1981 TOWN CODE

# LONGBOAT KEY, FLORIDA

# CODE OF ORDINANCES

American Legal Publishing Co.
(Formerly AMCODES Division of Anderson Publishing Company)
HOME OFFICE: 225 E. 6th Street/Cincinnati, Ohio 45202 (513) 421-4248

1981 TOWN CODE

# TOWN OFFICIALS
# OF
# LONGBOAT KEY, FLORIDA

## TOWN OFFICIALS

| | |
|---|---|
| TOWN MANAGER | G. Wayne Allgire |
| TOWN ATTORNEY | Scott R. Christiansen |
| TOWN CLERK | E. Jane Pool |

## COMMISSION

| | |
|---|---|
| MAYOR | Henry G. Riter IV |
| VICE-MAYOR | Harry P. Kirst |
| COMMISSIONER | Caleb L. Batten |
| COMMISSIONER | Claire C. Bell |
| COMMISSIONER | John E. McCormick |
| COMMISSIONER | Sidney A. Ochs |
| COMMISSIONER | George W. Rauch |

## PUBLISHER'S ACKNOWLEDGMENT

In the publication of this Code, every effort was made to provide easy access to local law by municipal officials, the citizens of Longboat Key and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code.

Special appreciation is extended to E. Jane Pool, Town Clerk, for her invaluble and untiring assistance in the publication of this Code.

This Code is presented for the use and benefit of the citizens of Longboat Key, Florida.

AMERICAN LEGAL PUBLISHING CO.

Carl G. Boltz
President

Renell M. Zoellner, Esq.
Vice President
Editor-In-Chief

Sharon L. Martin, Esq.
Staff Attorney

# LONGBOAT KEY, FLORIDA
# TABLE OF CONTENTS

Chapter


CHARTER

TITLE I: GENERAL PROVISIONS

10. General Provisions

TITLE III: ADMINISTRATION

30. Town Commission
31. Officials
32. Departments and Agencies
33. Boards and Commissions
34. Employment Policies
35. General Policy
36. Elections
37. Finance and Taxation

TITLE V: PUBLIC WORKS

50. General Provisions
51. Charges, Rates, and Billing
52. Sewers
53. Water

TITLE VII: TRAFFIC CODE

70. General Provisions
71. Traffic Rules
72. Stopping, Standing, and Parking
73. Bicycles
74. Parking Schedules
75. Traffic Schedules

TITLE IX: GENERAL REGULATIONS

90. Aircraft and Airports
91. Animals
92. Beaches and Parks
93. Boats and Waterways
94. Fire Prevention Code
95. Garbage, Rubbish, and Junk
96. Health and Sanitation
97. Streets and Sidewalks
98. Trees

Chapter

TITLE XI: BUSINESS REGULATIONS

110. Alcoholic Beverages
111. Licenses and Permits
112. Peddlers and Solicitors

TITLE XIII: GENERAL OFFENSES

130. General Offenses

TITLE XV: LAND DEVELOPMENT CODE

150. Buildings
151. Coastal Construction
152. Dredging and Filling
153. Electricity
154. Flood Control
155. Plumbing Code
156. Signs
157. Subdivision Regulations
158. Zoning Code
Appendix: Land Use Charts and Illustrations

TABLE OF SPECIAL ORDINANCES

Table

I. Franchises
II. Zoning Map Changes

PARALLEL REFERENCES

References to Florida Statutes Annotated
References to 1971 Code
References to Ordinances

INDEX

# LONGBOAT KEY - CHARTER

Editor's note:

On March 20, 1975, the town's voters approved Ord. 75-2, adopted by the Town Commission on February 19, 1975, which adopted a new Charter as herein set out. 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.

Section

## Article I. Boundaries, Powers and Form of Government


1. Purpose
2. Body corporate and politic
3. Boundaries
4. Form of government
5. Powers of municipality
6. Powers of town commission
7. Amended Charter; references


## Article II. Town Commission


1. Commission districts
2. Creation of commission; residency requirements, election and terms of office of commissioners
3. Nominations; character of service
4. Holdover commissioners
5. Elections generally
6. Conduct of elections
7. Hours polls to be open; canvass of returns; certification of election
8. Judge of qualifications
9. Vacancies
10. Recall of town commissioners
11. Mayor and vice-mayor
12. Functions and powers of mayor
13. Relationship of town commission with administration
14. Meetings
15. Special meetings
16. Penalty for absence
17. Enactment of ordinances
18. Emergency measures
19. Codification of ordinances
20. Oath of office
21. Official bonds
22. Appointment of advisory boards
23. Duty to impose and levy taxes
24. Comprehensive plan for town
25. Investigations

Section

Article III. Town Manager

1. Appointment; qualifications; compensation
2. Removal
3. Acting town manager
4. Powers and duties of the town manager

Article IV. Town Clerk

1. Appointment and qualifications
2. Powers and duties

Article V. Town Finances

1. Finance director
2. Fiscal year
3. Submission of budget and budget message
4. Budget message
5. Budget
6. Capital program
7. Town commission action on budget
8. Public records
9. Amendments after adoption
10. Lapse of appropriations
11. Budget work programs and allotments
12. Certificate of available funds
13. Systems of accounts and forms
14. Audit of accounts
15. Audit and certification of claims
16. Investment advisory committee
17. Bonds generally
18. Revenue certificates
19. Procedure
20. Authority as to bonds supplemental

Article VI. Town Attorney

1. Appointment and qualifications
2. Assistant town attorneys
3. Duties

Article VII. Municipal Court

1. Municipal court
2. Powers
3. Appeals; procedure
4. Preservation of order; disposition of money collected as fines
5. Remission of fines and penalties
6. Discontinuance of municipal court

Section

Article VIII. Charter Amendments

1. Proposal of amendments
2. Method of referendum
3. Referendum on Charter amendments
4. Adoption of amendment
5. Supplemental method of amendment

Article IX. Transitional and Separability

1. Existing Charter not inconsistent with amended Charter
2. Existing ordinances not inconsistent with amended Charter
3. Title to all properties reserved
4. Obligation of contracts preserved
5. Officers held over until successors qualify
6. Separability clause

Article X. Effective Date and Referendum Requirements

1. Referendum requirements and procedures

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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).

(a) Thence run north 10°30' east a distance of 7,560 feet for a point of beginning.

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

(c) Thence south 35° east, 39,660 feet to the westerly line of the city limits of the City of Sarasota, Florida.

(d) Thence south along the city limits of the City of Sarasota, Florida, 1,860 feet.

(e) 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.

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

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

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

(i) 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 (a) to (e) must be made by equal linear adjustments to Calls (c) to (f).
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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

(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.
(Ord. 75-2, passed 2-19-75)

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. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 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 commission; and references to "manager" refer to the town manager.
(Ord. 75-2, passed 2-19-75)

## 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.
(Ord. 75-2, passed 2-19-75)

### 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 (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.
(Ord. 75-2, passed 2-19-75)

### 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 the Charter.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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."

(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 of 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 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.
(Ord. 75-2, passed 2-19-75)

Sec. 19. 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 ususal 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

## 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.
(Ord. 75-2, passed 2-19-75)

### 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 forth-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 of 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 as 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 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. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 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.
(Ord. 75-2, passed 2-19-75)

### 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. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 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; 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 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.
(Ord. 75-2, passed 2-19-75)

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 ensuring 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. (Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.

(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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-80)

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 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 or all of 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 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.
(Ord. 75-2, passed 2-19-75)

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 construc-

ting 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.
(Ord. 75-2, passed 2-19-75)

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 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

## 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 attorn 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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 otherwide 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 any court of competent jurisdiction;

(f) Perform such other legal services as requested by the town commission or town manager.
(Ord. 75-2, passed 2-19-75)

## 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 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. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 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 provided for under the ordinances of the town, and to have all powers incidental and usual to the due enforcement of such town ordinances.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

## 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.

(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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

## 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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

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.
(Ord. 75-2, passed 2-19-75)

## 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 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 govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter.
(Ord. 75-2, passed 2-19-75; Am. Ord. 75-4, passed 3-19-75)

# TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

# CHAPTER 10: GENERAL PROVISIONS

Section

10.01 Short title
10.02 Definitions
10.03 Rules of construction
10.04 Captions
10.05 Unlawful altering of code
10.06 Effect of repeal or amendment
10.07 Amendments to code
10.08 Severability
10.09 Ordinances concerning land use and control
10.10 Effect of county ordinances
10.11 Computation of time
10.12 Errors and omissions
10.13 Ordinances repealed
10.14 Ordinances unaffected
10.15 Ordinances saved

10.99 General penalty

## § 10.01 SHORT TITLE.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the Town of Longboat Key, Florida", and may be so cited.
('71 Code, § 1-1)

Cross-reference:
Town authorized to codify its ordinances, see Charter Art. II, Sec. 19

## § 10.02 DEFINITIONS.

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

"AND." May be read "OR", and "OR" may be read "AND," if the sense requires it.

"COMMISSION" or "TOWN COMMISSION." The Town Commission of the Town of Longboat Key.

"COUNTY." The County of Sarasota or County of Manatee or both if the sense requires.

"F.S.A." Florida Statutes Annotated.

"KEEPER" or "PROPRIETOR." Includes persons, firms, associations, corporations, clubs, and copartnerships, whether acting by themselves or through a servant, agent, or employee.

"MAY." The act referred to is permissive.

"MONTH." A calendar month.

"OATH." Includes affirmation and "SWEAR" includes affirm.

"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 the building or land.

"PERSON." Includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

"PERSONAL PROPERTY." Includes every species of property except real property.

"PROPERTY." Includes real and personal property.

"PUBLIC PLACE." Any park, cemetery, school yard, or open space adjacent thereto and any lake or stream.

"REAL PROPERTY." Includes lands, tenements, and hereditaments.

"REGISTERED MAIL." Includes certified mail with return receipt requested.

"SHALL." The act referred to is mandatory.

"SIDEWALK." Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

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

"STATE." The State of Florida.

"STREET." Streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public or private highways in the town.

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

"TENANT" or "OCCUPANT." Applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of the building or land, either alone or with others.

"TOWN." The Town of Longboat Key, Florida.

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

"YEAR." A fiscal year beginning October 1 of each year and ending September 30 of the following year.
('71 Code, § 1-2) (Ord. 73-24, passed 9-26-73)

Statutory-reference:
For state law definitions, see F.S.A. § 1.01

§ 10.03 RULES OF CONSTRUCTION.

(A) Construction of words and phrases. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning.

(B) 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.

(C) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving authority to a majority of those persons or officers.

(D) 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.

(E) Preceding, following. Next before and next after, respectively.

(F) Tense. Words used in the past or present tense include the future as well as the past or present.
('71 Code, § 1-2)

§ 10.04 CAPTIONS.

