standard requirements for floor space.

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- (d) *Location of parking spaces.* Parking spaces for all uses or structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable provisions shall be located on the same lot, and have the same zoning district as the principal use or structure they are intended to serve. Under special conditions the town commission may grant similar parking on contiguous property.
- (e) *Collective provision.* Two (2) or more owners or operators of commercial buildings or uses of the same type of zoning classification requiring off-street parking facilities may take collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately and provided that the combined facility is compatible with the zoning uses being served.
- (f) *Utilization of yards.*
 - (1) In all R districts, required parking spaces for single-family and two-family dwellings may be permitted in any setback areas or yards except a required waterfront yard and shall be counted as meeting off-street parking requirements except that within a required front yard all parking shall be located in a driveway or turnaround.
 - (2) In all R districts for all other permitted uses, approved permitted uses with site plan review or approved special exception uses, required front, street side or street rear yards may not be used for off-street parking, except as specifically provided herein, however all other yards may be used for such purpose except as limited herein. A maximum of thirty (30) per cent of a required or nonrequired front yard, may be used for off-street parking provided that a minimum front setback of twenty (20) feet is maintained and the parking area is screened from the adjacent street with landscaping in accordance with section 5.71(b). Any off-street parking located within any other yards shall also be screened with walls or landscaping from the adjacent street and/or uses in accordance with section 5.71. Each parking space shall have an adequate and substantial wheel stop located at least eight (8) feet from any abutting side or rear property line. Parking area surfaces shall not extend closer than six (6) feet from any abutting side or rear property line. All parking areas shall have each parking space and aisle marked.
 - (3) In all other districts for all other permitted uses, approved permitted uses with site plan review or approved special exception uses, a maximum of seventy (70) per cent of a required front, street side or street rear yard may be used for off-street parking. Each parking space shall have an adequate and substantial wheel stop located at least seven (7) feet from any abutting front, side or rear property line. Parking area surfaces shall not extend closer than five (5) feet from any abutting front, side or rear property line. All parking areas shall have each parking space and aisle marked.

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(g) [*Landscaping.*] The atmosphere within a parking area is intended to be parklike. Towards this objective the following standards shall be observed in the design and construction of such parking areas:

- (1) At least ten (10) per cent of the total interior area shall be suitably landscaped;
- (2) Such landscaping to include the placement of a mature shade tree at intervals of approximately each five (5) parking spaces;
- (3) Interior portions of the parking area shall be broken up by the provision of landscaped islands; and
- (4) A maximum of twelve (12) parking spaces in a row will be permitted without an island.

(h) *Approval of plan.* The plan for ingress and egress to and from the off-street parking area and landscaping shall be subject to the approval of the town. No curbs or sidewalks may be cut or altered in any manner without a permit from the town and all other applicable county or state agencies.

(i) *Utilization of parking structures.* When off-street parking facilities are located within a separate parking structure, the following conditions and restrictions shall apply:

- (1) The structure shall conform to all lot, yard and bulk requirements of the district in which it is located.
- (2) The parking facilities shall be designed so as to conform to all other provisions of this ordinance and all other ordinances of the town.
- (3) All nonstructural portions of the exterior elevations, except for vehicular ingress and egress areas, shall, in addition to any required safety provisions, be screened by a sight block of at least fifty (50) per cent solidity for the total areas between deck levels, such sight blockage to be determined by elevation. A solid wall for fifty (50) per cent of the distance between deck levels will not be acceptable.
- (4) When parking facilities are located on the roof of a parking structure, a four-foot sight block shall be provided in accordance with paragraph (3) above. The definition for height of building in section 2.10 shall be applied in respect to feet, not stories, and be measured to the top of the sight block as set forth in (3) above. (Ord. No. 76-26, §§ 7, 8, 7-21-76)

6.32 *Off-Street Loading.* In any district, in connection with every building, or building group or part thereof thereafter erected and having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

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4,000—25,000 square feet	1 berth
25,001—40,000 square feet	2 berths
40,001—60,000 square feet	3 berths
For each additional 50,000 square feet	1 berth

The loading berth(s) required in each instance shall be not less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard; Provided, however, that the loading berth(s) shall be screened from the street or public way.

6.33 Service Stations.

- (a) *Location of exits and entrances.* Entrances and exits for vehicles to and from gasoline service stations shall not be closer than thirty (30) feet to any intersection.
- (b) *Lot size.* Gasoline service stations shall be located on a lot not less than ten thousand (10,000) square feet and have a minimum frontage of one hundred (100) feet.
- (c) *Location of oil drainage pits and hydraulic lifts.* All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to any abutting residential district lot line and no closer than twenty-five (25) feet to any other lot line.
- (d) *Mechanical repair.* All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than fifty (50) feet to any abutting residential district lot line and no closer than twenty-five (25) feet to any other lot line.
- (e) *Gasoline pumps.* Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least thirty (30) feet from any lot line.
- (f) *Storage of vehicles.* No storage of vehicles shall be permitted.
- (g) *Screening.* When adjoining a residential district or use, screening shall be provided in accordance with section 5.71. (Ord. No. 76-26, §§ 9—11, 7-21-76)

8.34 *Drive-In Facilities.* Drive-in facilities may be permitted as an accessory use only when the following provisions are complied with and approved by the town:

- (a) *Location and arrangement of exits and entrances.* No drive-in accessory use shall have an entrance or exit for vehicles which is located closer than thirty (30) feet to any intersection. Individual ingress and egress drives extending across public sidewalks and curbs shall be subject to the same standards and approvals as those for off-street parking access contained within section 6.31(a) of this ordinance.
- (b) *Size and arrangement.* No drive-in accessory use shall project into any front yard or, if applicable, street side yard further than the principal building. A

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maximum of six (6) drive-in stalls are permitted and shall be so located as to not restrict pedestrian access to any public entrance of the principal building; be it further provided that any portion of the drive-in facilities, including access drives, which are located between the principal building and the required off-street parking facilities shall have adequate pedestrian safeguards.

6.40 Residential uses.

6.41 Townhouses. To encourage and facilitate attractive design of town housing, the following general set of standards shall be used by the town in reviewing plans for such development. (See Attachment Three of this ordinance for an illustration of the application of these general standards.)

- (a) The overall density shall not exceed the maximum permitted in the district as set forth in the schedule of lot, yard and bulk regulations of this ordinance.
- (b) The minimum individual lot width, if applicable, shall be twenty (20) feet and the maximum coverage for an individual lot, if applicable, shall be forty (40) per cent.

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(c) No less than three (3) townhouses shall be located within a building group and no interconnection or overlapping between individual dwelling units shall be permitted and no part of any portion of any building group shall be nearer than twenty (20) feet to any part of any portion of any other building group nor nearer than ten (10) feet to any side lot line of the overall lot.

(d) Each building group shall have provided on the overall lot, a twenty-foot access to the interior or rear of the block with at least one (1) such access for each fifteen (15) townhouses or portion thereof.

(e) Each interior individual townhouse lot not having a street front access shall have a minimum access easement of twelve (12) feet provided along the rear property line of such lot.

(f) Townhouse developments, in addition to complying with all applicable sections of this ordinance, shall comply with one (1) of the following methods of land transfer and ownership:

(1) The subdivision of the whole tract into individual parcels in accordance with this ordinance, together with the platting of the property for record in accordance with the state plat law and Appendix A of the Code of Ordinances of the town, or;

(2) Providing for the development of the entire tract in accordance with this ordinance, retaining, however, title to all of the lands in the name of the condominium owners, and providing for all other usual condominium documents and procedures, or;

(3) Providing for the development of the entire tract in accordance with this ordinance, retaining, however, title to all of the lands in a single ownership by recording a duly executed declaration of restrictions in the office of the clerk of the circuit court of Manatee or Sarasota Counties, thereby stipulating that said tract shall not be eligible for further subdivision.

6.42 Conversions. All conversions of single-family dwellings in the R-2, R-3 or R-C districts shall comply with section 6.30 regarding off-street parking requirements and each dwelling unit shall have adequate light, air, heating and plumbing facilities. All density and lot area requirements for the converted structure within the district in which

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it is located shall be complied with provided however that each converted dwelling unit shall have at least six hundred (600) square feet of floor area. No converted building shall have more than a total of four (4) dwelling units.

6.50 Mobile home parks.

6.51 All applications for a building permit for a mobile home park or portion thereof as a special exception use shall, in addition to complying with all other applicable sections of this ordinance and other appropriate ordinances of the town, comply with the following provisions:

(1) Permits required. In addition to a building permit, a mobile home park shall make application for and be issued an operating permit in order for an applicant to locate, construct, alter or extend a mobile home park within the Town of Longboat Key.

(2) Applications. All applications for permits shall be submitted to the Town of Longboat Key Building and Zoning Official. All applications for permits shall contain the following:

(a) Name and address of applicant; if the applicant is a partnership, the names and addresses of the partners; if the applicant is a corporation, the name and address of the officers and directors.

(b) Name and address of the owner of the land.

(c) Location and legal description of the mobile home park.

(d) Two (2) sets of engineering and/or architectural plans and specifications of the proposed park showing:

(1) The area and dimensions of the tract of land.

(2) The number, location and size of all mobile home lots.

(3) The location, size and use of all proposed recreational areas.

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(4) The location of service buildings and any other proposed structures.

(5) The plans and specifications as required by Appendix A of the Town Code of all proposed improvements.

(3) Existing parks. Mobile home parks operating prior to the effective date of this ordinance, the plans of which were approved by any county or state officials as evidenced by a current state health permit, may continue to operate and are permitted to use such mobile home spaces as are shown on such permit and may make such improvements as desired on any new or existing mobile home or on such spaces after obtaining a building permit from the town. Existing mobile home parks which desire to alter, expand or change in any manner shall submit an application for a permit as provided for in section 6.51(2).

6.52 Size and density.

(1) Size. Every mobile home park shall be located on a lot of at least fifteen (15) acres of land.

(2) Number of spaces. Every mobile home park shall have at least fifty (50) mobile home lots of a size and shape as set forth in section 6.53 of this ordinance.

(3) Density. Every mobile home park shall have a density not exceeding five (5) mobile homes per acre of total park area.

6.53 Site improvement requirements.

(1) General. Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden storm flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards of personal injury or death or of a severe property damage from such exposure.

(2) Soil and ground cover. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

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(3) Required improvements. All streets, water supply, storm drainage, sanitary sewage collection and other utilities shall be designed and constructed in accordance with Appendix A of the Town Code (Subdivision Regulations).

(4) Nonresidential uses.

(a) No part of any park shall be used for nonresidential purposes except as permitted by this ordinance.

(b) Nothing contained in this ordinance shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(5) Separation between mobile homes.

(a) Mobile homes shall be separated from each other and from other buildings and structures by at least thirty (30) feet; provided that mobile homes placed end to end may have a clearance of twenty (20) feet where opposing rear walls are staggered.

(b) An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.

(6) Mobile home lots.

(a) Each mobile home lot shall consist of usable area of not less than four thousand (4,000) square feet exclusive of all roadways, common recreation areas or common parking areas.

(b) Each mobile home lot shall have not less than forty (40) feet of frontage on a park street.

(7) Recreation areas.

(a) In all mobile home parks there shall be one (1) or more recreation areas which shall be easily accessible to all park residents.

(b) The size of such recreation areas shall be based upon a minimum of one hundred and fifty (150) square

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feet for each mobile home lot. No outdoor recreation area shall contain less than twelve thousand (12,000) square feet.

(c) Recreation areas shall be so located as to be free of traffic hazards and should, where possible, be centrally located.

(8) Setbacks, buffer strips and screening.

(a) All mobile homes shall be located at least forty (40) feet from any park property boundary line abutting upon a street or highway and at least twenty (20) feet from other park property boundary lines.

(b) There shall be a minimum distance of fifteen (15) feet between an individual mobile home and adjoining pavement of a park walk, street, or common parking area or other common areas.

(c) All mobile homes shall be located so as to comply with the provisions of section 5.33, Waterfront Yard Requirements, of this ordinance.

(d) All mobile home parks shall be provided with screening such as attractive and well-maintained fences or natural growth along the property boundary line separating the park and adjacent uses.

(9) Off-street parking.

(a) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall comply with section 6.31 of this ordinance and the multifamily dwellings requirement as set forth in the Schedule of Off-Street Parking Requirements.

(b) Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve.

6.54 Landscaping. Trees and shrubs shall be provided along all walks and streets around recreation areas and along the outer property lines of the mobile home park. Trees shall be planted at an interval of not less than fifty (50) feet where feasible.