The captions of the several sections of this code printed at the head of each section, are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of the sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the captions, are amended or reenacted.
('71 Code, § 1-3)

§ 10.05 UNLAWFUL ALTERING OF CODE.

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, or to alter or tamper with

this code in any manner whatsoever which will cause the law of the town to be misinterpreted thereby.
('71 Code, § 1-4) Penalty, see § 10.99

## § 10.06 EFFECT OF REPEAL OR AMENDMENT.

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.
('71 Code, § 1-4)

## § 10.07 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 the susequent ordinances until this code and 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 the 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.
('71 Code, § 1-6)

## § 10.08 SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code is declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this code.
('71 Code, § 1-7)

## § 10.09 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.
('71 Code, § 1-11) (Ord. 224, passed 6-15-72)

## § 10.10 EFFECT OF COUNTY ORDINANCES.

No ordinance enacted by the County of Sarasota relating to any subject, activity, or offense which the town 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.
('71 Code, § 1-12) (Ord. 74-35, passed 12-4-74)

## § 10.11 COMPUTATION OF TIME.

(A) 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 the notice is given or the act is done, shall be counted in computing the time, but the day on which the proceeding is to be had shall not be counted.

(B) 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.
('71 Code, § 1-2)

Statutory reference:
Official time, see F.S.A. § 1.02

## § 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

## § 10.13 ORDINANCES REPEALED.

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

the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

## § 10.14 ORDINANCES UNAFFECTED.

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

## § 10.15 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain municipal officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

## § 10.99 GENERAL PENALTY.

(A) 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 the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such a provision of this code or any ordinance shall be punished by a fine not exceeding $500 or imprisonment for a term not exceeding 60 days. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

(B) In addition to the penalties herein 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 abated by the town as provided by law, and each day that the condition continues shall be regarded as a new and separate offense.

(C) 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 an injunction order of a court of competent jurisdiction.
('71 Code, § 1-8)

Cross-reference:
Penalty limits, see Charter Art. I, Sec. 6(b)

# TITLE III: ADMINISTPATION

Chapter

30. TOWN COMMISSION
31. OFFICIALS
32. DEPARTMENTS AND AGENCIES
33. BOARDS AND COMMISSIONS
34. EMPLOYMENT POLICIES
35. GENERAL POLICY
36. ELECTIONS
37. FINANCE AND TAXATION

LONGBOAT KEY - ADMINISTRATION

# CHAPTER 30: TOWN COMMISSION

Section


Rules and Regulations

30.01 Meetings
30.02 Agenda
30.03 Presiding Officer
30.04 Decorum
30.05 Order of business
30.06 Adressing the Commission
30.07 Voting
30.08 Preparation of ordinances, resolutions

Commission Districts

30.15 District One boundaries
30.16 District Two boundaries
30.17 District Three boundaries
30.18 District Four boundaries
30.19 District Five boundaries


Cross-reference:
Town Commission as Equalizing Board, see § 152.19
Town Commission as Retirement Committee, see § 34.35

## RULES AND REGULATIONS

### § 30.01 MEETINGS.

(A) Location. All meetings of the Town Commission for the purpose of transacting town business, whether action is taken or not, shall be held in the Town Commission chambers of the town hall, unless the Commission indicates another location, and shall be open to the public. ('71 Code, § 2-15)

(B) Regular meetings. The Town Commission shall hold a regular monthly meeting on the first Wednesday of each month in the town chambers at 8:00 p.m. or at the time of day the Commission may decide; however, when the day fixed for regular meetings falls on a day designated by law as a legal holiday, the meeting shall be held on another day as designated by the Town Commission.

(C) Special meetings. The Mayor or any two members of the Commission may call special meetings of the Commission on at least two hours' written notice to each member, served personally, or left at the member's place of business or the usual place of residence. The aforesaid requirement of written notice of special meetings may be waived at the special meetings by the unanimous vote of the entire Town Commission recorded in the minutes of the meeting; but in any event, there shall be no 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. The notice

shall be signed by the Town Manager or a Commissioner and shall state the date and hour of the meeting, and the purpose for which the meeting is called. No business shall be transacted thereat, except that as stated in the notice. A copy of the notice shall be posted on the town hall bulletin board.

(D) Workshop meetings. The Town Commission may meet in workshop for study and discussion of the affairs of the town in the Commission chambers of the town hall but no formal or binding action may be taken at these meetings. Unless the Town Commission shall determine otherwise, regular workshop meetings shall be held on the second and fourth Tuesdays of each month at 2:00 p.m.
('71 Code, § 2-14)
(Ord. 79-1, passed 1-17-79)

§ 30.02 AGENDA.

(A) The Town Manager shall prepare an agenda for all formal and workshop meetings, except special meetings.

(1) The agenda for formal meetings, whether regular or special, shall include only those matters the Town Commission or members thereof may have directed from the previous workshop meeting, together with any other and subsequent matters recommended for consideration by the Town Manager. The agendas for regular and special meetngs will be prepared and made available to the public, the press, and to each Commissioner at least three days in advance of the dates established for all regular meetings. Notice of special meetings shall constitute the agenda for these special meetings. Except with the majority consent of all Commissioners present at any regular or special meeting, no item not on the agenda shall be discussed at the meetings.

(2) The Town Manager shall prepare the agenda for workshop meetings. Items for this agenda shall be presented to the Town Manager no latter than 10:00 a.m. Thursday morning preceding the workshop meeting for which the item is to be scheduled. The Town Manager shall prepare the agenda at least three days in advance of the workshop meeting.

(B) The agenda for workshop meetings, including backup materials prepared by the Town Manager, shall be distributed to the members of the Town Commission and the press in sufficient time to allow the members of the Commission to contact the Manager regarding any item on the agenda and to enable the members of the Commission to acquaint themselves with the background material presented by the Manager. When an item on the agenda for workshop meetings requires the passage of a resolution or an ordinance, a copy of the resolution or ordinance will be forwarded to each Commissioner together with the agenda.

(1) The Town Attorney shall be notified by the Commission at the workshop held prior to the distribution of the agenda for the next regular meeting, of all agenda items requiring the passage of ordinances or resolutions. The purpose of this section is to allow

the Town Attorney sufficient time to prepare or amend ordinances or resolutions and provide copies to the Commission to allow the members of the Commission sufficient time to acquaint themselves with the ordinances or resolutions, or amendments thereto, prior to the meeting in which the ordinances or resolutions are scheduled for adoption.

(2) Each member of the Town Commission and the Town Attorney shall be provided with a copy of the agenda as far in advance of the meeting as time will permit. Copies shall concurrently be made available to the news media and a copy thereof shall be posted on the town hall bulletin board. A reasonable number of extra copies of the agenda will be available for the public.
('71 Code, § 2-16) (Ord. 79-1, passed 1-17-79)

## § 30.03 PRESIDING OFFICER.

The Mayor shall preside at all meetings, if present; in his absence, the Vice-Mayor, and in his absence, the Mayor Pro Tem of the Commission shall preside.
('71 Code, § 2-17) (Ord. 79-1, passed 1-17-79)

## § 30.04 DECORUM.

The Presiding Officer shall preserve strict order and decorum at all meetings.

(A) During Commission meetings, Town Commission members shall maintain order and decorum. Every Commissioner desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself to the question under debate. Each Commissioner desiring to be recognized shall be recognized once before a Commissioner shall be recognized a second time. Every Commissioner desiring to question the administrative staff shall address his question to the Town Manager who shall be entitled either to answer the inquiries himself or designate some member of the staff for that purpose. A Commissioner once recognized shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions of another member. All members of the Commission shall accord the utmost courtesy to each other, to town employees, and to public members appearing before the Commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Commissioners shall confine their remarks to the issues before the Commission.

(B) Members of the administrative staff and employees of the town shall observe the same rules of procedure and decorum applicable to members of the Commission. Public members attending Commission meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Commission.

The chair may cause to be ejected any person making personal, impertinent, or slanderous remarks or who becomes boisterious while addressing the Commission.
('71 Code, § 2-18) (Ord. 79-1, passed 1-17-79)

§ 30.05 ORDER OF BUSINESS.

All regular meetings of the Town Commission shall be open to the public promptly at the hour set on the day of each meeting. The members of the Commission, Town Manager, acting Town Manager, Town Clerk, and Town Attorney shall take the regular stations in the Commission chambers and the business of the Commission shall be taken up for consideration and disposition in substantially the following order.

(A) Meeting called to order.

(B) Pledge of Allegiance.

(C) Proclamations and special presentations.

(D) Communications and committee reports.

(E) First and second readings of ordinances and public hearings.

(F) Resolutions.

(G) Other public hearings.

(H) Unfinished business.

(I) New business.

(J) Other business, if allowed by the Town Commission.

(K) Public to be heard.

(L) Questions from the press.
('71 Code, § 2-19) (Ord. 79-1, passed 1-17-79)

§ 30.06 ADDRESSING THE COMMISSION.

Any person desiring to address the Town Commission regarding an item on the agenda shall first secure the permission of the chair.

(A) Taxpayers or residents of the town and other interested parties, or their authorized representatives may address the Commission by written communications in regard to matters then under discussion.

(B) Taxpayers or residents of the town and other interested parties, or their authorized representatives may address the Commission by oral communications on any matter concerning the town's business or any matter over which the Commission has

jurisdiction or control. Preference shall be given to those persons who have notified the Town Manager in advance of their desire to speak in order that it may appear on the agenda of the Commission; otherwise they may request permission at that point in the meeting providing for the public to be heard.

(C) Taxpayers or residents of the town and other interested parties, or other authorized representatives may address the Commission by reading of protests, petitions, or communications relating to any matter over which the Commission has jurisdiction or control by notifying the Town Manager in advance of the meeting in sufficient time to be placed on the agenda.

(D) Unsigned communications shall not be introduced to the Commission.

(E) Each person recognized for the purpose of addressing the Commission shall step forward to the podium, with microphone thereon, and shall give his name and address in an audible tone for the record, and unless further time is granted by the Commission, shall limit his address to three minutes or such additional time as may be granted by the Chairman or by action of a majority of the Commission. All remarks shall be addressed to the Commission as a body and not to any member thereof. no person, other than a Commissioner and the person having the floor, shall be permitted to enter into any debate or discussion without the permission of the chair.
('71 Code, § 2-20) (Ord. 79-1, passed 1-17-79)

§ 30.07 VOTING.

The "ayes" and "nays" may be called for on any question. Whenever the "ayes" and "nays" are not unanimous, the Town Clerk shall poll the Town Commission and record the vote of each member.
('71 Code, § 2-21) (Ord. 79-1, passed 1-17-79)

§ 30.08 PREPARATION OF ORDINANCES, RESOLUTIONS.

(A) No ordinance shall be prepared for presentation to the Town Commission unless ordered by a majority vote of the Commission, requested by the Town Manager, or prepared by the Town Attorney on his own initiative.