6.55 Mobile home stands. The area of the mobile home stand shall be improved to provide an adequate foundation for

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the placement and tiedown of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

(1) The mobile home stand shall be designed so as to not heave, shift or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure.

(2) The mobile home stand shall be provided with anchors and tiedown such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.

6.60 Miscellaneous uses.

6.61 Churches and private clubs. Applications for churches and private clubs, either as a permitted use, permitted use with site plan review or special exception use shall require the submission of a site development plan showing all structures, roadways, pathwalks, parking areas, recreation areas, utility and exterior lighting installations and landscaping on the site, all existing structures and uses within two hundred (200) feet of the site boundaries, and any other elements as may be deemed essential by the town. The following regulations shall be utilized as guidelines in reviewing the proposed development:

(1) Site size. A minimum site size of thirty thousand (30,000) square feet with a minimum lot width of one hundred and fifty (150) feet.

(2) Lot, yard and bulk. Such development should not exceed two (2) stories or twenty-five (25) feet in height, a maximum coverage of thirty (30) per cent or violate the least restrictive yard regulations for the district in which it is located provided however that the town may permit a variance of height for a church spire or unusual roof structure form.

(3) Traffic access. All proposed site traffic accessways are adequate, but not excessive in number, adequate in width, alignment and visibility and so located so as not to be a detriment to surrounding properties.

(4) Circulation and parking. The interior circulation system is adequate to serve the needs of the

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development and that all required parking is provided and easily accessible.

- (5) *Proper landscaping.* The proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. As provided elsewhere in this ordinance, proper screening and buffer zones may be required.

6.62 *Home Occupations.* Permitted home occupations operated in any dwelling unit may be operated only if they comply with all of the following conditions:

- (1) *Where permitted.* Within a single-family dwelling unit, or in a building or other structure accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein.
- (2) *Evidence of use.* Does not display or create outside the building any evidence of the home occupation.
- (3) *Permitted uses.* Includes not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes:
 - (a) Arts and crafts.
 - (b) Custom dressmaking, tailoring, seamstress or milliner.
 - (c) Artist or musician.
 - (d) Tutoring for not more than one student at a time.

6.63 *Signs.* All signs and their characteristics including the number permitted, size, placement, height and other considerations shall be governed by the ordinances of the town including Chapter 6 of the Town Code and other applicable ordinances.

6.70 Site plan review.

6.71 *Requirement.* Applications for all permitted uses with site plan review shall require the submission of a site development plan in accordance with the provisions of this article. No certificate of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided in accordance with Chapter 6 of the Town Code and section 9.42 of this ordinance. The town commission may, prior to approving a certificate of occupancy, require evidence of the filing of record of documents establishing the form of organization owning or maintaining any common open space and may also require evidence of the filing of record of covenants, grants of easement or other restrictions imposed upon the use of the land. (Ord. No. 76-26, § 12, 7-21-76)

6.72 *Town Review.* The Town of Longboat Key may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review. The cost of retaining said consultants shall be borne by the applicant in the manner set forth within a separate ordinance concerning permit fees.

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6.73 Submission Procedure. An application for a site plan review shall be made to the building and zoning official prior to an application for a building permit and will only be accepted if all other ordinances and provisions of the town where a public hearing is required have been complied with.

Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review.

Upon receipt of a site plan application the building and zoning official shall have fifteen (15) working days to determine its appropriateness and completeness and accept or reject the application. Within thirty (30) days of the acceptance of the application the building and zoning official shall refer said application, together with all supporting documentation and staff recommendations to the planning and zoning board for their review and recommendation.

Upon receipt of said application the planning and zoning board shall, within sixty (60) days of the original acceptance date by the town, review said site plan and make one of the following recommendations to the town commission together with their findings in respect to the proposed development as set forth in section 6.75 of this ordinance:

- (1) Approved as submitted.
- (2) Approved with changes and/or special conditions.
- (3) Disapproval.

Failure of the planning and zoning board to act within this specified time shall be interpreted as a recommendation of approval as submitted.

The town commission shall, within ninety (90) days of the original acceptance date by the town, review said site plan application and take one of the following actions:

- (1) Approval as submitted.
- (2) Approval with changes and/or special conditions.
- (3) Disapproval.

The action taken by the town commission shall be in resolution form and include the town's findings in respect to the proposed development as set forth in section 6.75 of this ordinance.

Failure of the town commission to act within the specified time shall be interpreted as an approval of the application as submitted; provided, however, that the town and applicant may jointly agree to extend the said review time.

Upon the granting of approval, either as submitted or with changes and/or special conditions, the building and zoning official shall, upon application, issue a building permit for a portion or all of the proposed development after he finds that the

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application is in compliance with Chapter 6 of the Town Code and all other town, county, state and federal requirements.

If, within twelve (12) months of the date of approval of an application for site plan review, a building permit has not been applied for, the approved site plan becomes null and void; provided, however, that the town and applicant may jointly agree to extend such period of approval.

Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this ordinance. (Ord. No. 76-28, § 13, 7-21-76)

6.74 Public Hearing. A public hearing either before the planning and zoning board or the town commission is not required; provided, however, that any public hearing required by other provisions of this ordinance or other ordinances of the town shall be held prior to the submission of a site plan review and building permit application.

6.75 Findings. The granting or denial of approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes and/or special conditions, or for the disapproval and said resolution shall set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

- (a) In what respects the plan is or is not consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- (b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
- (c) In what respects the plan is or is not in conformance with the town's subdivision regulations (Appendix A) and all other applicable town requirements including the design and construction of streets, utility facilities and other essential services.

- (d) In what respects the plan is or is not consistent with good design standards in respect to all external relationships, including but not limited to:

Relationship to adjoining properties;

Internal circulation, both vehicular and pedestrian;

Disposition of open space, use of screening or buffering and preservation of existing natural features including trees;

Building arrangements both between buildings in the proposed development and those adjoining the site.

- (e) In what respects the plan is or is not in conformance with town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements and, if private, the guarantees for continued maintenance.

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6.76 Submission Requirements. Any application for site plan approval shall include the following information:

- (1) The location and size of the site including its legal description, and a current certified survey.
- (2) The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
- (3) The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.
- (4) The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.
- (5) The location, size and character of any common open space and form of organization which will own and maintain any common open space.
- (6) The use and the approximate height, bulk and location of all buildings and other structures.
- (7) The requirements for preliminary plat submission as set forth in Appendix A of the Town Code including the necessary documentation for providing required improvements such as streets, water supply, storm drainage, sewage collection as well as the provisions for all other appropriate public and private services such as security protection, fire protection and refuse collection.
- (8) The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
- (9) The provisions for the parking of vehicles and the location and width of driveways and other vehicular and pedestrian accessways not included in (7) above.
- (10) The provisions for the disposition of open space including tree protection, landscaping provisions and buffering requirements.
- (11) In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
- (12) Any additional data, plans or specifications which the applicant or town believes is pertinent and will assist in clarifying his application. (Ord. No. 76-26, §§ 14, 15, 7-21-76)

6.77 Review Standards. The following standards shall be used by the town in reviewing any site plan:

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- (1) *Traffic access.* All proposed site traffic accessways are adequate, but not excessive in number, adequate in grade, width alignment and visibility, and not located too near street corners, places of public assembly and other similar considerations.
- (2) *Circulation and parking.* That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.
- (3) *Disposal of usable open space.* That in accordance with the spirit and intent of this ordinance, wherever possible, usable open space is disposed of in such a way as to ensure the safety and welfare of residents or guests.
- (4) *Arrangement of buildings.* That adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one exterior exposure. Laundry facilities, including spaces and connections for washing machines and clothes dryers shall be available for multifamily dwellings on the premises for use by all occupants of the premises.
- (5) *Proper landscaping.* That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. As provided elsewhere in this ordinance, proper screening and buffer zones may be required.
- (6) *Supplemental controls.* In reviewing the proposed site plan for one or more multifamily or motel structures, the town shall be guided by paragraphs (a), (b) and (c). However, paragraphs (d), (e) and (f) are mandatory requirements:
 - (a) *Maximum length:* The maximum length of any group of attached structures should not exceed one hundred fifty (150) feet.
 - (b) *Distance between buildings.* The front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building should be no closer to the side, front or rear of any other building than thirty (30) feet.
 - (c) *Distance between buildings and driveways:* No driveway or parking lot should be closer than twenty-five (25) feet to the front of any building or ten (10) feet to the side or rear of any building except where parking under or within the building is proposed or in the case of a front entrance to a building.
 - (d) *Recreation space:* There shall be provided on the site, or on property within three hundred (300) feet which would be contiguous except for separation by a street, of a multifamily development an area or areas, either enclosed or unenclosed, devoted to the joint recreation use of the residents thereof. Such recreation facilities or area shall consist of not less than five hundred (500) square feet of space per dwelling unit. Each such recreation facility or area shall be developed with passive and active recreation facilities. There

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shall be provided on the site of a motel or hotel development an area or areas devoted to the joint recreational use of the guests thereof. Such recreation facilities or area shall consist of not less than three hundred (300) square feet of space per dwelling unit.

(e) Off-street parking spaces: There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. The number and their provision shall be provided for as required by section 6.31.

(f) Accessibility: All building groups shall be so arranged as to be accessible by emergency vehicles (Ord. No. 76-26, §§ 14, 15, 7-21-76)

6.80 Land use and density.

6.81 *Land Use.* Proposed land uses for any development within the town, but especially as they are included within projects requiring site plan review and planned unit developments, shall not adversely affect surrounding development and shall be in accordance with the town's comprehensive plan.

6.82 *Density.* For the purposes of calculating density of a building with mixed or accessory commercial uses, the following use measurement shall be equivalent to a dwelling unit as defined:

<i>Land Use Type</i>	<i>Unit of Measurement</i>	<i>Equivalence to One Dwelling Unit</i>
Hotels, motels and similar places of transient occupancy	Number of rental units	One
Accessory commercial uses	Floor area	1,250 square feet

6.90 Nonconforming uses.

6.91 *General.* Within the districts established by these zoning regulations or amendments that may be later adopted, there may exist lots, buildings, structures or uses which were lawful at the effective date of this ordinance but which would be prohibited, regulated or restricted under the terms of these zoning regulations or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed either voluntarily or as required by ordinance. It is further the intent that nonconformities shall not be enlarged upon, intensified or extended. (Ord. No. 76-26, § 16, 7-21-76)

6.92 *Nonconforming Lots of Record.* A permitted or permissible building or structure may be erected, expanded or altered on any lot of record at the effective date of this ordinance or any amendment thereto. The maximum density, maximum lot coverage, minimum width and minimum yard requirements shall conform in the judgment of the building official as closely as possible to the district in which the lot is

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located, and if residential [shall] be subject to the provisions of Article 5, Section 5.11 of this ordinance. (Ord. No. 76-26, § 16, 7-21-76)

6.93 Nonconforming Buildings or Structures. Where a building or structure exists lawfully that could not be built under this ordinance or as it may be amended by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the building or structure, such building or structure may be continued so long as it remains otherwise lawful, provided that such building or structure is not enlarged or altered in a way which increases its nonconformity, but any building or structure may be altered to decrease its nonconformity; and provided further that any enlargement or alteration, not increasing nonconformity, be specifically approved by the town manager after receipt of a petition addressed to the town manager by the owner or lessee of the property seeking permission for such alteration or enlargement. (Ord. No. 76-26, § 16, 7-21-76)

6.94 Nonconforming Use. Where at the effective date of this ordinance or any amendments thereto lawful use of buildings or structures exists such use may be continued subject to the provisions of this ordinance. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this ordinance or any amendments thereto. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. (Ord. No. 76-26, § 16, 7-21-76)

6.95 Restoration. A nonconforming structure made unsafe or unusable by fire or other casualty may be rebuilt provided that the following provisions are complied with:

- (1) The restoration shall be subject to site plan review as set forth in section 6.70.
- (2) The nonconformities in existence prior to the casualty, including but not limited to the cubic content, area or number of dwelling units shall not be increased.
- (3) A building permit is obtained within one year of the date of the casualty; provided, however, the town commission may extend such time for cause shown.
- (4) The restoration plan shall, whenever in the opinion of the town commission it is possible, reduce or eliminate nonconformities which existed prior to such casualty. (Ord. No. 76-26, § 16, 7-21-76)

6.96 Repairs. Normal maintenance repair and incidental alteration of a structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability; provided, however, that no structural alterations shall be made which would increase the number of dwelling units. (Ord. No. 76-26, § 16, 7-21-76)

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6.97 *Off-Street Parking.* Subject to approval by the town commission, additional off-street parking may be permitted on contiguous property. (Ord. No. 76-26, § 16, 7-21-76)

6.98 *Termination of Nonconforming Uses and Structures; Abandonment.* A nonconforming use not used for a period of six (6) months and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof and such nonconforming use shall not thereafter be revived. (Ord. No. 76-26, § 16, 7-21-76)

ARTICLE 7. PLANNED UNIT DEVELOPMENT

7.10 Purpose.

The purpose of planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas.