(B) All ordinances, resolutions, and contract documents shall, before presentation to the Commission, have been approved as to content, form, and legal correctness by the Town Attorney or his authorized representative, and shall have been examined and approved for administration by the Town Manager or his authorized representative, where there are substantive matters of administration involved. All those instruments shall first be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would be involved and shall be approved by that department head. If approval is not given, then the instrument

shall be returned to the Town Manager with a written memorandum of the reasons why approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or the objection is not withdrawn and approval in writing given, then the Town Manager shall so advise the Commission and give the reasons advanced by the department head for withholding approval.
('71 Code, § 2-21.5) (Ord. 79-1, passed 1-17-79)

## COMMISSION DISTRICTS

### § 30.15 DISTRICT ONE BOUNDARIES.

Commission District Number One and its boundaries are as follows: from the south line of the town to a line extending from Sarasota Bay along a 75-foot-wide canal between blocks E and G of Country Club Shores unit 5, and between lot 10, block E and lot 10, block G of Country Club Shores unit 5; then extending across Bogey Lane and along the southerly property line of lot 8, block M of Country Club Shores unit 5; then extending across Gulf of Mexico Drive to the waters of the Gulf of Mexico.
('71 Code, § 9-5) (Ord. 156, passed 9-16-69; Am. Ord. 210, passed 1-5-72; Am. Ord. 76-32, passed 11-17-76; Am. Ord. 78-20, passed 12-6-78)

Cross reference:
Commission districts, see Charter Art. II, § 1

### § 30.16 DISTRICT TWO BOUNDARIES.

Commission District Number Two and its boundaries are as follows: from a line extending from Sarasota Bay along a 75-foot-wide canal between blocks E and G of Country Club Shores unit 5 and between lot 10, block E and lot 10, block G of Country Club Shores unit 5; then extending across Bogey Lane and along the southerly property line of lot 8, block M of Country Club Shores unit 5; then extending across Gulf of Mexico Drive to the waters of the Gulf of Mexico to the southerly line of Gulf Shore Trailer City as extended to the waters of the Gulf of Mexico from the waters of Buttonwood Bayou.
('71 Code § 9-6) (Ord. 156, passed 9-16-69; Am. Ord. 210, passed 1-5-72; Am. Ord. 76-32, passed 11-17-76; Am. Ord. 78-20, passed 12-6-78)

### § 30.17 DISTRICT THREE BOUNDARIES.

Commission District Number Three and its boundaries are as follows: from the southerly line of Gulf Shore Trailer City as extended to the waters of the Gulf of Mexico from the waters of Buttonwood Bayou to a line extending from the waters of the Gulf of Mexico along the northerly property line of The Castilian Condominium (4545 Gulf of Mexico Drive) to the center line of Gulf of Mexico Drive; then southerly along the center line to the intersection of Exeter Drive; then easterly along the center line of

Exeter Drive, passing between 4400 and 4410 Exeter Drive to the center line of the adjacent canal; then easterly to the waters of Sarasota Bay.
('71 Code, § 9-7) (Ord. 156, passed 9-16-69; Am. Ord. 73-30, passed 11-28-73; Am. Ord. 76-32, passed 11-17-76; Am. Ord. 78-20, passed 12-6-78)

## § 30.18 DISTRICT FOUR BOUNDARIES.

Commission District Number Four and its boundaries are as follows: from a line extending from the waters of the Gulf of Mexico along the northerly property line of The Castilian Condominium (4545 Gulf of Mexico Drive) to the center line of Gulf of Mexico Drive; then southerly along the center line to the intersection of Exeter Driver; then easterly along the center line of Exeter Drive, passing between 4400 and 4410 Exeter Drive to the center line of the adjacent canal; then easterly to the waters of Sarasota Bay to a line extending from the waters of Sarasota Bay westerly along the northerly property line of Spanish Main (5700 Gulf of Mexico Drive); then extending across Gulf of Mexico Drive; then along the northerly property line of The Shores Condominium (5757 Gulf of Mexico Drive) to the waters of the Gulf of Mexico.
('71 Code § 9-8) (Ord. 156, passed 9-16-69; Am. Ord. 73-30, passed 11-28-73; Am. Ord. 76-32, passed 11-17-76; Am. Ord. 78-20, passed 12-6-78)

## § 30.19 DISTRICT FIVE BOUNDARIES.

Commission District Number Five and its boundaries are as follows: from a line extending from the waters of Sarasota Bay westerly along the northerly property line of Spanish Main (5700 Gulf of Mexico Drive); then extending across Gulf of Mexico Drive; then along the northerly property line of The Shores Condominium (5757 Gulf of Mexico Drive) to the waters of the Gulf of Mexico to the north line of the town.
('71 Code § 9-9) (Ord. 156, passed 9-16-69; Am. Ord. 73-30, passed 11-28-73; Am. Ord 76-32, passed 11-17-76; Am. Ord. 78-20, passed 12-6-78)

# CHAPTER 31: OFFICIALS

Section

31.01 Building Inspector
31.02 Director of Public Works
31.03 Finance Director
31.04 Fire Chief
31.05 Health Officer
31.06 Mayor
31.07 Planning and Zoning Official
31.08 Police Chief
31.09 Town Attorney
31.10 Town Clerk
31.11 Town Manager
31.12 Vice-Mayor

## § 31.01 BUILDING INSPECTOR.

For provisions concerning the Building Inspector, see § 150.15

## § 31.02 DIRECTOR OF PUBLIC WORKS.

For provisions concerning the Director of Public Works, see §§ 32.06, 95.01 through 95.08, and 150.50 through 150.55

## § 31.03 FINANCE DIRECTOR.

For provisions concerning the Finance Director, see Charter Article V, section 1; and code §§ 34.11 and 37.01 through 37.04.

## § 31.04 FIRE CHIEF.

For provisions concerning the Fire Chief, see Chapter 94, and Charter Article III, section 4 (b).

## § 31.05 HEALTH OFFICER.

For provisions concerning the Health Officer, see § 91.13.

## § 31.06 MAYOR.

For provisions concerning the Mayor, see Charter Article II, section 11.

## § 31.07 PLANNING AND ZONING OFFICIAL.

For provisions concerning the Planning and Zoning Official, see §§ 158.098, and 158.110.

## § 31.08 POLICE CHIEF.

For provisions concerning the Police Chief, see § 32.15, and Charter Article III, section 4 (a).

§ 31.09 TOWN ATTORNEY.

For provisions concerning the Town Attorney, see Charter Article VI.

§ 31.10 TOWN CLERK.

For provisions concerning the Town Clerk, see Charter Article IV.

§ 31.11 TOWN MANAGER.

For provisions concerning the Town Manager, see Charter Article III.

§ 31.12 VICE-MAYOR.

For provisions concerning the Vice-Mayor, see Charter Article II, section 11.

## CHAPTER 32: DEPARTMENTS AND AGENCIES

Section

Local Planning Agency

32.01 Establishment
32.02 Powers and duties
32.03 Organization
32.04 Public meetings and records
32.05 Funding
32.06 County technical advisory committees

Police Department

32.15 Police Chief
32.16 Powers and duties
32.17 Special police

Other Departments and Agencies

32.25 Building Department
32.26 Fire Department
32.27 Public Works Department
32.28 Water Department

Cross-reference:
Retirement plan for firefighters and police officers, see §§ 34.45 through 34.53

### LOCAL PLANNING AGENCY

**§ 32.01 ESTABLISHMENT.**

(A) This subchapter is enacted pursuant to and in accordance with F.S.A. § 163.3161 et seq. ('71 Code, § 15B-27)

(B) Pursuant to, and in accordance with F.S.A. § 163.3174, the Planning and Zoning Board is hereby designated and established as the local planning agency for the incorporated territory of the town. ('71 Code, § 15B-28)
(Ord. 76-17, passed 6-16-76)

Cross-reference:
Planning and Zoning Board, see §§ 33.20 through 33.25

**§ 32.02 POWERS AND DUTIES.**

The Local Planning Agency, in accordance with F.S.A § 163.3161 et seq., shall do the following.

(A) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the town.

(B) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.

(C) Recommend the comprehensive plan or elements or portions thereof to the town for adoption.

(D) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Town Commission any changes in the comprehensive plan as may be required from time to time.
('71 Code, § 15B-29) (Ord. 76-17, passed 6-16-76)

Cross-reference:
Comprehensive plan for town, see Charter Art. II, § 24

§ 32.03 ORGANIZATION.

Members of the Local Planning Agency shall continue to be appointed and follow the 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.
('71 Code, § 15B-30) (Ord. 76-17, passed 6-16-76)

§ 32.04 PUBLIC MEETINGS AND RECORDS.

All meetings of the Local Planning Agency shall be public meeting and all agency records shall be public records. The Local Planning Agency shall encourage public participation.
('71 Code, § 15B-31) (Ord. 76-17, passed 6-16-76)

§ 32.05 FUNDING.

The Town Commission 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 F.S.A. § 163.3161 et seq., 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; however, acceptance of loans or grants must be approved by the Town Commission.
('71 Code, § 15B-32) (Ord. 76-17, passed 6-16-76)

§ 32.06 COUNTY TECHNICAL ADVISORY COMMITTEES.

Pursuant to and in accordance with F.S.A. § 163.3161 et seq., the Town Commission 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.
('71 Code, § 15B-33) (Ord. 76-17, passed 6-16-76)

## POLICE DEPARTMENT

§ 32.15 POLICE CHIEF.

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.
('71 Code, § 17-1)

Cross-reference:
Authority of Town Manager to appoint Chief of Police, see Charter Art. III, § 4(a)

## § 32.16 POWERS AND DUTIES.

The officers 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, all of the laws of the state, and all of the laws of the United States now or hereafter made, within the town. In order to carry out their duties, the police officers of the town shall have all of the powers, right, and duties of police officers provided by law.
('71 Code, §§ 17-2, 17-3)

Cross-reference:
Impersonating a law enforcement officer, see § 130.06

## § 32.17 SPECIAL POLICE.

(A) 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 subject to exclusive control of the Chief of Police of the town, and in his absence, the Town Manager or any on-duty police officer of the town. ('71 Code, § 17-16)

(B) The special police officers are authorized to fully and completely exercise and enforce the police powers of the town, and to make arrests in the name of the town within the municipal boundaries of the town. The special police officers shall have authority granted herein only when requested to act by the Chief of Police of the town, and in the absence of the Chief of Police, the Town Manager or any on-duty police officer of the town. ('71 Code, § 17-17)

(C) Regular members of the Police Department of the town 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, but only in the circumstances and subject to the conditions and provisions of this subchapter, and 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. ('71 Code, § 17-18)
(Ord. 74-6, passed 3-6-74)

Cross-reference:
Impersonating a law enforcement officer, see § 130.06

## OTHER DEPARTMENTS AND AGENCIES

### § 32.25 BUILDING DEPARTMENT.

For provisions concerning the Building Department, see § 150.06(B).

### § 32.26 FIRE DEPARTMENT.

For provision concerning the Fire Department, see Chapter 94.

### § 32.27 PUBLIC WORKS DEPARTMENT.

For provisions concerning the Public Works Department, see § 95.01.

### § 32.28 WATER DEPARTMENT.

For provisions concerning the Water Department, see § 53.01.

## CHAPTER 33: BOARDS AND COMMISSIONS

Section


Code Enforcement Board

33.01 Definitions
33.02 Establishment; members
33.03 Organization; quorum and compensation
33.04 Alternate members
33.05 Removal, vacancy of members
33.06 Enforcement procedure
33.07 Hearings
33.08 Powers
33.09 Fines
33.10 Appeals
33.11 Notice

Planning and Zoning Board

33.20 Creation; members
33.21 Officers
33.22 Duties
33.23 Meetings
33.24 Minutes
33.25 Public hearings

Zoning Board of Adjustment

33.30 Establishment


### CODE ENFORCEMENT BOARD

### § 33.01 DEFINITIONS.

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

"CODE INSPECTOR." Any authorized agent or employee of the town whose duty it is to insure code compliance.

"TOWN ATTORNEY." The legal counselor for the town.
(Ord. 81-14, passed 4-15-81)

### § 33.02 ESTABLISHMENT: MEMBERS.

(A) There is created a Code Enforcement Board which shall consist of six members and two alternate members designated as first alternate and second alternate, to be appointed by the Mayor and approved by the Town Commission. The Code Enforcement Board shall, whenever possible, consist of persons, experienced in their respective fields, as follows.

(1) Architect.

(2) Business man.

(3) Engineer.

(4) General contractor.

(5) Sub-contractor.

(6) Realtor.

(B) The initial appointments to the Code Enforcement Board shall be as follows.

(1) Two members appointed for a term of one year.
(2) Two members appointed for a term of two years.
(3) Two members appointed for a term of three years.

(C) All subsequent appointments shall be made for a term of three years. Any member may be reappointed from term to term upon approval of the Town Commission. Appointments to fill any vacancy on the Code Enforcement Board shall be for the remainder of the unexpired term of office. Any member who fails to attend two of three successive meetings without cause and without prior approval of the Board Chairman shall automatically forfeit his appointment, and the Town Commission shall promptly fill the vacancy. The members shall serve in accordance with the Charter and may be removed as provided in § 33.05.
(Ord. 81-14, passed 4-15-81)

## § 33.03 ORGANIZATION; QUORUM AND COMPENSATION.

(A) The members of the Code Enforcement Board shall elect a Chairman. The presence of four or more members shall constitute a quorum of the Board. Members shall serve without compensation, but may be reimbursed for any travel, mileage, and per diem expenses authorized by the Town Commission.

(B) The Town Attorney shall be counsel to the Code Enforcement Board. In no case shall the Town Attorney serve by representing the town in presenting cases before the Board.
(Ord. 81-14, passed 4-15-81)

## § 33.04 ALTERNATE MEMBERS.

Alternate members of the Code Enforcement Board may attend all meetings of the Board but shall act only in the absence, disability, or disqualification of a regular member. In the absence of a member, the first alternate shall be substituted, and in the absence of two or more members, both alternates shall be substituted. In

the absence of a member and the first alternate, the second alternate shall be substituted. When an alternate member acts, the minutes of the Board shall reflect the name of the absent, disabled, or disqualified member in whose place and stead the alternate is acting.
(Ord. 81-14, passed 4-15-81)

§ 33.05 REMOVAL, VACANCY OF MEMBERS.

Members of the Code Enforcement Board may be removed from office by the Town Commission for cause on written charges and after public hearing. Vacancies shall be automatically filled by the first alternate, then the second alternate, and then shall be filled by the Town Commission for the unexpired terms affected.
(Ord. 81-14, passed 4-15-81)

§ 33.06 ENFORCEMENT PROCEDURE.

(A) It shall be the duty of the Code Inspector to initiate enforcement proceedings of the various codes; however, no member of the Code Enforcement Board shall have the power to initiate these enforcement proceedings.

(B) Except as provided in division (C) below, if a violation of the codes is found, the Code Inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the Code Inspector shall notify the Code Enforcement Board and request a hearing pursuant to the procedure in § 33.07. Written notice shall be mailed to the violator as provided herein.

(C) If the Code Inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare, the Code Inspector may proceed directly to the procedure in § 33.07 without notifying the violator.
(Ord. 81-14, passed 4-15-81)

§ 33.07 HEARINGS.

(A) The Chairman of the Code Enforcement Board may call hearings of the Board and hearings may also be called by written notice signed by at least three members of the Board. The Board at any hearing may set a future hearing date. The Board should attempt to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings by the Board and all hearings shall be open to the public. The Town Commission shall provide clerical and administrative personnel as may be reasonably required by the Board for the proper performance of its duties. Each case before the Board shall be presented by a member of the administrative staff of the town.

(B) The Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded.

The Board shall take testimony from the Code Inspector and from the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. At the conclusion of the hearing, the Board shall issue findings of fact based on evidence of record, and conclusions of law and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those present and voting; however, at least three members of the Board must vote for the action to be official. The record shall be presented to the court on appeal and shall be subject to review.
(Ord. 81-14, passed 4-15-81)

§ 33.08 POWERS.

(A) The Code Enforcement Board shall have the power to adopt rules for the conduct of its hearings; subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the Police Department of the town; subpoena evidence; take testimony under oath; and issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

(B) The Code Enforcement Board shall have the jurisdiction and authority to hear and decide alleged violation of the following codes and ordinances of the town.

(1) Buildings, Chapter 150.

(2) Electricity, Chapter 153.

(3) Fire Prevention Code, Chapter 94.

(4) Flood Control, Chapter 154.

(5) Zoning Code, Chapter 158.

(6) Signs, Chapter 156.

(7) Subdivision Regulations, Chapter 157.

(8) Trees, Chapter 98.
(Ord. 81-14, passed 4-15-81)

§ 33.09 FINES.

(A) The Code Enforcement Board, upon notification by the Code Inspector that a previous order of the Board has not been complied with by the set time, may order the violator to pay a fine not to exceed $500 for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists. After one year from the filing of any lien which remains unpaid, the Board may authorize the Town Attorney to foreclose on the lien.

(B) After one year from the filing of any such lien which remains unpaid, the town may foreclose the lien in the same manner as mortgage liens are foreclosed. This lien shall be superior to all other liens except a lien for taxes, and shall bear interest at the rate of 10% per annum from the date filed.
(Ord. 81-14, passed 4-15-81)

§ 33.10 APPEALS.

An aggrieved party may appeal a ruling or order of the Code Enforcement Board by certiorari in circuit court. An appeal shall be filed within 30 days of the execution of the order to be appealed. The scope of review shall be limited to the record made before the Board and shall not be a trial de novo. The Board shall by rule establish reasonable charges for the preparation of the record to be paid by the petitioner.
(Ord. 81-14, passed 4-15-81)

§ 33.11 NOTICE.

All notices required by this subchapter shall be by certified mail, return receipt requested, or where mail would not be effective, by hand delivery by the Code Inspector.
(Ord. 81-14, passed 4-15-81)

## PLANNING AND ZONING BOARD

§ 33.20 CREATION; MEMBERS.

(A) There is hereby created a Planning and Zoning Board for the town, which shall consist of nine members, including a Chairman. The Chairman shall be appointed by the Town Commission. ('71 Code, § 15B-16)

(B) Of the nine appointed members of the Board, three shall serve for a period of three years; three shall serve for a period of two years; and three shall serve for a period of one year. Thereafter members shall be appointed for a period of three years. The terms of office shall terminate on the first Wednesday of April of each year. Vacancies shall be filled by appointment for unexpired terms only. ('71 Code, § 15B-17)
(Ord. 169, passed 4-1-70; Am. Ord. 78-13, passed 10-25-78)

§ 33.21 OFFICERS.

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.

(A) The Chairman shall preside at all meetings of the Planning and Zoning Board, and shall have all other duties as may be prescribed by law.

(B) The Vice-Chairman, in the absence or inability of the Chairman to serve, shall have all the duties, powers, and obligations of the Chairman.

(C) The Secretary of the Planning and Zoning Board shall post or mail notices as may be required herein; take minutes of all of the meetings of the Board; handle all correspondence to and from the Board; and file all minutes in the office of the Board.
('71 Code, § 15B-18) (Ord. 169, passed 4-1-70)

§ 33.22 DUTIES.

(A) The Planning and Zoning Board shall consider all matters referred to it by the Town Commission and report its recommendations thereon back to the Commission within a reasonable time or within any other time as may be specified. The Board shall consider and report its recommendations on all petitions to change the zoning district boundaries within the town.

(B) The Board shall prepare, submit, and make recommendations for the amendment of a comprehensive road and zoning plan for the town. The comprehensive road and zoning plan shall specify the location, width, and type of proposed streets and roads and the zoning of abutting property. The plan shall be prepared with a view toward bettering the public health, safety, and welfare and promoting the orderly development of the town.

(C) The Board shall consider and make recommendations on all proposed subdivision plats within the town.

(D) The 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 all things as may secure the recognized advantages of building and zoning regulations.
('71 Code § 15B-19) (Ord. 169, passed 4-1-70)

Cross-reference:
Review of proposed zoning amendments, see § 158.115
Planning and Zoning Board as the Local Planning Agency, see §§ 32.01 through 32.06

§ 33.23 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. At least six hours' notice of each meeting shall be given to each member of the Board. The notice shall specify the matters to be acted on at the meeting.

(B) A quorum for any meeting of the Board shall be five of the members. When less than a quorum is present at any meeting which has been duly called, those present may adjourn or recess the meeting to a future date to be specified in the motion of adjournment or recess.

(C) The order of business at regular public meetings shall be as follows.

(1) Roll call.

(2) Approval of the minutes of the previous meeting.

(3) Adoption of reports

(4) Fixing dates for future hearings.

(5) Hearings.

(6) New business.

(7) Old business.

(D) Matters not on the calendar shall be considered only by unanimous consent of the members present. The Chairman shall direct a roll call on every proposition to be acted on and all votes shall be taken by the ayes and nays. At a public hearing, those in favor of a proposition shall be heard first, and then those opposed, unless otherwise ordered by the Chairman. Any official action by the Board shall require an affirmative vote of a majority of the members present. Final action shall be taken on applications no later than the next regular monthly meeting of the Board after the public hearing thereon.

(E) 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.
('71 Code, § 15B-20) (Ord. 169, passed 4-1-70; Am. Ord. 78-13, passed 10-25-78)

§ 33.24 MINUTES.