The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare both in the use and occupancy of buildings and facilities in planned groups.

7.20 Approval.

Planned unit developments are a permitted use with review, and shall be subject to the approval of the town commission after a review and report by the planning and zoning board and after a public hearing is held by the town commission in accordance with law.

The review by the planning and zoning board shall be to make findings pursuant to the provisions of site plan review section 6.77 and other applicable sections of this ordinance and to make recommendations thereon.

7.30 Preapplication conference.

In order to expedite the review of a planned unit development, coordinate its local review in respect to the provisions of this ordinance with the necessary county, state and federal agency reviews, and to inform the town of a planned unit development in preparation, one or more preapplication conferences between the applicant and representatives of the town is encouraged. The preapplication conference(s) while informal will serve several purposes and focus on the following items:

- (a) To inform the town of any planned unit development plans in progress together with the scale and character of the plan so that the town may

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recognize the proposed development in any of its physical or facility planning for the entire town.

- (b) To inform the applicant of the town's informal response as to the scale and character of the proposed development and to alert the applicant to any specific areas of concern that the town may have for that specific site or proposed plan.
- (c) To clarify and inform both the applicant and the town in respect to the outline development plan approval procedure including an anticipated application time and review period as specifically set forth in section 7.40 of this ordinance.
- (d) To enable the applicant to inform the town of the requirements, procedure and status of the various county, state and federal agency reviews.

7.40 Procedure.

7.41 *Submission Requirements; Outline Development Plan.* In order to provide an expeditious method for processing a plan for a planned unit development, under the terms of this ordinance, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

- (a) An application for an outline development plan for a planned unit development shall be filed by or on behalf of the landowner with the building and zoning official. The purpose of the outline development plan is to provide the town with information in respect to the type, character, scale and intensity of development as well as the time phasing of the proposed planned unit development in order for the town to evaluate the impact of the development upon the town.
- (b) The following information shall be submitted with the application:
 - (1) The location and size of the site including its legal description.
 - (2) The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
 - (3) The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.
 - (4) The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof, and density shall not be transferred from one side of Gulf of Mexico Drive to the other without the prior approval of the town commission.
 - (5) The location, size and character of any common open space and the form of organization proposed to own and maintain any common open space.

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- (6) The use and type of buildings, i.e., single-family detached, townhouses, garden apartments, medium rise or high rise, proposed for each portion of the area included within the outline development plan.
 - (7) The engineering feasibility and proposed method of providing required improvements such as streets, water supply, storm drainage and sewage collection in preparation for submitting the requirements for preliminary plat submission as set forth in Appendix A of the Town Code.
 - (8) The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - (9) The provisions for the parking of vehicles and the function and location of vehicular and pedestrian system facilities.
 - (10) The provisions for the disposition of open space including its development or nondevelopment character and function.
 - (11) In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.
 - (12) Any additional data, plans or specifications as the applicant may believe is pertinent to the proposed planned unit development.
- (c) The application for outline development plan approval of planned unit development shall include a written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.

7.42 Review Procedure. An application for an outline development plan of a planned unit development shall be filed with the building and zoning official. Upon receipt of said application the building and zoning official shall review said application to determine its appropriateness and completeness and accept or reject it within fifteen (15) working days of its submission.

Upon acceptance of the application the town's administrative staff shall review said application and within thirty (30) days of the application's acceptance submit the application, together with all supporting documentation, and their recommendation thereof to the planning and zoning board. The planning and zoning board shall report on the proposed planned unit development not less than fifteen (15) days before the public hearing and the report shall be available for public inspection during reasonable hours.

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A public hearing on the planned unit development application shall be held by the town commission within ninety (90) days after acceptance of said application, public notice of which hearing shall be given in accordance with the provisions of the town charter and this ordinance. A transcript of the hearing shall be caused to be made by the town commission, copies of which shall be made available at cost to any party to the proceedings, and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

During the review process, the town may retain consultants to assist in the review of an outline development plan. The cost of retaining said consultants shall be borne by the applicant in the manner set forth within a separate ordinance concerning permit fees. (Ord. No. 76-26, § 17, 7-21-76)

7.43 *The Findings.* The town commission shall, within thirty (30) days following the conclusion of the public hearing by written resolution either (1) grant approval of the plan as submitted, (2) grant approval subject to specified conditions not included in the plan as submitted, or (3) deny approval to the plan. Failure of the town commission to so act within said period shall be deemed to be a grant of approval of the plan as submitted.

- (a) In the event approval is granted, other than by lapse of time, either of the plan as submitted or of the plan with conditions, the town commission shall, as part of its resolution, specify the drawings, specifications and form of performance and maintenance bonds that shall accompany an application for final approval.
- (b) In the event approval is granted subject to conditions, the applicant shall, within forty-five (45) days after receiving a copy of the written resolution of the town commission, notify the town commission in writing of his acceptance or refusal of all said conditions.
- (c) In the event the applicant refuses to accept all said conditions or fails to reply within forty-five (45) days, the town commission shall be deemed to have denied approval of the plan.

Nothing contained herein shall prevent the town commission and the applicant from mutually agreeing to a change in such conditions, and the town commission may, at the request of the applicant, extend the time during which the applicant shall notify the town commission of his acceptance or refusal of the said conditions.

The grant or denial of approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said resolution shall set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

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- (1) In what respects the plan is or is not consistent with the statement of objectives of the planned unit development and the town's development plan.
- (2) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are not deemed to be in the public interest.
- (3) The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.
- (4) The physical design of the plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and parking and further the amenities of light and air, recreation and visual enjoyment.

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(5) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

(6) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan.

In the event an outline development plan is granted approval, with or without conditions, the town commission shall set forth in the written resolution the time within which an application for final approval of the plan shall be filed or, in the case of a plan which provides for development over a period of years the periods of time within which applications for final approval of each part thereof shall be filed. The time so established by the town commission between approval of an outline development plan and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than six (6) months; provided nothing herein contained shall be construed to limit an applicant from the presentation of any application for final approval earlier than the time period hereinabove set forth.

7.44 Status of plan after outline development plan approval. Within seven (7) days after the adoption of the written resolution provided for in section 7.43, it shall be certified by the town clerk and shall be filed in his office, and a certified copy shall be mailed to the applicant. Where approval of an outline development plan has been granted, the same shall be noted on the zoning map maintained in the office of the town clerk. An outline development plan upon approval and acceptance, as provided herein, is defined as running with the land provided however that an applicant may apply for a revision to said outline development plan in accordance with the procedures for an original submission, review and approval. Approval of an outline development plan shall not qualify a plat of the planned unit development for recording purposes or authorize development or the issuance of any building permits. An outline development plan which has been given approval as submitted, or which has been given approval with conditions which have been accepted by the applicant (and provided that the applicant has not defaulted nor violated any of the conditions of the approval), shall not be modified, revoked or otherwise impaired by action of the town pending an application or

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applications for final approval, without the consent of the applicant, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the resolution granting approval of the outline development plan.

Approval of an outline development plan, with or without special conditions shall represent the zoning of that area contained within the plan and shall apply to the land in a manner consistent with zoning unaffected by the sale or transfer of ownership of the land.

7.45 Application for final approval. An application for final approval may be for all the land included in a plan, or to the extent set forth in the outline development plan approval, for a section thereof. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance and maintenance bonds as were set forth by written resolution of the town commission at the time of approval of the outline development plan.

The submission, review and approval of an application for final approval shall be subject to the procedures and provisions of a site plan review as set forth within section 6.70 of this ordinance.

A plan submitted for final approval of a portion of an outline development plan shall be deemed to be in substantial compliance with the outline development plan previously given approval provided any modification by the applicant does not change the density, open space or other provisions of the total planned unit development and any portion thereof does not:

(a) Vary the proposed residential density or intensity of use by more than ten (10) per cent;

(b) Involve a reduction of the area set aside for common open space nor the substantial relocation of such area;

(c) Increase by more than ten (10) per cent of the floor area proposed for nonresidential use; nor

(d) Increase by more than five (5) per cent the total ground areas covered by buildings nor involve a substantial change in the height of buildings.

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The procedure for reviewing an outline development plan shall not be held on an application for final approval of a plan when said plan as submitted for final approval is in substantial compliance with the outline development plan. The burden shall nevertheless be upon the applicant to show the town commission good cause for any variation between the plan as submitted for final approval and the outline development plan. If said application for final approval is in substantial compliance with the outline development plan the town shall not unreasonably withhold their approval provided that the provisions of section 6.70 are complied with.

7.46 Status of Plan After Final Approval. A plan or any part thereof which has been given final approval by the town commission shall be so certified without delay by the town clerk and a record plan may be filed on record forthwith in the office of the appropriate county clerk in accordance with the state plat law or other applicable state statutes and Appendix A of the Town Code before any development whatsoever shall take place in accordance therewith. Upon the filing of record of the plan all other ordinance and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion within five (5) years of said planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said plan, or part thereof, as finally approved, shall be made nor shall it be impaired by act of the town, except with the consent of the applicant or his successors.

In the event that a plan, or a section thereof, is given final approval and thereafter the applicant shall abandon said plan or the section thereof that has been finally approved, and shall so notify the town commission in writing, or, in the event the applicant shall fail to commence the planned unit development within twelve (12) months, such final approval shall terminate and be deemed null and void unless such time period is extended by the town upon written request of the applicant.

7.50 Regulations governing planned unit developments.

7.51 Minimum Area. A planned unit development shall include not less than the following minimum sizes of contiguous land:

<i>Districts</i>	<i>Minimum PUD Size</i>
Single-family districts	3 acres
R-2	5 acres
R-3	5 acres
R-C	5 acres

The minimum size of a planned unit development for the PUD or G-P-D districts is not applicable as the entire district is a planned unit development. Upon a showing of unusual land characteristics and effective treatment of development possibilities the planning and zoning board may consider and recommend to the town commission and the town commission may approve, conforming to the provisions of this ordinance, a

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planned unit development which may vary in minimum PUD size by not greater than fifty (50) per cent, provided there is no increase in density. (Ord. No. 76-26, § 18, 7-21-76)

7.52 *Open Space.* A minimum of twenty (20) per cent of a planned unit development site area shall be developed as public or private open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

7.53 *Residential Density.* Planned unit developments shall have densities no greater than that permitted for a PUD within the district in which it is located as noted below:

<i>Districts</i>	<i>Maximum PUD Density</i>
R-1B	3 dwelling units/acre
R-1	5 dwelling units/acre
R-1S	4 dwelling units/acre
R-2	6 dwelling units/acre
R-3	8 dwelling units/acre
R-C	11 dwelling units/acre
P-D	4 dwelling units/acre
G-P-D	6 dwelling units/acre

In any event a planned unit development shall be consistent with the development plan for the town and the zoning district in which it is located in respect to design compatibility and height regulations. (Ord. No. 76-26, § 19, 7-21-76)

7.54 *Land Use.* Proposed land uses shall not adversely affect surrounding development and shall be consistent with

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the town's development plan.

In no case, however, where mixed uses, residential and non-residential, are proposed, shall commercial development occupy more than five (5) per cent of the gross area of the planned unit development.

7.60 Design standards for reviewing planned unit developments.

The town commission shall approve the planned unit development only if it finds that the planned unit development satisfies all of the following standards:

7.61 General standards:

(a) The planned unit development shall be consistent in all respects with the regulations governing planned unit developments as set forth within this ordinance.

(b) The planned unit development plan shall be consistent with the development plan for the Town of Longboat Key.

(c) The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.

(d) The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

7.62 Improvement standards:

(a) The planned unit development shall conform with Appendix A of the Town Code and all other applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required physical improvements including but not limited to streets, drainage, water supply and sewage collection.

7.63 Design standards:

(a) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.

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(b) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development.

(c) Treatment of the sides and rear of all buildings within the planned unit development group shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.