The minutes of the Planning and Zoning Board shall contain an accurate report of all matters taken up by the Board, the summary of all testimony heard in public hearings, and a record of all recommendations made by the Board to the Town Commission. The minutes shall also contain a record of the votes of each member of the Board on every matter acted on, and shall indicate the absence of any member, or any member not voting. The minutes of the Board shall be filed in the office of the Town Clerk and shall be a public record.
('71 Code, § 15B-21) (Ord. 169, passed 4-1-70)

§ 33.25 PUBLIC HEARINGS.

(A) The Planning and Zoning Board shall hold a public hearing on any matter if requested by the Town Commission. The Board may hold one or more public hearings on any matter, if in the opinion of the Board the best interests of the town will be served, except on

matters initiated by the Board. On matters initiated by the Board, public hearings will be held only with the approval of the Town Commission.

(B) Notice of public hearings of the Board shall be posted at least 15 days prior to the hearing, published in a newspaper in general circulation within the town, and a 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 300 feet from the perimeter of each area. Notice of a public hearing of the 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
('71 Code, § 15B-22) (Ord. 169, passed 4-1-70)

ZONING BOARD OF ADJUSTMENT

§ 33.30 ESTABLISHMENT.

For provisions concerning the Zoning Board of Adjustment, see §§ 158.111 through 158.114.

# CHAPTER 34: EMPLOYMENT POLICIES

Section


General Provisions

34.01 Payments on account of sickness

Social Security

34.05 Adoption, application of Social Security Act
34.06 Exclusions
34.07 Agreements with state agency
34.08 Withholding authorized
34.09 Appropriation for contributions
34.10 Records; state and federal regulations
34.11 Finance Director

Pensions and Retirement

34.20 Definitions
34.21 Eligibility requirements
34.22 Participation by employees
34.23 Contributions
34.24 Re-employment of former and retired employees
34.25 Nonalienation of benefits
34.26 Normal pension; amount of benefits
34.27 Early pension; amount of benefits
34.28 Disability pension; amount of benefits
34.29 Joint and survivor optional benefit
34.30 Level income optional benefit
34.31 Other forms of payment of optional benefits
34.32 Deferred termination benefit
34.33 Pre-retirement death benefit
34.34 Post-retirement death benefit
34.35 Retirement committee

Plan for Firefighters and Police Officers

34.45 Definitions
34.46 Eligibility and participation
34.47 Contributions
34.48 Requirements for retirement benefits
34.49 Amount of retirement benefits
34.50 Optional retirement benefits
34.51 Other benefits
34.52 Administration
34.53 Re-employment of retired employees


## GENERAL PROVISIONS

### § 34.01 PAYMENTS ON ACCOUNT OF SICKNESS.

The Town Manager is hereby authorized to provide for the expenditure of public funds for payment to employees on account of

personal sickness or disability, pursuant tc the State of Florida Rules of the Department of Administration, Division of Retirement, Chapter 22C-2.02(1), Payments on Account of Sickness.
(Ord. 81-15, passed 4-15-81)

## SOCIAL SECURITY

### § 34.05 ADOPTION, APPLICATION OF SOCIAL SECURITY ACT.

(A) It is the policy and purpose of the town to extend, effective January 1, 1960, to the employees and officials thereof not excluded by law nor excepted in this subchapter, the benefits of the system of old-age and survivors insurance authorized by the Federal Social Security Act and amendments thereto, and by F.S.A Chapter 650, as amended, and to cover by this plan all services which constitute employment as defined in F.S.A. § 650.02, performed in the employ of the town by employees and officials thereof, except the Town Attorney and the Town Commission. ('71 Code, § 2-6)

(B) The town adopts the terms, conditions, requirements, reservations, benefits, previleges, 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 subchapter. ('71 Code, § 2-12)

### § 34.06 EXCLUSIONS.

There is excluded from this subchapter any authority to include in any agreement entered into under § 34.07 any service, position, employee, or official now covered by or eligible to be covered by an existing retirement system.
('71 Code, § 2-7)

### § 34.07 AGREEMENTS WITH STATE AGENCY.

The Mayor or other chief executive officer is 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 the system of old-age and survivors insurance to the employees and officials of this town, as provided in §§ 34.05(A) and 34.06, which shall provide for those 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 the agreement performed on and after January 1, 1960.
('71 Code, § 2-8)

### § 34.08 WITHHOLDING AUTHORIZED.

Withholdings from salaries, wages, or other compensation of employees and officials for the purpose provided in this subchapter are authorized to be made, and shall be made, in the amounts and at those times required by applicable state or federal laws or

regulations, and shall be paid over to the state agency designated by those laws or regulations to receive the amounts.
('71 Code, § 2-9)

§ 34.09 APPROPRIATION FOR CONTRIBUTIONS.

There shall be appropriated from available funds derived from general funds and cigarette funds, those amounts, at those 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.
('71 Code, § 2-10)

§ 34.10 RECORDS; STATE AND FEDERAL REGULATIONS.

The town shall keep all records and make all reports required by applicable state or federal laws or regulations, and shall adhere to the regulations of the state agency.
('71 Code, § 2-11)

§ 34.11 FINANCE DIRECTOR.

The Finance Director is 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 Finance Director is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purpose of this subchapter.
('71 Code, § 2-13)

## PENSIONS AND RETIREMENT

§ 34.20 DEFINITIONS.

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

"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."

"AVERAGE MONTHLY COMPENSATION." The result obtained by dividing the total compensation paid to an "employee" during a considered period by the number of months for which compensation was received. The considered period shall be the five consecutive calendar years within the last ten completed calendar years of service which yield the highest average, or the shorter period if service is less than five years.

"COMMITTEE." The persons appointed to administer the plan.

"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).

"EFFECTIVE DATE." July 1, 1972.

"EMPLOYEE." Any person who is regularly employed by the "employer" and receiving remuneration for personal services rendered to the "employer," excluding town police officers and town firemen; and whose customary employment is for 1,000 hours or more in the prior calendar year.

"EMPLOYER." The town of Longboat Key, Florida.

"NORMAL RETIREMENT DATE." The first day of the month coinciding with or next following an "employee's" sixty-fifth birthday.

"PENSION." A series of monthly amounts which are payable to a person who is entitled to receive benefits under the plan.

"PENSION FUND." The fund established to receive and invest contributions of the "employer" and from which benefits are paid.

"PLAN." The town pension retirement plan as contained in this subchapter or as amended from time to time.

"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.

"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 subchapter to the number of years of service of an "employee" shall be deemed to include all years and completed months.
('71 Code, § 15A-1) (Ord. 226, passed 8-9-72; Am. Ord. 75-18, passed 9-10-75)

## § 34.21 ELIGIBILITY REQUIREMENTS.

Each employee on the effective date who has completed one year of service as of that 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. ('71 Code, § 15A-3) (Ord. 226, passed 8-9-72)

§ 34.22 PARTICIPATION BY EMPLOYEES.

Each employee shall automatically become a participant when he meets the eligibility requirements described in § 34.21. 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.
('71 Code, § 15A-4) (Ord. 226, passed 8-9-72)

§ 34.23 CONTRIBUTIONS.

The town shall appropriate to the town Pension Trust Agreement, dated October 2, 1972, annually a sum sufficient to maintain the plan on a sound financial basis, as determined by a qualified actuary or firm of actuaries. Employees are not required or permitted to make contributions under this plan.
('71 Code, § 15A-5) (Ord. 226, passed 8-9-72; Am. Ord. 77-20, passed 9-28-77)

§ 34.24 RE-EMPLOYMENT OF FORMER AND RETIRED EMPLOYEES.

(A) If an employee's employment is terminated prior to becoming eligible for a pension and the employee is subsequently re-employed 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. ('71 Code, § 15A-6)

(B) If a retired employee is re-employed by the employer, no pension payments shall be made during the period of the re-employment. 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 re-employment. In the case of re-employment of a retired employee who received any pension payments prior to his re-employment, the pension payable upon his subsequent retirement shall be reduced by the actuarial equivalent of any pension payments he previously received. ('71 Code, § 15A-7) (Ord. 226, passed 8-9-72)

§ 34.25 NONALIENATION OF BENEFITS.

Except with respect to any indebtedness owed 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 liability which is

for alimony or other payments for the support of a spouse or former spouse, or for any other relative of the employee, prior to actually being received by the person entitled to the benefit under the terms of the plan. 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.
('71 Code, § 15A-8) (Ord. 226, passed 8-9-72)

§ 34.26 NORMAL PENSION; AMOUNT OF BENEFITS.

(A) An employee shall be eligible for a normal pension if his employment is terminated on or after his sixty-fifth 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 60 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.

(B) Every employee shall retire on his normal retirement date; however, at the request of the employer an employee may continue working after this date, for any period or periods as shall be mutually agreed upon. Retirement shall occur at the end of the last agreed period.
('71 Code, § 15A-9)

(C) An employee who meets the requirements for a normal pension shall receive a monthly amount determined as follows: 1.5% of the average monthly compensation multiplied by his years of service up to age 55 plus 2% of the average monthly compensation multiplied by his years of service from age 55 to retirement. These pension benefits together with the employee's primary social security benefits shall not exceed 75% of the average monthly compensation.

(D) If employment continues after an employee's normal retirement date, his pension shall commence upon his actual retirement and the amount of the employee's pension shall be computed in accordance with this section. In so computing the 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.
('71 Code, § 15A-12)
(Ord. 226, passed 8-9-72)

§ 34.27 EARLY PENSION; AMOUNT OF BENEFITS.

(A) An employee shall be eligible for an early pension if his employment is terminated on or after his fifty-fifth birthday, provided he has completed 15 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 any later date the employee may elect, but in no event later than the first day of the month following his normal retirement date. If the employee has received 60 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. ('71 Code, § 15A-10)

(B) An employee who meets the requirements for an early pension shall receive a monthly amount determined as follows: The early pension commencing at the employee's normal retirement date shall be 1.5% of the average monthly compensation multiplied by his years of service up to age 55 plus 2% of the average monthly compensation multiplied by his years of service from age 55 to retirement. These pension benefits together with the employee's primary social security benefits shall not exceed 75% of the average monthly compensation.

(C) If payment of an early pension commences prior to the employee's normal retirement date, the monthly amount shall be the pension computed in division (B), reduced by five-twelfths of 1% for each month between the date payments commence and his normal retirement date.
('71 Code, § 15A-13)
(Ord. 226, passed 8-9-72)

## § 34.28 DISABILITY PENSION; AMOUNT OF BENEFITS.

(A) An employee shall be eligible for a disability pension if his employment is terminated by reason of total and permanent disability, provided 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 60 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 § 34.24(B). ('71 Code, § 15A-11)

(B) 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 § 34.27(B), without reduction for early commencement. ('71 Code, § 15A-14)
(Ord. 226, passed 8-9-72)

## § 34.29 JOINT AND SURVIVOR OPTIONAL BENEFIT.

(A) By filing an application with the Retirement 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 othewise become entitled upon retirement.