(d) The design of buildings and the parking facilities shall take advantage of the natural features, topography of the project site, where appropriate.

(e) All building walls shall be so oriented as to insure adequate light and air exposures to the room within.

(f) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

(g) All buildings shall be arranged so as to be accessible to emergency vehicles.

7.64 Landscape design standards:

(a) Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

(b) Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.

(c) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

(d) All streets bordering the project area shall be planted at appropriate intervals with street trees.

7.65 Circulation system design standards:

(a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

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(b) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.

(c) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

(d) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

(e) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

7.66 Parking and loading design standards:

(a) Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.

(b) Pedestrian connections between areas and buildings shall be via special pedestrian walkways and/or elevators.

(c) Parking facilities shall be designed with careful regard to orderly arrangement, landscaping, ease of access, and shall be developed as an integral part of an overall site design.

(d) Any abovegrade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

ARTICLE 8. BOARD OF ADJUSTMENT

8.10 Organization.

8.11 Establishment: There is hereby established a zoning board of adjustment, hereinafter referred to as a board of adjustment, in the Town of Longboat Key.

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8.12 Appointment: The board of adjustment shall consist of seven (7) residents who shall be appointed by the mayor and confirmed by the town commission. No member of the board of adjustment shall be a paid or elected official or employee of the town.

8.13 Term of office: The term of office shall be for three (3) years and shall be staggered so that not more than three (3) terms expire within any one (1) year.

8.14 Removal for cause: Members of the board of adjustment shall be removable for cause after filing of written charges, a public hearing, and majority vote of the town commission.

8.15 Appointments to fill vacancies: Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointments to fill vacancies shall be made in the same manner as the original appointment and shall be made within thirty (30) days after the vacancy occurs.

8.20 Procedure.

8.21 Rules and regulations: The board of adjustment shall establish rules and regulations for its own operation not inconsistent with the provisions of applicable state statutes or of this ordinance.

8.22 Officers: The board of adjustment shall have a chairman and vice-chairman appointed by the mayor and confirmed by the town commission. The chairman shall be the presiding member of the board and the vice-chairman shall be the presiding members in the chairman's absence or disqualification. The board of adjustment shall elect a secretary and other officers as they deem necessary. The terms of all officers shall be for one (1) year, with eligibility for reappointment or reelection.

8.23 Meetings and quorum: The board of adjustment shall meet at the call of the chairman, at the written request of three (3) or more regular members or within thirty (30) days after receipt of a matter to be acted upon by the board. Four (4) members of the board shall constitute a quorum.

All meetings of the board of adjustment shall be public. A record of all its resolutions, transactions, findings and

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determinations shall be made, which record shall be a public record on file in the office of the town clerk.

8.24 *Decisions.* The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the building and zoning official or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of this ordinance or to effect any variations of this ordinance. (Ord. No. 76-26, § 20, 7-21-76)

8.30 Powers and duties.

The board of adjustment shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
- (2) To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass as required herein.
- (3) To authorize upon appeal in specific cases and where not otherwise prohibited by the terms of this ordinance 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 will result in unnecessary hardship. As used in this ordinance a variance can be authorized only for legal yard and bulk requirements.
- (4) The board of adjustment shall not consider any matter when in the opinion presented by the town attorney the matter presented is not within the jurisdiction of the board as set forth in this ordinance. (Ord. No. 76-26, § 21, 7-21-76)

8.31 *Appeals.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board or commission of the Town of Longboat Key affected by any decision of the administrative official under any provision of this ordinance.

- (1) *Staying of work on premises.* An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed for, unless the official from whom the appeal was taken shall certify to the board of adjustment, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the board of adjustment or a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (2) *Procedure.* Any person appealing any decision of an administrative official shall make such appeal within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the board of adjustment and file the same, and ten (10) copies thereof, with supporting

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facts and data with the building and zoning official. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this article.

Upon receipt of said appeal, the building and zoning official shall forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed was taken and transmit same to the board of adjustment.

Concurrently, the building and zoning official shall transmit a copy of said appeal together with all documents, plans, papers or other materials constituting the record to the town attorney for his review and opinion. The town attorney shall present his opinion to the board of adjustment with respect to two (2) items as follows:

- (a) As to whether the appeal is in fact an appeal and within the jurisdiction of the board of adjustment and;
 - (b) The merits of the appeal proper if requested by the board.
- (3) *Hearing of appeal.* Before rendering a decision upon an appeal, the board of adjustment shall hold a public hearing. The board shall fix a reasonable time of day for the hearing and give public notice thereof. The board may also require the person appealing to send certified mail receipted notice to the property owners within such reasonable neighborhood area as the board may deem appropriate considering the scope of the matter involved but not to exceed a distance of one thousand (1,000) feet from the property involved. The guide for the mailing requirement to owners may be the most current town or county assessment roll. Upon the hearing, any party may appear in person or by agent or by attorney. With respect to condominiums or cooperatives notices required by this section will be deemed notice to their property owners when notice is sent or delivered according to the requirements of this section to each, the secretary and the president of the condominium or cooperative association, unless such offices are not filled, in which event notice to the agent designated for the service of process will be sufficient compliance with the notice requirements of this section. (Ord. No. 76-26, § 22, 7-21-76)

8.32 *Special Exception Uses.* The board of adjustment shall hear and decide applications for special exceptions; decide such questions as are involved in determining when special exceptions should be granted or denied; and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of this ordinance.

In granting any special exception, the board of adjustment shall find that such grant will not adversely affect the public interest. Such decision shall be reached only after receipt of a written report from the planning and zoning board and the holding of a public hearing conducted in the manner set forth in section 8.31(3). Failure of the

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planning and zoning board to submit a written report within thirty (30) days after a referral from the board of adjustment shall be deemed as an approval of the application by the planning and zoning board.

In granting any special exception, the board of adjustment, in addition to the standards enumerated in section 8.10 of this ordinance, 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 exception is granted, shall be deemed a violation of this ordinance. The board of adjustment may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

8.33 Variances. The board of adjustment may authorize upon appeal such variance from the terms of this ordinance as will not be contrary to the public interest and as set forth in section 8.30, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the board of adjustment must and shall find:

- (1) That the variance is in fact a variance as set forth within this ordinance and within the jurisdiction of the board based upon the opinion of the town attorney;
- (2) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
- (5) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
- (6) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- (7) That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved 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

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prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted above shall the board of adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance. (Ord. No. 76-26, § 23, 7-21-76)

8.34 *Judicial Remedy by Circuit Court.* Any person or persons, jointly or severally, aggrieved by a decision of the board of adjustment or any officer, department, board or commission of the town, or by a decision of the town attorney that the board of adjustment has no jurisdiction, may apply to the circuit court in the judicial circuit where the board of adjustment is located for judicial relief within thirty (30) days after rendition of the decision by the board of adjustment. (Ord. No. 76-26, § 24, 7-21-76)

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT9.10 General procedure.

9.11 General sequence of steps: All persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the building and zoning official for a building permit and certificate of occupancy or statement of zoning compliance by filling out the appropriate application form and by submitting the required fee. The building and zoning official will then either issue or refuse the building permit or refer the application to the town commission or board of adjustment. After the building permit has been received by the applicant, he may proceed to undertake the action permitted in the building permit. If the building and zoning official finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy allowing the premises to be occupied or a statement of zoning compliance.

9.12 Building permit types: Under the terms of this ordinance, the following classes of building permits may be issued:

1. Permitted use. A building permit for a permitted use may be issued by the building and zoning official on his own authority as provided for in other sections of this ordinance.

2. Permitted uses with site plan review. A building permit for a permitted use with site plan review may be issued by the building and zoning official upon approval of the town commission after their review in accordance with the provisions of this ordinance.

3. Special exception uses. A building permit for a special exception use may be issued by the building and zoning official upon the order of the board of adjustment after the procedures and provisions of section 8.32 of this ordinance are complied with.

4. Building permit after an appeal or a request for a variance. A building permit may be issued by the building and zoning official upon the order of the board of adjustment after the procedures and provisions of section 8.33 of this ordinance are complied with.

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9.20 Building and zoning official.

This ordinance shall be enforced by the building and zoning official of the Town of Longboat Key. No building permit, certificate of occupancy or statement of zoning compliance shall be issued by him except where all the provisions of this ordinance have been complied with.

9.30 Building permits.

No building or structure shall be erected and no existing building shall be moved, altered, added to, or enlarged until a permit therefor has been issued by the building and zoning official. Except upon a written order of the board of adjustment, no such building permit, certificate of occupancy or statement of zoning compliance shall be issued for any building where such construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance.

9.31 Information necessary for application: There shall be submitted with all applications for building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the buildings and accessory buildings to be erected and all other information as required by Chapter 6 of the Town Code.

9.32 Public record: One (1) copy of such layout or plot plan shall be returned when approved by the building and zoning official together with such permit to the applicant upon the payment of a fee as required by ordinance. The second copy with a copy of each application with accompanying plan shall become a public record after a permit is issued or denied.

9.33 Water supply and sewage disposal: All water supply and sewage disposal installation shall conform with the Florida State Department of Health and Florida State Department of Pollution Control regulations and all applicable county and town ordinances. No plot plan shall be approved by the building and zoning official in any zone unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the building and zoning official before issuing a building permit, including possible runoffs to adjacent properties.

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9.34 Issuance of permits: It shall be the duty of the building and zoning official to issue a building permit, provided he is satisfied that the structure, building, sign, parking area of premises, and the proposed use thereof, conform with all requirements of this ordinance, and that all other reviews and actions, if any, called for in this ordinance have been complied with and all necessary approvals secured therefor.

All building permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation is displayed as required by this ordinance, nor shall they perform building operations of any kind after notification of the revocation of said building permit.

9.35 Permit fees: Permit fees shall be as established by separate ordinance.

9.36 Denial of permits: When the building and zoning official is not satisfied that the applicant's proposed development will meet the requirements of this ordinance, he shall refuse to issue a building permit and the applicant may appeal to the board of adjustment for a reversal of the building and zoning official's decision.

9.37 Expiration of building permit: A building permit shall, after issuance, be in effect and force for the period of time and under the conditions as set forth in section 6-17 of the Town Code.

9.38 Revocation of permits: If it shall appear, at any time, to the building and zoning official that the application or accompanying plat is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said building and zoning official. After the building permit has been revoked, the building and zoning official, in his discretion, before issuing the new building permit, may require the applicant to file an indemnity bond in the favor of the Town of Longboat Key with sufficient surety conditioned for compliance with this ordinance and all building laws and ordinances then in force and

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in a sum sufficient to cover the cost of removing the building if it does not so comply.

9.39 Special exception uses: All such applications shall be accompanied by plans and such other information as may be required in this ordinance.

9.40 Certificate of occupancy.

9.41 General: No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the building and zoning official, stating that the buildings or proposed use thereof complies with the provisions of this ordinance.

9.42 Application for certificate of occupancy: All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after completion of the erection or alteration and after it shall have been approved as complying with all provisions of this ordinance.

The town commission may authorize a temporary certificate of occupancy for the time stated therein and thereby grant a variance from the provisions of this section where there are practical difficulties or a peculiar hardship in carrying out the provision, however, no temporary certificate shall be granted except by the town commission and only upon the deposit of a cash or surety bond to guarantee the completion of all phases of that stage of development not completed at the time of issuance of the temporary certificate of occupancy. The bond shall be a penal sum of one hundred and twenty-five (125) per cent of the estimated cost to complete construction.

9.43 Statement of zoning compliance: Where an addition, alteration or reconstruction of a building or the construction or erection of a fence, wall, parking area or other structure is undertaken after the issuance of a building permit and upon completion in accordance with all provisions of this ordinance and where a certificate of occupancy is not applicable, a statement of zoning compliance shall be issued in the same manner as a certificate of occupancy.

9.44 Record: The building and zoning official shall maintain a record of all certificates and statements and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

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9.45 *Application Mandatory* No permit for clearing of land, excavation of, or the erection or alteration of, or repairs to any building shall be issued until an application has been made for a certificate of occupancy or statement of zoning compliance as applicable.

ARTICLE 10. AMENDMENTS

10.10 Town commission.

The town commission may, from time to time, amend, supplement or repeal the regulations and provisions of this ordinance after public notice and hearings as provided by the charter of the town and upon initiation by one of the following ways:

- (1) On its own motion;
- (2) On petition from the owners of fifty-one (51) per cent or more of the area involved in the proposed change; or
- (3) On recommendation of the planning and zoning board.