(1) Option 1. The employee shall receive a reduced pension payable for life, and payments in the amount of 100% of this reduced pension shall, after the employee's death, be continued to the contingent pensioner during the latter's lifetime.

(2) Option 2. The employee shall receive a reduced pension payable for life, and payments in the amount of 75% of this reduced pension shall, after the employee's death, be continued to the contingent pensioner during the latter's lifetime.

(3) Option 3. The employee shall receive a reduced pension payable for life, and payments in the amount of 50% of this reduced pension shall, after the employee's death, be continued to the contingent pensioner during the latter's lifetime.

(B) 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.

(C) An employee may elect to revoke an option prior to retirement by filing an 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.

(D) An election made pursuant to this section shall become inoperative in the event that the employee's death occurs prior to actual retirement; or the death of the contingent pensioner occurs before the employee's actual retirement.
('71 Code, § 15A-15) (Ord. 226, passed 8-9-72)

## § 34.30 LEVEL INCOME OPTIONAL BENEFIT.

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 that 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. The adjusted pension payments shall be the actuarial equivalent of the pension otherwise payable to the employee.
('71 Code, § 15A-16) (Ord. 226, passed 8-9-72)

## § 34.31 OTHER FORMS OF PAYMENT OF OPTIONAL BENEFITS.

(A) The Retirement 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; however, the payments in the 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 other form of payment, particularly any lump sum payment.

(B) If a pension payable under the plan is less than $25 per month, the Committee may direct that, in lieu of this 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.

(C) 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.

(D) Notwithstanding anything herein to the contrary, if the actuarial value of an employee's benefit under any optional benefit is less than 50% 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 50% of the value of the benefit otherwise payable to the employee. ('71 Code, § 15A-17) (Ord. 226, passed 8-9-72)

## § 34.32 DEFERRED TERMINATION BENEFIT.

(A) 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 §§ 34.26(A) and (B) and 34.27(A).

(B) The benefit shall be computed in the same manner as an early pension as defined in § 34.27(B), considering compensation and service up to the date of termination, and in accordance with the following vesting percentages.

| Years of Service at Date of Separation | Percentage of Vesting |
|---|---|
| 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 |

(C) 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 § 34.27(B). ('71 Code, § 15A-18) (Ord. 226, passed 8-9-72; Am. Ord. 75-5, passed 5-7-75)

## § 34.33 PRE-RETIREMENT DEATH BENEFIT.

(A) 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 provide by § 34.29 in the event that option 1, 2, or 3 has been elected, to the employee's beneficiary for 60 months. The amount of this pension shall be equal to the pension which the employee would have received if his retirement had taken place immediately prior to his death.

(B) 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 60 months. The amount of this pension shall be equal to the pension which the employee would have received if his retirement had taken place immediately prior to his death.

(C) If the death of an employee occurs prior to his becoming eligible for early retirement, there will be no benefits payable from the plan.
('71 Code, § 15A-19) (Ord. 226, passed 8-9-72)

## § 34.34 POST-RETIREMENT DEATH BENEFIT.

(A) No benefit shall be payable under this section if an optional benefit under §§ 34.29 to 34.31 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.

(B) If a retired employee is receiving a pension under §§ 34.26(C) and (D), 34.27 (B) and (C), or 34.28(B), and no option was elected, and if his death occurs before he has received payments for 60 months, the employee's beneficiary shall be entitled to a monthly pension for the remainder of the 60-month period, that is, until the 60 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.

(C) 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 Retirement 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.

(D) 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: to the employee's surviving spouse; or, if there is none surviving, to the employee's surviving children in equal shares; or, if there are none surviving, to the employee's surviving parents in equal shares; or, if there are none surviving, to the employee's estate.
('71 Code, § 15A-20) (Ord. 226, passed 8-9-72)

## § 34.35 RETIREMENT COMMITTEE.

(A) 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. ('71 Code, § 15A-21)

(B) 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.

(1) To construe and interpret the plan, decide all questions of eligibility, and determine the amount, manner, and time of payment of any benefits.

(2) To prescribe procedures to be followed by employees in filing applications for benefits.

(3) To make a determination as to the right of any person to a benefit and to afford any person dissatisfied with the determination the right to a hearing thereon.

(4) To receive from the employer and from employees all information necessary for the proper administration of the plan.

(5) To prepare and distribute, in the manner the Committee determines to be appropriate, information explaining the plan.

(6) To furnish the employer, upon request, all annual reports with respect to the administration of the plan as are reasonable and appropriate.

(7) To receive and review the biannual valuation of the plan made by the actuary selected by the employer.

(8) To receive and review reports of the financial condition and of the receipts and disbursements of the pension fund.

(9) To appoint or employ an administrator for the plan and any other agents it deems advisable, including legal and actuarial counsel.
('71 Code, § 15A-22)

(C) The Retirement Committee may adopt any rules and actuarial tables 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. 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. ('71 Code, § 15A-23)

(D) The Committee shall adopt any bylaws 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. ('71 Code, § 15A-24)

(E) 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 any manner it may deem convenient or proper, all reports of the pension fund. ('71 Code, § 15A-25)
(Ord. 226, passed 8-9-72)

## PLAN FOR FIREFIGHTERS AND POLICE OFFICERS

### § 34.45 DEFINITIONS.

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

"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."

"AVERAGE MONTHLY COMPENSATION." The result obtained by dividing the total compensation paid to an employee during a considered period by the number of months for which compensation was received. The considered period shall be the five consecutive calendar years within the last ten completed calendar years of service which yield the highest average, or the shorter period if service is less than five years.

"COMMITTEE." The persons appointed to administer the plan.

"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).

"EFFECTIVE DATE." September 10, 1975.

"EMPLOYEE." Any firefighter or police officer who is regularly employed by the "employer" and receiving remuneration for personal services rendered to the "employer," herein referred to as "EMPLOYEE" or "EMPLOYEES;" and whose customary employment is for 1,000 hours or more in the prior calendar year.

"EMPLOYER." The town of Longboat Key, Florida.

"NORMAL RETIREMENT DATE." The first day of the month coinciding with or next following an "employee's" sixtieth birthday.

"PENSION." A series of monthly amounts which are payable to a person who is entitled to receive benefits under the plan.

"PENSION FUND." The fund established to receive and invest contributions of the "employer" and from which benefits are paid.

"PLAN." The town Pension Retirement Plan for Firefighters and Police Officers as contained herein or as amended from time to time.

"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.

"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.
('71 Code, § 15A-31)

## § 34.46 ELIGIBILITY AND PARTICIPATION.

Sections 34.21 and 34.22 of this chapter dealing with pension eligibility and participation are hereby incorporated by reference.
('71 Code, § 15A-32) (Ord. 75-19, passed 9-10-75)

## § 34.47 CONTRIBUTIONS.

The town shall appropriate to the town Pension Trust Agreement, dated October 2, 1972, annually a sum sufficient to maintain the

plan on a sound financial basis, as determined by a qualified actuary or firm of actuaries. Employees are not required or permitted to make contributions under this plan.
('71 Code, § 15A-33) (Ord. 75-19, passed 9-10-75; Am. Ord. 77-19, passed 9-28-77)

## § 34.48 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 sixtieth 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. If the employee has received 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 this date, for any period or periods as shall be mutually agreed upon. Retirement shall occur at the end of the last agreed period.

(B) Early retirement. Section 34.27(A) of this chapter is hereby incorporated by reference.

(C) Disability retirement. Section 34.28(A) of this chapter is hereby incorporated by reference.
('71 Code, § 15A-34) (Ord. 75-19, passed 9-10-75)

## § 34.49 AMOUNT OF RETIREMENT BENEFITS.

(A) Normal pension. An employee who meets the requirements for a normal pension shall receive a monthly amount determined as follows: 1.5% of the average monthly compensation multiplied by his years of service up to age 50 plus 2% of the average monthly compensation multiplied by his years of service from age 50 to retirement. These pension benefits together with the employee's primary social security benefits shall not exceed 75% of the average monthly compensation. If the employment continues after an employee's normal retirement date, his pension shall commence upon his actual retirement. The amount of this employee's pension shall be computed in accordance with division (A) and in so computing this 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 recognizing the years from the employee's normal retirement date to 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 1.5% of the average monthly compensation multiplied by his years of service up to age 50 plus 2% of the

average monthly compensation multiplied by his years of service from age 50 to retirement. These pension benefits together with the employee's primary social security benefits shall not exceed 75% 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 division (B)(1) above, reduced by five-twelfths of 1% 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 division (B)(1) above, without reduction for early commencement.
('71 Code, § 15A-35) (Ord. 75-19, passed 9-10-75)

**§ 34.50 OPTIONAL RETIREMENT BENEFITS.**

Sections 34.29 through 34.31 are hereby incorporated by reference.
('71 Code, § 15A-36) (Ord. 75-19, passed 9-10-75)

**§ 34.51 OTHER BENEFITS.**

Sections 34.32 through 34.34 are hereby incorporated by reference.
('71 Code, § 15A-37) (Ord. 75-19, passed 9-10-75)

**§ 34.52 ADMINISTRATION.**

Section 34.35 is hereby incorporated by reference.
('71 Code, § 15A-38) (Ord. 75-19, passed 9-10-75)

**§ 34.53 RE-EMPLOYMENT OF RETIRED EMPLOYEES.**

Sections 34.24 and 34.25 are hereby incorporated by reference.
('71 Code, § 15A-39) (Ord. 75-19, passed 9-10-75)

# CHAPTER 35: GENERAL POLICY

Section

35.01 Cost of giving notice for permit applications
35.02 Liability of town or town officials
35.03 Liability insurance on town-owned vehicles
35.04 Assessment for law enforcement education expenditures

## § 35.01 COST OF GIVING NOTICE FOR PERMIT APPLICATIONS.

Whenever any application is made to the town for the granting of a permit of any kind whereby it is necessary to publish a newspaper notice or to notify property owners or others by mail, the person making the application shall deposit with the town the estimated cost and expense of giving the notice, and the amount so estimated shall be deposited in the town treasury. The officer of the town with whom the application is filed shall be charged with the duty of collecting the expenses and costs.
('71 Code, § 1-9)

## § 35.02 LIABILITY OF TOWN OR TOWN OFFICIALS.

(A) To the extent not covered by insurance contracts in force from time to time, the town may indemnify and hold harmless its Town Commissioners, officers, and department heads from all costs, including court costs and attorney's fees, arising out of claims, suits, litigation, or threat of same against these individuals because of acts or circumstances connected with or arising out of their official duty or employment as Commissioner, officer, or department head of the town. The town reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or not to appeal from any adverse judgment or ruling, and in this event will indemnify and hold harmless any Commissioners, officers, or department heads from the judgment, execution, or levy thereon.

(1) The Commissioner, officer, or department head against whom a claim is made shall cooperate with the town, its attorneys, and agents in every respect requested in the defense of the claim, including but not limited to appearances at depositions and trials, presentation and preservation of evidence, and obtaining of witnesses.