10.20 Review of planning and zoning board.

The planning and zoning board, regardless of the source of the proposed change, shall hold a public hearing or hearings thereon, with due public notice, but shall in any case if any change is to be considered by the planning and zoning board, submit in writing its recommendation on the proposed change to the governing body for official action. The town commission shall then proceed to amend, supplement, repeal or leave unchanged the regulations in accordance with applicable provisions of the town's charter and code. (Ord. No. 76-28, § 25, 7-21-76)

10.30 Petition by property owners.

Whenever the fee simple owner of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this ordinance, he shall make written application to the town clerk on a form as provided by the town together with evidence that a deposit of the appropriate fee as set forth in a separate ordinance to cover the cost of notices for required public hearings thereon has been made with the town; such written application to be signed by the owner or his agent. Said application shall be accompanied by any necessary information or documentation supporting such request and shall be reviewed in accordance with the provisions of this ordinance and the town charter. (Ord. No. 76-28, § 26, 7-21-76)

10.40 Changes, amendments or supplements.

All changes, amendments or supplements to this ordinance and to the zoning map, which forms a part hereof, shall be adopted in accordance with the applicable provisions of the town's charter and this ordinance.

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ARTICLE 11. INTERPRETATION AND VALIDITY**11.10 Interpretation.**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall control. If, because of error or omission in the zoning map, any property in the town is not shown as being in a zoning district, the classification of such property shall be R-1 unless changed by amendment to the zoning map or by subsequent zoning ordinances.

11.20 Validity.

In the event any court of competent jurisdiction should hold that any article, section, clause or provision of this ordinance is invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

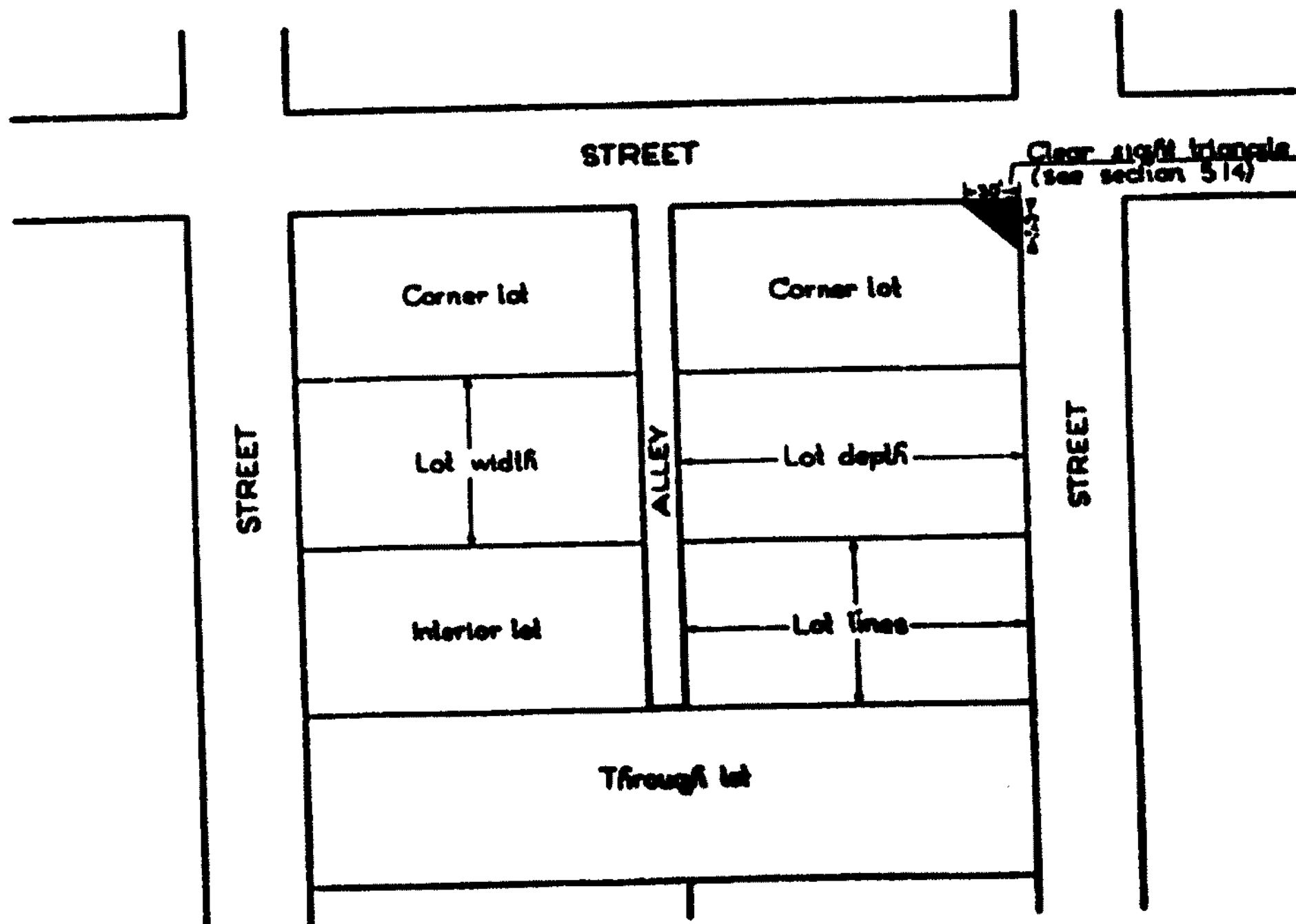
ARTICLE 12. VIOLATIONS AND PENALTIES

12.10 Any person or persons, firms or corporations, violating the provisions of this ordinance or any part hereof, upon conviction in the applicable court for the Town of Longboat Key, Florida, shall be fined not more than five hundred dollars (\$500.00) or imprisoned for a period not to exceed sixty (60) days, and each day that such violation continues shall constitute a separate offense.

FRACIMENT ONE
LOT ILLUSTRATIONS

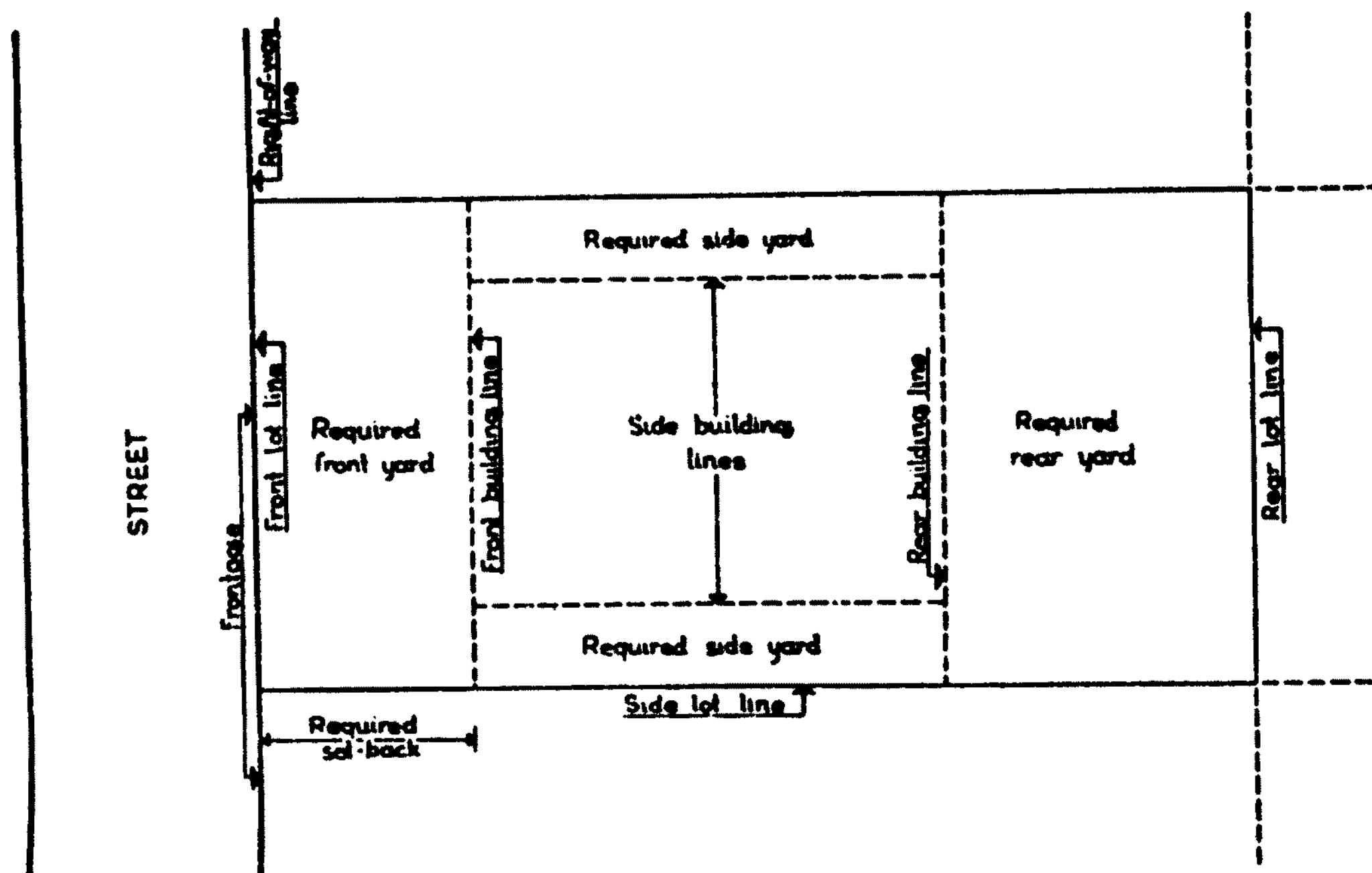
The following illustrations are hereby made a part of this ordinance and are designed to illustrate certain terms and definitions contained herein.

LOT DEFINITIONS - GENERAL

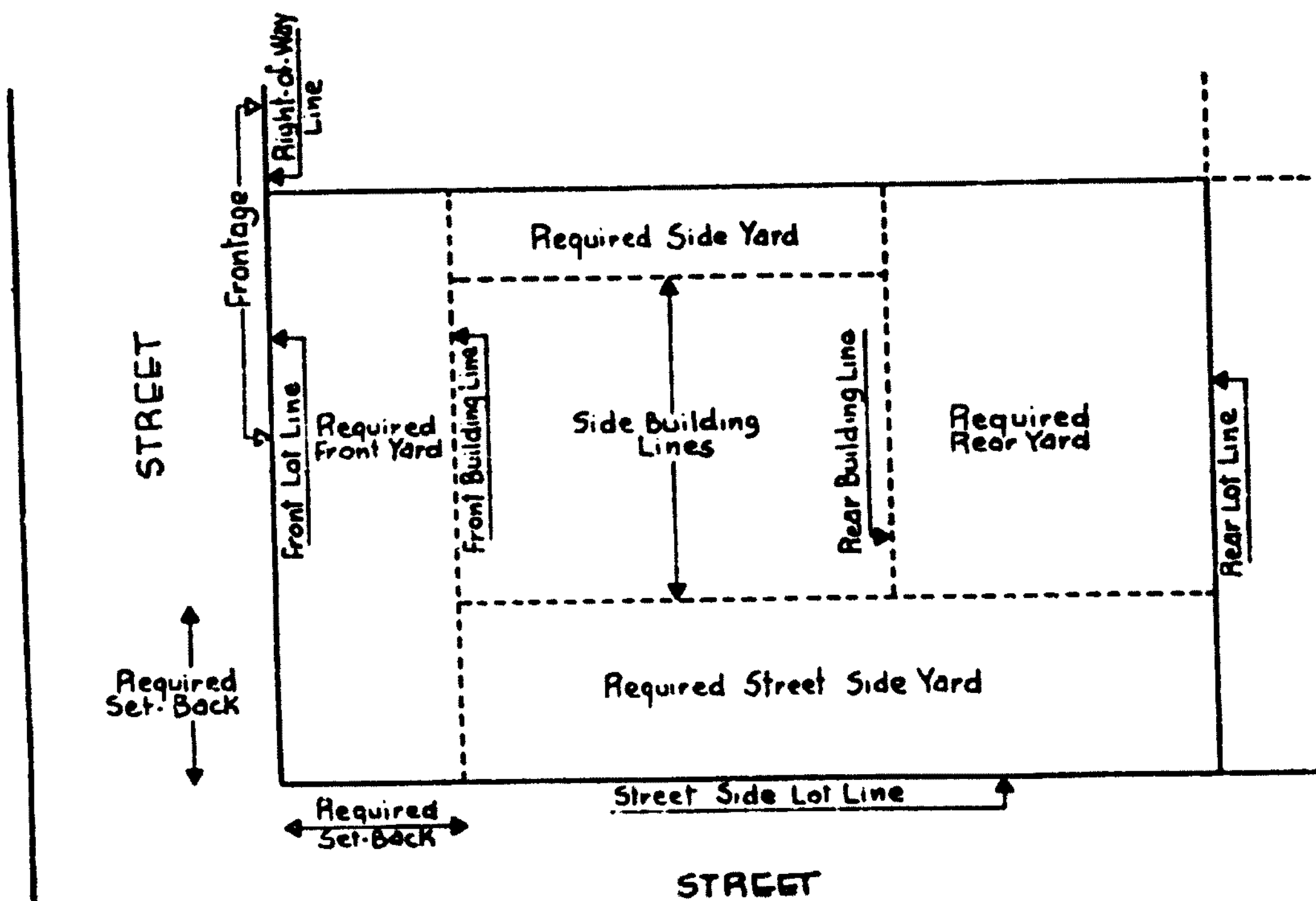


ATTACHMENT ONE. (Cont.)