(2) In the event that the defendant Commissioner, officer, or department head is awarded damages or court costs against the plaintiff or is awarded an affirmative judgment against the plaintiff upon a counterclaim against the plaintiff which was litigated by the town in the action, this sum shall be assigned and paid over to the town in consideration of its undertaking described in this section; however, the sums paid to the town under this section shall not exceed its costs and attorney fees incurred in defending and litigating the claim.

(B) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim, suit, or litigation, or liable for payment of the judgment or claim, from any liability, nor shall this section be construed so as to waive any provision of law affording the town immunity from any suit in whole or part, or to waive any other substantive or procedural rights the town may have.

(C) This section shall not apply nor shall the town be responsible in any manner to defend or pay for claims arising out of acts or omissions of Town Commissioners, officers, or department heads which constitute felonies or gross malfeasance or misfeasance in office.

(D) In each case coming within the purview of this section, the Town Commission shall be the sole judge as to whether the act or omission complained of does in fact arise out of, or is connected with, the duty or employment of the Commissioner, officer, or department head involved and it shall likewise be the sole judge of whether the act or omission constitutes gross malfeasance or misfeasance, if this question is raised. The judgment of the Town Commission shall be final and binding upon the Commissioners, officers, or department heads involved.
('71 Code, § 2-2) (Ord. 77-14, passed 6-1-77)

## § 35.03 LIABILITY INSURANCE ON TOWN-OWNED VEHICLES.

The town shall carry liability insurance on all motor vehicles, including motorcycles, owned and operated by the town, in an amount of $100,000 with respect to any one person and $300,000 with respect to any one accident or disaster. However, this coverage may be limited by the usual and customary limitations and conditions contained in standard liability policies written by stock or mutual insurance companies doing business in the state.
('71 Code, § 2-3) (Ord. 78-25, passed 1-17-79)

## § 35.04 ASSESSMENT FOR LAW ENFORCEMENT EDUCATION EXPENDITURES.

The sum of $2 shall be assessed as a court cost against every person convicted for violation of this code or other town ordinance; however, no assessment shall be made against any person convicted for violation of any provision of this code or other town ordinance relating to the parking of vehicles. Assessments collected under this section shall be used only for law enforcement education expenditures for law enforcement officers of this town.
('71 Code, § 1-10) (Ord. 158, passed 10-1-69; Am. Ord. 81-30, passed 9-2-81)

# CHAPTER 36: ELECTIONS

Section

36.01 Absentee voting
36.02 Voter qualifications
36.03 Candidate qualifications
36.04 Polling places

Cross-reference:
Town commission district boundaries; see §§ 30.15 through 30.19

## § 36.01 ABSENTEE VOTING.

The provisions of F.S.A. §§ 101.62 through 101.694 concerning absentee voting are hereby adopted by reference.
('71 Code, § 9-1)

## § 36.02 VOTER QUALIFICATIONS.

Any person eligible to register must register to be entitled to vote in the elections of the town, with the Supervisor of Elections of Manatee County or the Supervisor of Elections of Sarasota County, as provided by law.
('71 Code, § 9-2) (Ord. 73-19, passed 8-1-73; Am. Ord. 73-28, passed 11-7-73)

Statutory reference:
Qualification to register, see F.S.A. § 97.041

## § 36.03 CANDIDATE QUALIFICATIONS.

An elector of the town shall be qualified as a candidate for public office on the filing by the elector, in person, with the Town Clerk no later than 12:00 noon, January 2, or the following business day if January 2 falls on a nonbusiness day, prior to the date of the preliminary election, of a petition signed by at least ten electors requesting the name of the proposed candidate be placed on the ballot for a vacancy in office to be voted on at the next special or annual election. However, in those cases where the candidate is qualifying for a particular district the petition for the candidate shall be signed by electors from that district and where the candidate is one at large the petition for the candidate shall be signed by any ten electors of the town.
('71 Code, § 9-3) (Ord. 106, passed 11-23-65; Am. Ord. 119, passed 2-28-67)

## § 36.04 POLLING PLACES.

At least 15 days prior to any election, the Town Commission, on the 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.
('71 Code, § 9-4) (Ord. 73-19, passed 8-1-73)

Cross-reference:
Conduct of elections, see Charter Art. II, § 6

# CHAPTER 37: FINANCE AND TAXATION

Section


Accounting and Bookkeeping

37.01 Compliance with accepted standards
37.02 Receipts; records
37.03 Annual inventory of town equipment
37.04 Bank accounts; check vouchers

Taxation

37.10 Excise taxes on public services
37.11 Excise tax on insurance companies


## ACCOUNTING AND BOOKKEEPING

### § 37.01 COMPLIANCE WITH ACCEPTED STANDARDS.

The Finance Director shall comply with accepted accounting practices and standards to insure good internal control.
('71 Code, § 2-22) (Ord. 211, passed 1-19-72)

### § 37.02 RECEIPTS; RECORDS.

The 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 Finance Director shall be delivered to the person making payment and shall specify the purpose for which the payment was made. The Finance Director shall keep 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 adopted by the town in its annual budget.
('71 Code, § 2-23) (Ord. 211, passed 1-19-72)

### § 37.03 ANNUAL INVENTORY OF TOWN EQUIPMENT.

The Finance Director shall prepare an annual physical inventory of all furniture, fixtures, and equipment owned by the town. The inventory shall show the identification number placed on each and every item of furniture, fixtures, and equipment. The inventory shall be checked annually.
('71 Code, § 2-24) (Ord. 211, passed 1-19-72)

### § 37.04 BANK ACCOUNTS; CHECK VOUCHERS.

(A) The Finance Director shall maintain necessary bank accounts for all funds of the town and shall require the necessary collateral for the public funds. ('71 Code, § 2-26)

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

(1) An original copy to be mailed or given to the payee.

(2) A second copy to be attached to the invoice or bill paid, showing necessary approval and filed alphabetically.

(3) The third copy to be filed numerically for each fund.
('71 Code, § 2-27)
(Ord. 211, passed 1-19-72)

## TAXATION

### § 37.10 EXCISE TAXES ON PUBLIC SERVICES.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) 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, 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 federal government (other than a national bank or financial institution), the state, (other than a state bank or financial institution), the county, or the town. Purchases of less than five gallons of fuel oil, purchases of fuel oil by public or private utilities for use as fuel in the generation of electricity, fuel oil purchases subject to state road tax, and purchases by churches, shall be exempt from taxation.

(2) 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 the person is an agency or instrumentality of the federal government (other than a national bank or financial institution), the state (other than a state bank or financial institution), the county, or the town. Purchases of less than five gallons of fuel oil, purchases of fuel oil by public or private utilities for use as fuel in the generation of electricity, fuel oil purchases subject to state road tax, and purchases by churches, shall be exempt from taxation.

(3) TELEPHONE SERVICE. All types and kinds of local service rendered by telephone companies to any purchaser of the service within the town, but not service rendered in consideration of the deposit of money in telephone coin boxes installed within the town. The total amount of the guaranteed charge for semi-public coin box telephone service shall be subject to tax.
('71 Code, § 21-6) (Ord. 183, passed 11-4-70; Am. Ord. 188, passed 2-3-71)

(B) 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 Finance Director, all 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 the sale or sales, unless the seller elects to assume and pay the tax without collecting it from the purchaser.

(1) Any seller failing to collect the tax at the time of collecting the price of any sale, where the seller has not elected to assume and pay the tax, shall be liable to the town for the amount of the tax in like manner as if the tax 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 the tax. The seller shall not be liable for the payment of the tax on uncollected bills.

(2) 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 the 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 the purchaser until the tax and the seller's bill have been paid in full.
('71 Code, § 21-8)

(C) 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 aggregate amount of sale during that period. The amount of tax to be collected shall be the nearest whole cent to the amount computed. ('71 Code, § 21-9)

(D) For the purpose of this section, 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, business office, or headquarters of the sellers is located within the town or elsewhere. ('71 Code, § 21-10)
(Ord. 183, passed 11-4-70)

## § 37.11 EXCISE TAX ON INSURANCE COMPANIES.

(A) Casualty risks insurance.

(1) 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 State Insurance Commissioner, an excise or license tax in addition to any license tax or excise tax now levied by the town. This tax shall be in the amount of 1% 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.

(2) The license or excise tax herein levied shall be due and payable annually on the first day of March of each year hereafter.
('71 Code, § 21-24) (Ord. 75-15, passed 9-10-75)

(B) Property insurance.

(1) 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 property insurance, as shown by the records of the State Insurance Commissioner, an excise or license tax in addition to any license tax, or excise tax now levied by the town. This tax shall be in the amount of 2% 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.

(2) The license or excise tax herein levied shall be due and payable annually on the first day of March of each year hereafter.
('71 Code, § 21-25) (Ord. 75-16, passed 9-10-75)

Statutory reference:
Maintenance of Police Officers' Retirement Trust Fund through excise tax on certain insurance companies, see F.S.A. § 185.07
Maintenance of Firefighters' Retirement Trust Fund through excise tax on certain insurance companies, see F.S.A. § 175.091

# TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. CHARGES, RATES, AND BILLING

52. SEWERS

53. WATER

# CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Connections to water or sewer lines
50.02 Easements and rights-of-way
50.03 Maintenance of water and sewer pipes
50.04 Bond required to make tap
50.05 Subdivisions, housing developments, mobile home parks
50.06 Right of appeal; special exceptions or variances

50.99 Penalty

## § 50.01 CONNECTIONS TO WATER OR SEWER LINES.

(A) No person shall be allowed to connect into any water or sewer line owned by the town without the written consent of the town, and then the connection with the line shall be made only under the direction and supervision of the town. Any property owner or plumber who makes any connection without the consent of the town shall, on conviction, be subject to the penalties provided in § 50.99. ('71 Code, § 22-1)

(B) Whenever it is desirable to connect old plumbing with the town sewer main or waterline, the owner or plumber contemplating doing the work shall notify the Plumbing Inspector who will inspect the old plumbing and notify the owner or plumber what alterations will be necessary to place the old plumbing in an acceptable condition for the connection. Any owner or plumber who shall make any connection without the approval of the Plumbing Inspector shall, on conviction, be subject to the penalties provided in § 50.99. ('71 Code, § 22-5)
(Ord. 75-21, passed 10-21-75) Penalty, see § 50.99

## § 50.02 EASEMENTS AND RIGHTS-OF-WAY.

(A) This title shall not be construed to require or entitle any person to cross the private property of another to make any sewer or water connection. ('71 Code, § 22-2) (Ord. 75-21, passed 10-21-75)

(B) Extensions to the water 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. ('71 Code, § 22-3) (Ord. 206, passed 10-20-71; Am. Ord. 75-14, passed 9-10-75)

(C) 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. ('71 Code, § 22-4) (Ord. 73-4, passed 3-7-73)
Penalty, see § 50.99

§ 50.03 MAINTENANCE OF WATER AND SEWER PIPES.