YARD DEFINITIONS - INTERIOR LOT

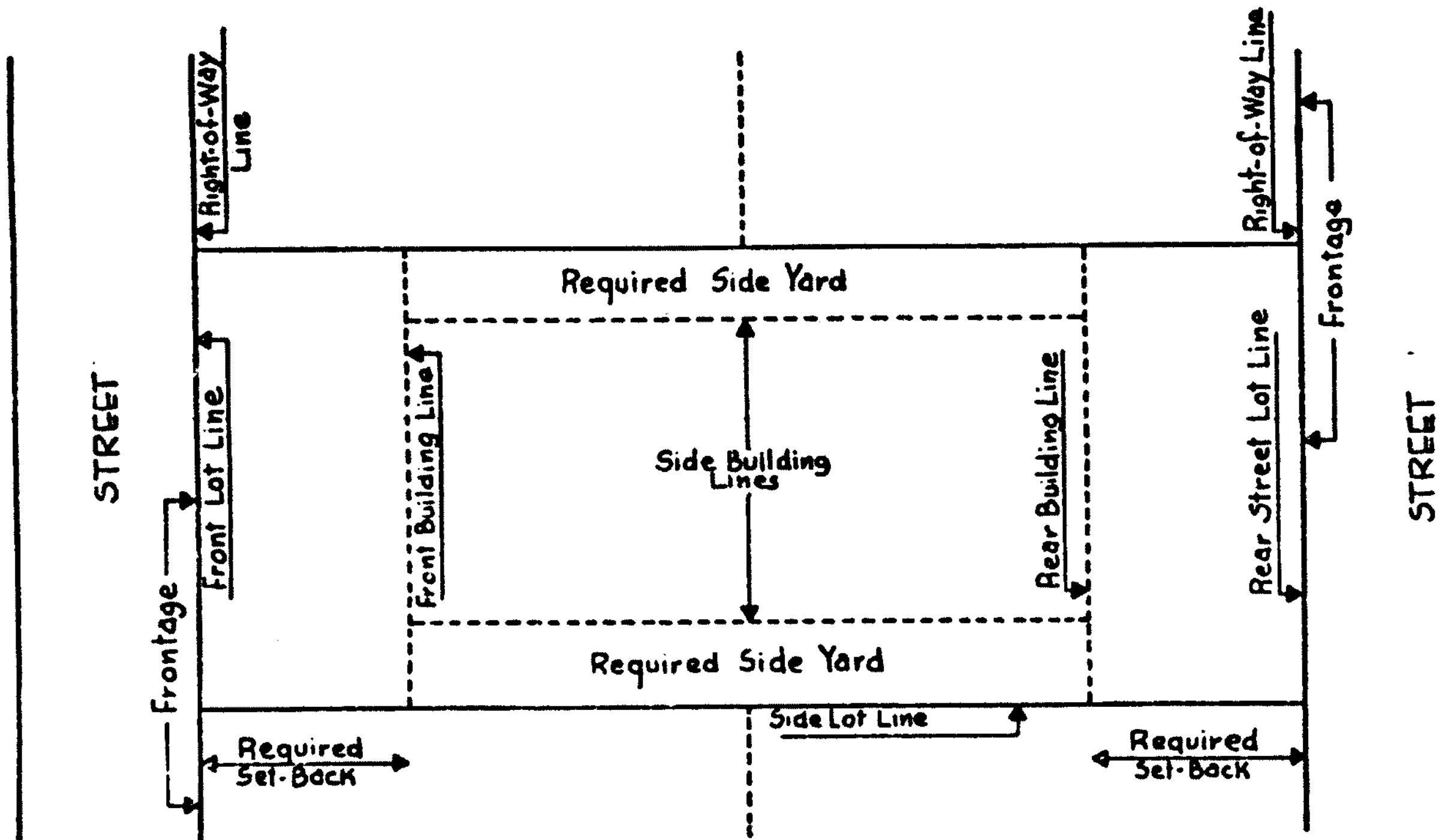


YARD DEFINITIONS - CORNER LOT



ATTACHMENT ONE (Cont.)

YARD DEFINITIONS - THROUGH LOT

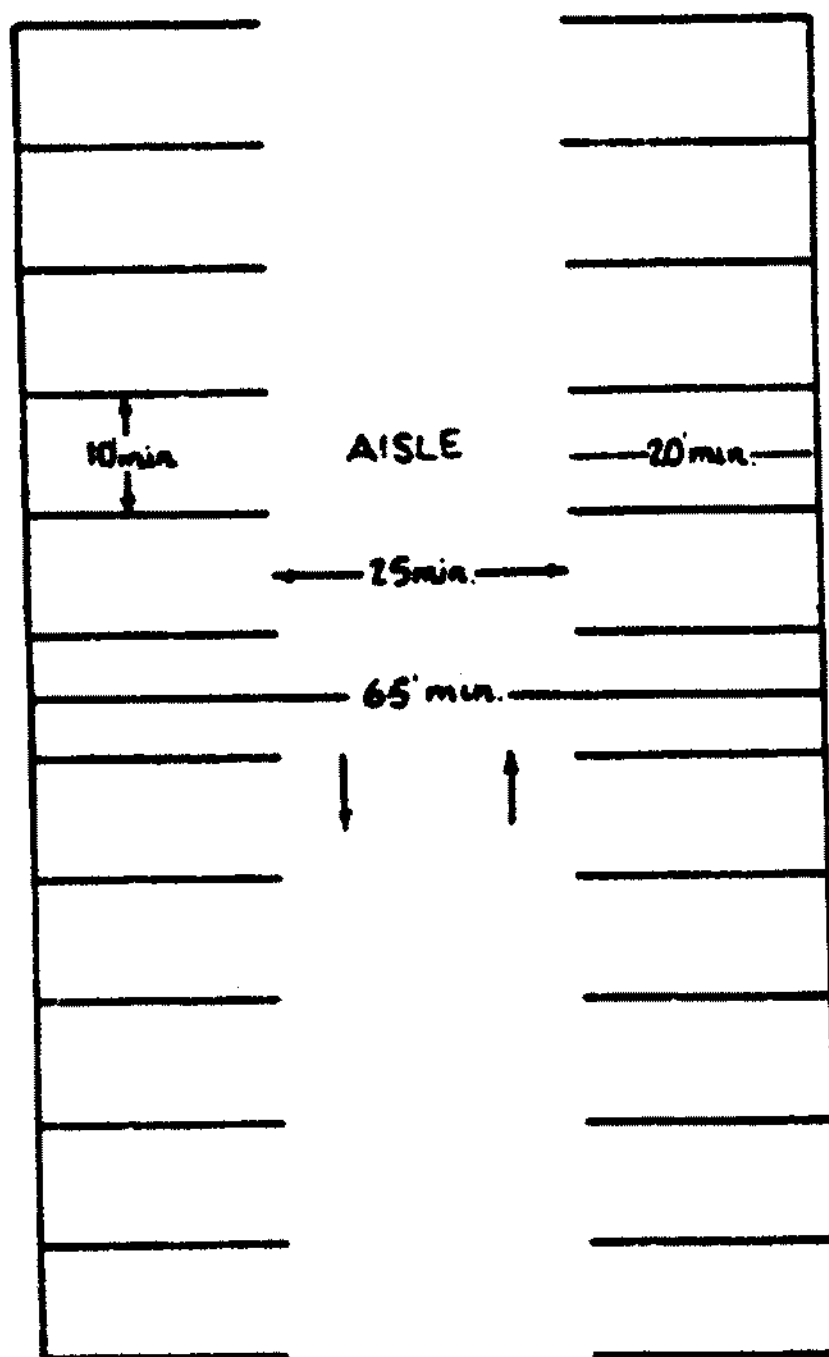


ATTACHMENT TWO

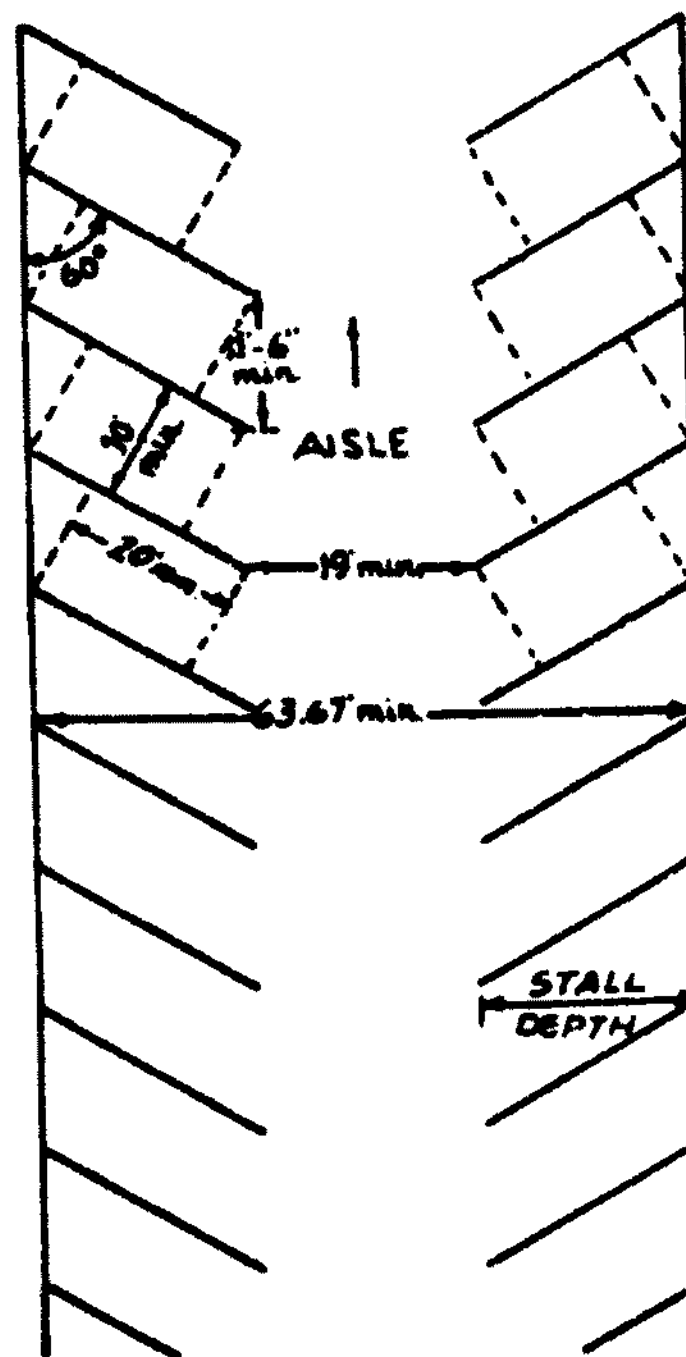
PARKING AREA ILLUSTRATIONS

The following illustrations are hereby made a part of this chapter and are designed to illustrate the requirements of Section 6.31.

OFF-STREET PARKING AREA STANDARDS

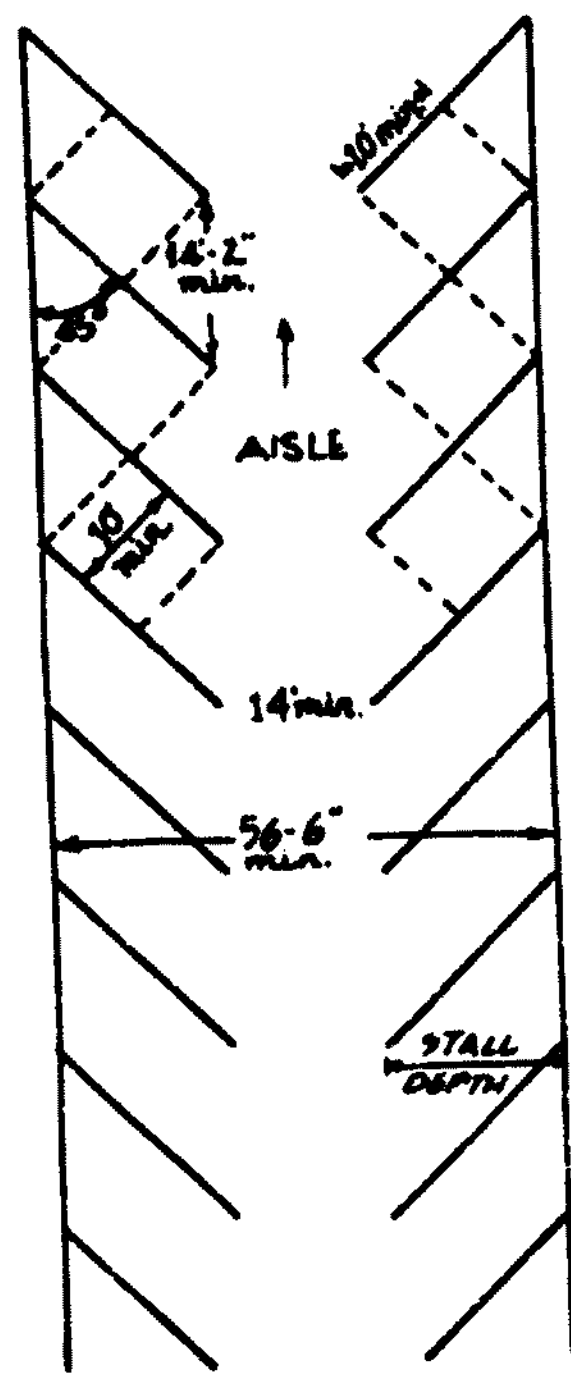


NINETY (90) DEGREE

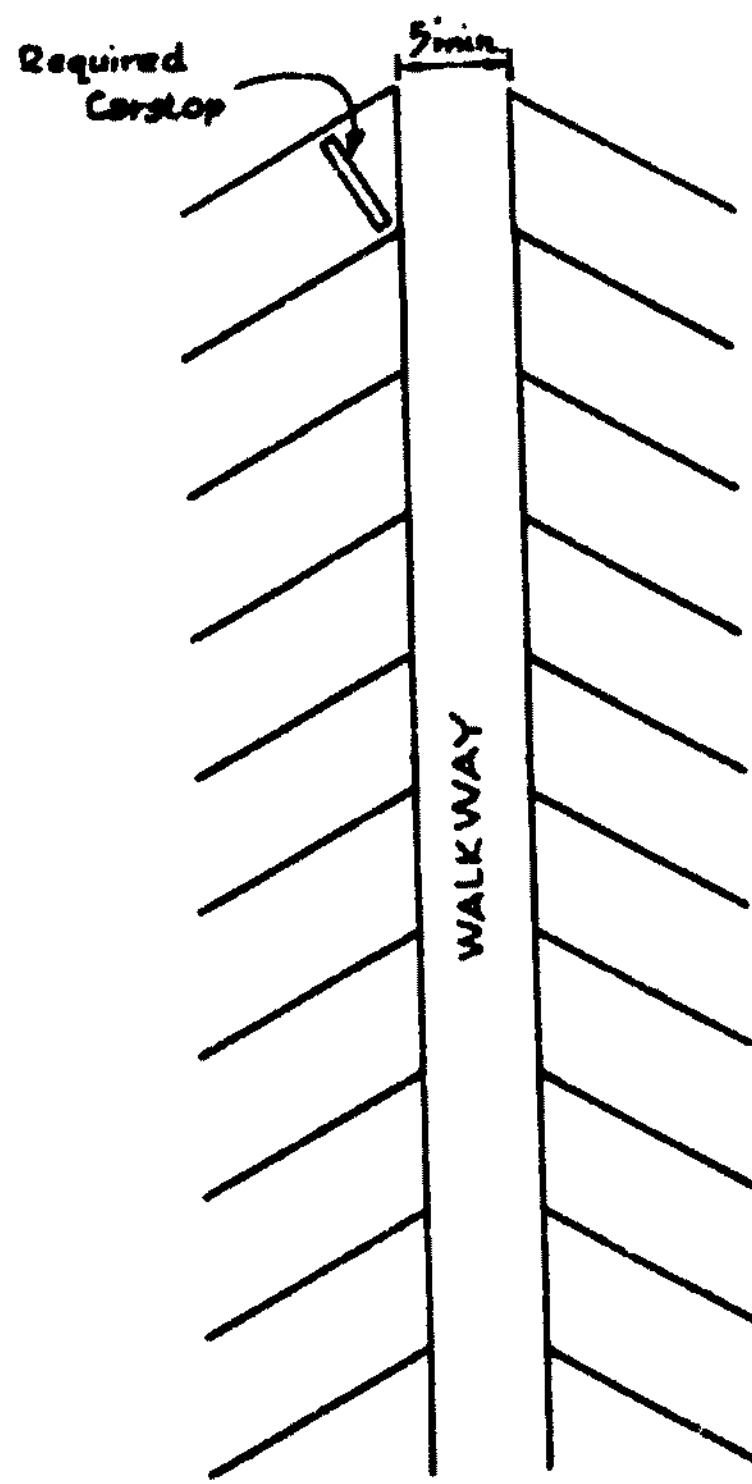


SIXTY (60) DEGREE

ATTACHMENT TWO (Cont.)



FORTY FIVE (45) DEGREE



WALKWAY DIVIDE
(REQUIRED)

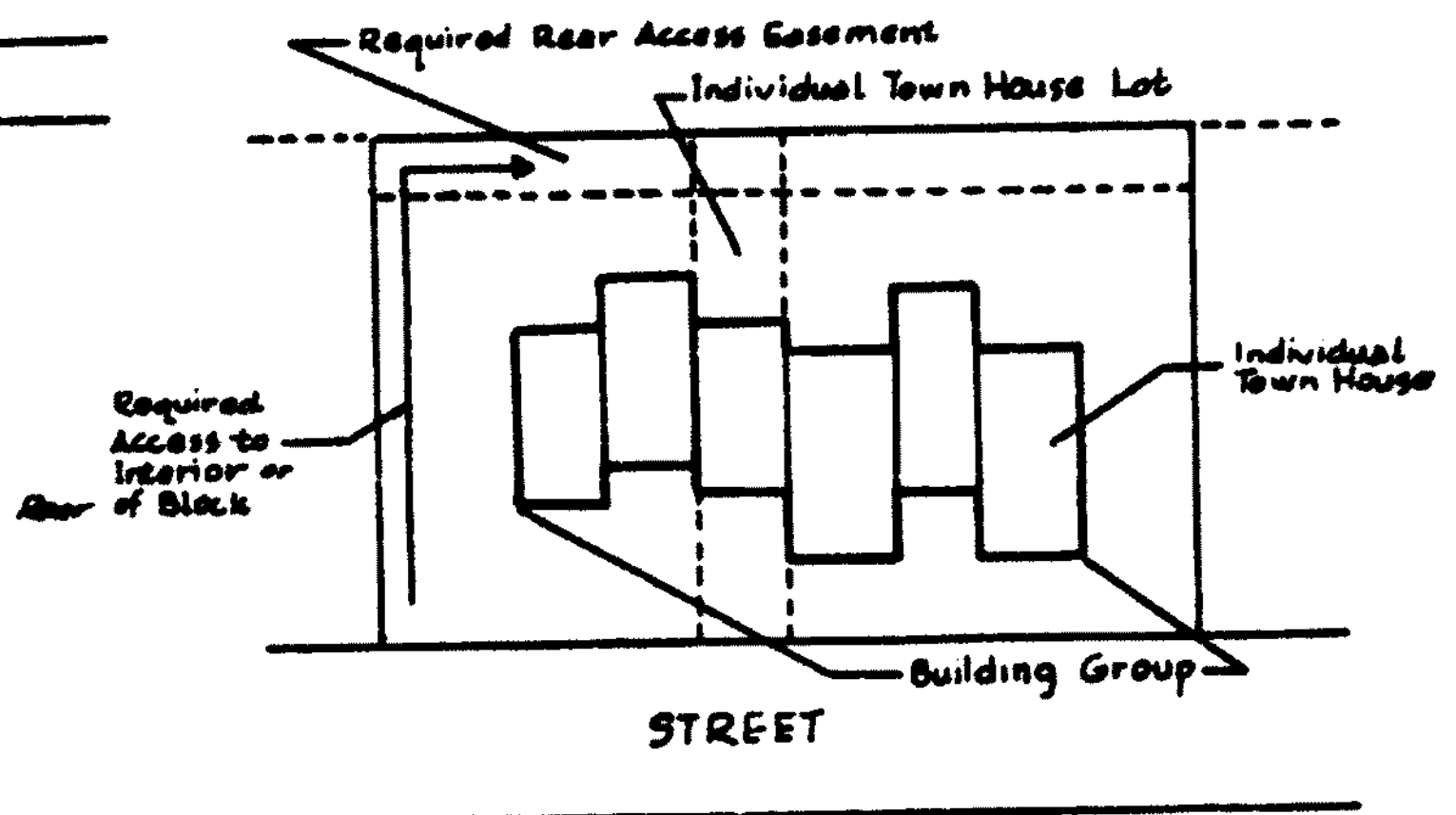
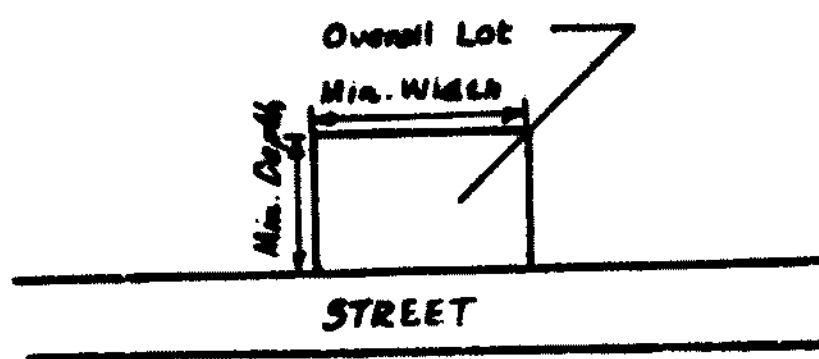
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ATTACHMENT TWO (Cont.)
SCHEDULE OF PARKING AREA KEY DIMENSIONS
TOWN OF LONGBOAT KEY

(Degrees from curb)	Stall Width (Ft.)	Curb Length per car (Ft.)	Stall Depth (Ft.)	Minimum Drive (Ft.)	Lot Width One Row Plus Drive (Ft.)	Lot Width Two Rows Plus Drive (Ft.)	Lot Width Four Rows, Two Drives Plus Walkway (Ft.)
0	10	24.00	10	12	22	32	73
45	10	14.17	21.25	14	35.25	56.5	118
60	10	11.50	22.33	19	41.33	63.67	132.5
90	10	10.00	20	25	45	65	135

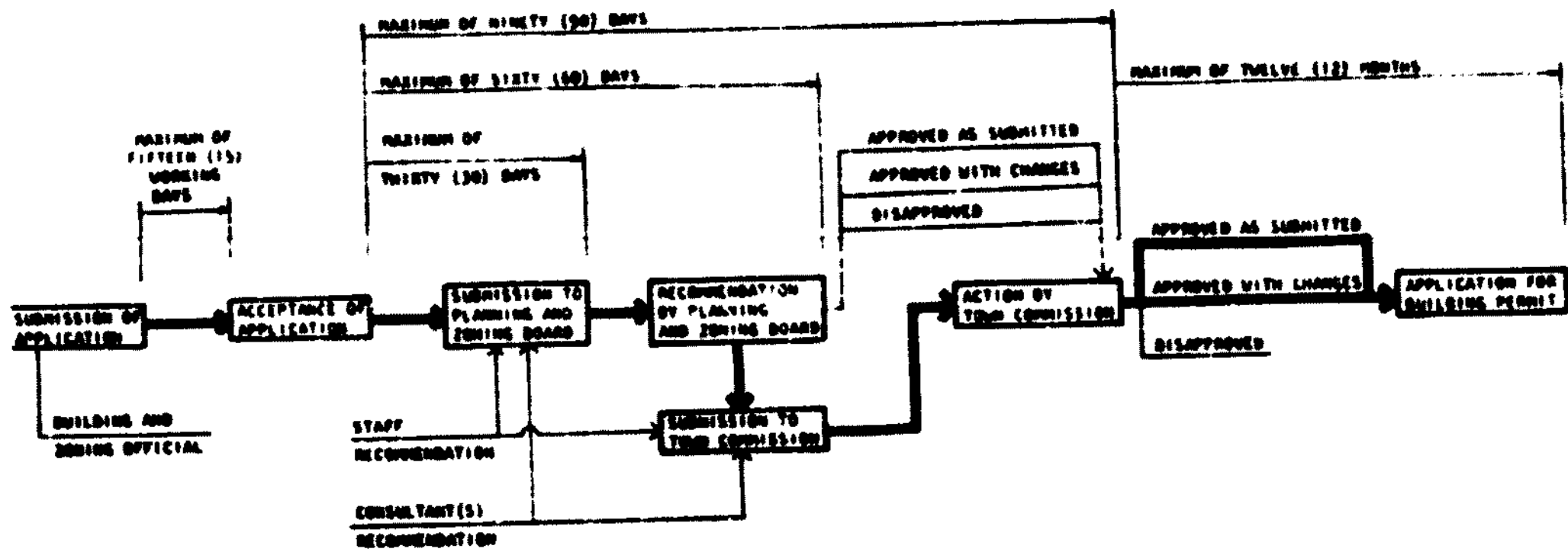
ATTACHMENT THREE
TOWN HOUSE ILLUSTRATIONS

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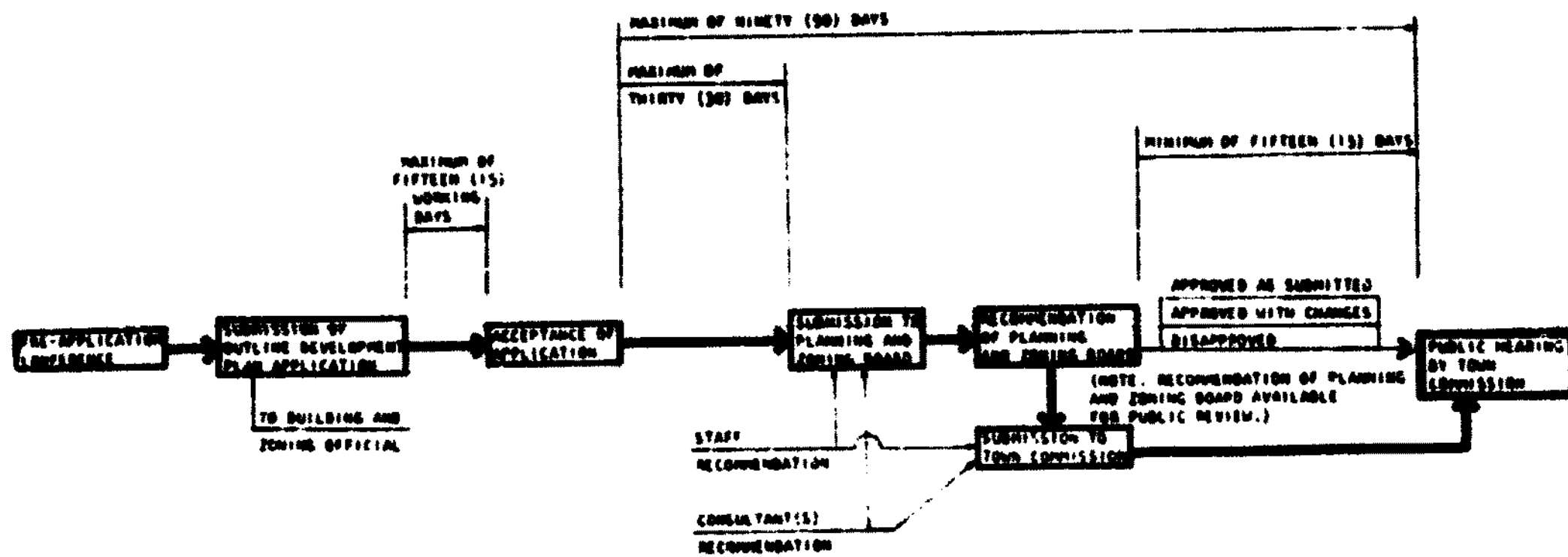
ATTACHMENT FOUR
SITE PLAN REVIEW PROCEDURE
TOWN OF LEBANON, NEW YORK

311



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(Ord. No. 76-26, § 27, 7-21-76)

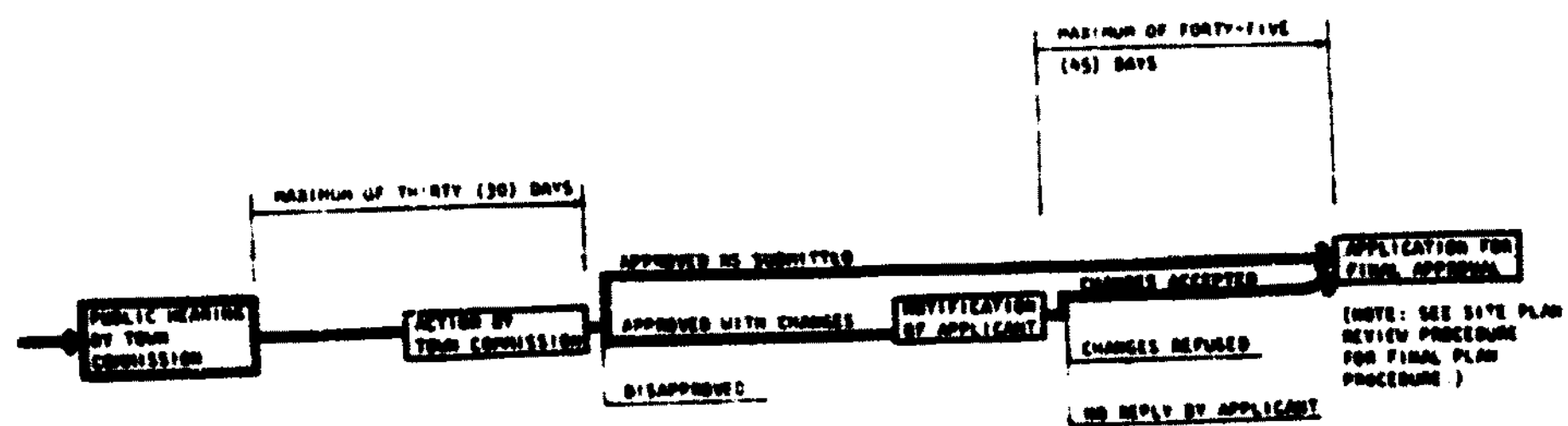
ATTACHMENT FIVE
PLANNED UNIT DEVELOPMENT PROCEDURE
TOWN OF LONGBOAT KEY



(Continued on next page)

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ATTACHMENT FIVE (Cont.)
PLANNED UNIT DEVELOPMENT PROCEDURE
TOWN OF LINCOLN KEY



(Ord. No. 76-26, § 27, 7-21-76)

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227	8-23-72	1-13	14-16-14-28
228	9-27-72	1	12-1
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229	9-27-72	1	4-3
		2	4-7
232	12-6-72	1	Rpld 21-7
233	12-20-72	1	18-3
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		3	Rpld 10-5(b)-(d)
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73-4	3-7-73	1-9	17B-16-17B-24
73-5	4-18-73	1-6	14-3
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73-11	5-29-73	1	6-20
		2-5	6-22.1-6-22.4
73-12	5-24-73	1-14	18-1-18-14
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		4	Rpld 5-1, 5-2

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		2	21A-8(b)
		3	21A-19
74-20	7-24-74	1	22-11
74-21	7-24-74	1-6	17C-16-17C-21
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74-27	11-6-74	Arts. 1-11	App. A
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74-31	11-6-74	1	22-11
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		2	16-2(4.1)
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		2	21A-8(e)-(i)
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75-11	6-18-75	1	13-3
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		6	17B-17(d)
		7	17B-24
		8	17B-1
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		3	17B-36
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		3	22-3
		4	22-23
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		(B)	22-96(a)
		(C)	22-96
		(D)	22-97
		(E)	22-96(b)

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CODE COMPARATIVE TABLE

Ord. No.	Date	Section	Disposition
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		8	22-5
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		13	22-98
		14	22-6(b)
		15	22-80
		16	22-91
		17	22-10
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76-3	2-4-76		Adopts Rev. of Code, p. xi
76-4	2-4-76	1	5-5
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76-7	4-7-76	1, 2	16-1, 16-2(4.1)
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ADOPTION OF CODE

ORDINANCE NO. 201

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA," PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1 There is hereby adopted by the town commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force on and after October 6, 1971, and all ordinances of a general and permanent nature adopted on final reading and passage on or before March 3, 1971, and not contained in such Code are hereby repealed from and after October 6, 1971, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before October 6, 1971; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to October 6, 1971; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the town officers or employees; nor shall it affect any ordinance annexing territory to the town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after March 3, 1971.

Section 4 Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the town or in any rule, regulation or order promulgated by any officer or agency of the town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding sixty days.

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Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the town commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect immediately in the manner provided by law.

PASSED on first reading this 15th day of September, 1971.

PASSED on second reading and finally adopted this 6th day of October, 1971.

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Readopting Ordinance No. 73-2

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, as amended by Supplement No. 1, 8-72, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force on and after February 21, 1973, and all ordinances of a general and permanent nature adopted on final reading and passage on or before August 9, 1972, and not contained in such Code are hereby repealed from and after February 21, 1973, except as hereinafter provided and Section 3 of Ordinance No. 195.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before February 21, 1973; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 21, 1973; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after August 9, 1972.

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LONGBOAT KEY TOWN CODE

Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding sixty days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect immediately in the manner provided by law.

PASSED on first reading this 7th day of February, 1973.

PASSED on second reading and finally adopted this 21st day of February, 1973.

1976 TOWN CODE

ORDINANCE NO. 75-20

(Adopting Supplement No. 2, 3-75)

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE CODE OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES HEREINAFTER SET OUT

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, and Appendix A, Subdivision Regulations and Appendix B, Zoning, as amended by Supplement No. 2, 3-75, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force after adoption on second reading and all ordinances of a general and permanent nature adopted on final reading and passage on or before February 5, 1975 and Ordinance No. 75-4 adopted on March 19, 1975, and all ordinances of a general and permanent nature not contained in such Code are hereby repealed from and after the effective date and second reading of this ordinance.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before February 5, 1975; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 5, 1975; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after February 5, 1975.

Section 4. It shall be unlawful to commit within the limits of the Town any act which is and shall be recognized by the State of Florida as a misdemeanor, including

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the State Uniform Traffic Control Act. The commission of any such act within the Town shall be considered a violation of the laws of the Town and traffic infractions may be administered and disposed of in accordance with the Florida Uniform Disposition of Traffic Infractions Act.

Section 5. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 6. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 7. This ordinance shall take effect immediately in the manner provided by law.

Passed on first reading this 10th day of September, 1975.

Passed on second reading and finally adopted this 15th day of October, 1975.

/s/ _____
Mayor

Attest:

/s/ _____
Town Clerk

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ORDINANCE NO. 76-3

(Adopting Supplement No. 3, 9-75)

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE CODE OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, and Appendix A, Subdivision Regulations and Appendix B, Zoning, as amended by Supplement No. 2, 3-75, as amended by Supplement No. 3, 9-75, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force after adopted on second reading and all ordinances of a general and permanent nature adopted on final reading and passage on or before September 10, 1975, and all ordinances of a general and permanent nature not contained in such Code are hereby repealed from and after the effective date of this ordinance; except as hereinafter provided in Section 3.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing on or before the second reading of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the second reading of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after the second reading of this ordinance.

Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by

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any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect immediately in the manner provided by law.

Passed on first reading this 7th day of January, 1976.

Passed on second reading and finally adopted this 4th day of February, 1976.

/s/ _____

Mayor

Attest:

/s/ _____

Town Clerk