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. Failure to keep the sewer pipe, that is, 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 the sewer pipes are cleaned and maintained properly, shall be considered a violation of this chapter and shall subject the violator to the penalties provided in § 50.99.
('71 Code, § 22-6) (Ord. 75-21, passed 10-21-75)

§ 50.04 BOND REQUIRED TO MAKE TAP.

Any person who desires to make any tap to any water or sewer main within the town shall, before engaging in the work, obtain the necessary permits and give bond in the sum of $10,000 payable to the town, in cash or a surety bond with a surety company authorized to do business in the state, approved by the town and filed with the town. The bond shall be conditioned on the 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 for any and all damages resulting from construction.
('71 Code, § 22-7) (Ord. 76-18, passed 6-2-76) Penalty, see § 50.99

§ 50.05 SUBDIVISIONS, HOUSING DEVELOPMENTS, MOBILE HOME PARKS.

In all new subdivisions, group housing developments, and mobile home parks where there are in excess of 12 dwelling units, plans for water and sewer service must be prepared by a registered professional engineer licensed to practice in the state. Plans for water and sewer service must be approved by the town and by the proper agencies of the state prior to commencement of any construction.
('71 Code, § 22-8) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

§ 50.06 RIGHT OF APPEAL; SPECIAL EXCEPTIONS OR VARIANCES.

Every person who shall, by reason of the imposition of the requirements, rules, and regulations established by this title, 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, shall have an appeal to the Town Commission. The Commission shall hear the appeal at any regular meeting, or at any special meeting called for the purpose, and on finding that a literal enforcement of the rules, requirements, and regulations will result in an unnecessary hardship on the applicant, owing to special conditions, may grant an exception to the requirements, not contrary

to the public interest or injurious to public health and welfare, and not in impairment of the general purposes sought to be obtained by the requirements, rules, and regulations.
('71 Code, § 22-9) (Ord. 75-12, passed 7-9-75)

## § 50.99 PENALTY.

Any person, firm, or corporation violating any of the provisions of this title shall, on conviction, for each such offense be subject to a fine not exceeding $500 or imprisonment for a period not exceeding 60 days. Any failure or refusal by an owner to connect to the town's sewer system after notification so to do, as herein provided, or any failure or refusal to pay the charges or rates provided in Chapter 51, shall be construed to be a violation of this title.
('71 Code, § 22-10; Am. Ord. 75-21, passed 10-21-75)

# CHAPTER 51: CHARGES, RATES, AND BILLING

Section


General Provisions

51.01 Free service; credit for defective meter
51.02 Unit defined; schedule of equivalent living uses
51.03 Separate connection and meter required
51.04 Contracts with large users

Water

51.10 Water system connection fee
51.11 Rates and charges
51.12 Meter reading

Sewers

51.20 Wastewater system connection fee
51.21 Rates and charges
51.22 Monthly billing

Bill Payment

51.30 Payment procedure
51.31 Complaints and adjustment
51.32 Refund of service deposit; nonpayment of bills


## GENERAL PROVISIONS

### § 51.01 FREE SERVICE; CREDIT FOR DEFECTIVE METER.

(A) 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 for them at the rates fixed by this chapter.

(B) On application of a single-family dwelling owner and a finding of the Town Commission that the water charge was a result of a defective meter and not as a result of leaking plumbing fixtures in and about the single-family dwelling, the Town Commission may, on replacement of the defective water meter, authorize the Finance Director to issue a credit memo for the amount of water determined by the Town Commission that was not used by the single-family residence, nor allowed to be leaked by the owner of the single-family residence. In no event may the credit memo exceed 50% of the total amount billed.
('71 Code, § 22-89) (Ord. 75-21, passed 10-21-75; Am. Ord. 81-8, passed 3-4-81)

### § 51.02 UNIT DEFINED; SCHEDULE OF EQUIVALENT LIVING USES.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"UNIT." Any of the following.

(A) Each single hotel or motel unit.

(B) Each single apartment or condominium.

(C) Each single-family dwelling.

(D) Each single efficiency apartment or mobile home.

(E) Each individual dwelling within a duplex.

(F) In each individual office building or financial building providing private lavatory facilities within the building, each private lavatory facility shall be considered one unit; however, in instances where separate lavatory facilities are provided for men and women, each two lavatory facilities shall be considered one unit.

(G) In office buildings or financial buildings providing lavatory facilities to be used in common with other tenants of the financial or office building, and where separate facilities are provided for men and women, each two lavatory facilities shall be considered one unit.

(H) In all other commercial type buildings or businesses, for the purpose of computing the water and wastewater units, the schedule of equivalent living units, as set out in division (J) below, shall be used for computing units.

(I) In mixed use instances for the purpose of computing the water and wastewater units, each use shall be considered as separate, and units shall be calculated for each use as set forth in the schedule of equivalent living units set forth in division (J) below.

(J) Schedule of equivalent living units.

| | | |
|---|---|---|
| (1) | Church, per kitchen and same as (F) | 1.0 minimum of 1.0 |
| (2) | Gas station, garage per bay | 1.0 minimum of 1.0 |
| (3) | Garage, gas station with car wash, per bay | 3.0 |
| (4) | Barber shop | 1.0 |
| (5) | Beauty shop per wash station | 0.9 minimum of 1.0 |
| (6) | Laundromat per washing machine | 1.1 |
| (7) | Retail store with lavatory facilities, per 2,000 square feet | 0.3 minimum of 1.0 |
| (8) | Other store with lavatory facilities, per 2,000 square feet | 0.6 minimum of 1.0 |

| | | |
|---|---|---|
| (9) | Retail store (food), per 1,000 square feet | 0.3 minimum of 1.0 |
| (10) | Hospital per bed | 0.6 |
| (11) | Nursing home per bed | 0.3 |
| (12) | School with toilets only, per 35 students | 1.0 minimum of 1.0 |
| (13) | School with toilets and kitchen, per 35 students | 1.3 minimum of 1.3 |
| (14) | School with toilets and gym, per 35 students | 1.5 minimum of 1.5 |
| (15) | School with toilets, kitchen, and gym, per 35 students | 2.0 minimum of 2.0 |
| (16) | Manufacturing warehouse, per 10 employees | 0.4 minimum of 1.0 |
| (17) | Restaurant per 15 seats | 1.5 minimum of 1.5 |
| (18) | Banquet room per 15 seats | 0.5 minimum of 1.0 |
| (19) | Theater per 75 seats | 0.6 minimum of 1.0 |
| (20) | Irrigation meter | 5.0 |
| (21) | Lounge, bar and cocktail per 15 seats | 0.5 minimum of 1.0 |
| (22) | Health club | 10.0 |
| (23) | Public toilets per two urinals, two toilets (men), three toilets (women), or fraction thereof | 2.0 minimum of 2.0 |
| (24) | Toilets, private in common with others, per two urinals, two toilets (men), three toilets (women) or fraction thereof | 1.0 minimum of 1.0 |
| (25) | Recreation | Same as (F) or (G) |
| (26) | Marina per slip | 0.3 |

('71 Code, § 22-90) (Ord. 74-19, passed 7-24-74; Am. Ord. 75-12, passed 7-9-75; Am. Ord. 82-4, passed 3-31-82)

## § 51.03 SEPARATE CONNECTION AND METER REQUIRED.

Each residential unit, whether occupying one or more lots and whether occupying any lot or parcel jointly with any other residential unit, shall be considered a separate unit for the

payment of water fees, sewage disposal fees, and separate connections, and meters will be required for each building.
('71 Code, § 22-91) (Ord. 75-21, passed 10-21-75)

## § 51.04 CONTRACTS WITH LARGE USERS.

The town reserves the right to enter into contracts with large users of water or sewer service for the purpose of setting and determining a monthly charge or rate for the use of the services, which may be computed on a different basis than set forth in §§ 51.11 and 51.21. Such contracts shall be entered into by means of resolution duly adopted by the Town Commission.
('71 Code, § 22-101) (Ord. 75-21, passed 10-21-75)

## WATER

## § 51.10 WATER SYSTEM CONNECTION FEE.

(A) There is hereby established a water connection fee of $425 for each unit connected to the water system, whether by individual connections or by one connection. The connection fee shall run with the land and inure to the benefit of subsequent owners and in no event be collected a second time for the same unit.

(B) The water connection fee hereby established shall be payable to the town and placed in a separate fund for the purpose of repairs, maintenance, extension, or oversizing, or construction of pumping storage facilities and debt service.
('71 Code, § 22-92) (Ord. 74-19, passed 7-24-74; Am. Ord. 77-26, passed 11-2-77; Am. Ord. 81-8, passed 3-4-81)

## § 51.11 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, mobile homes, hotel/motel, and seasonal, furnished rental apartments.

| | | |
|---|---|---|
| (a) | Service charge per month per living unit | $3.80 |
| (b) | Meter/billing charge per month per meter | 1.30 |
| (c) | Usage charge, per 1,000 gallons up to 7,000 gallons per month per living unit | .65 |
| (d) | Excess usage charge, per 1,000 gallons over 7,000 gallons per month per living unit | 1.20 |

(2) Commercial.

| | | |
|---|---|---|
| (a) | Service charge per month per equivalent living unit | $3.80 |
| (b) | Meter/billing charge per month per meter | 1.30 |
| (c) | Usage charge per 1,000 gallons up to 7,000 gallons per month per equivalent living unit | .65 |
| (d) | Excess usage charge, per 1,000 gallons over 7,000 gallons per month per equivalent living unit | 1.20 |

Commercial users shall be classified as to equivalent living units using one unit per 7,000 gallons per month average annual consumption. Combination users, such as a hotel with restaurant, shall be classified by adding to the number of living units the equivalent living units of the restaurant and shops.

(3) Irrigation or construction meters.

| | | |
|---|---|---|
| (a) | Service charge per month per meter | $19.00 |
| (b) | Meter/billing charge per month per meter | 1.30 |
| (c) | Usage charge per 1,000 gallons up to 35,000 gallons | .65 |
| (d) | Excess usage charge per 1,000 gallons over 35,000 gallons | 1.20 |

(B) Meters.

(1) 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 |
|---|---|---|
| 5/8 x 3/4 | $160.00 | $ 20.00 |
| 3/4 | 200.00 | 20.00 |
| 1 | 250.00 | 50.00 |
| 1-1/2 | 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 the Public Works Director. The Public Works Director may require wet taps. The cost will be at the expense of the customer requiring service.

1982 Repl.

(2) Construction meters. A standard two-inch meter connected to a fire hydrant requires the deposit of $350 plus a deposit on water to be used of $150. Water rates will be the same as irrigation rates. Connection to a fire hydrant without a meter shall cost $25 per day, with a minimum deposit of four days, ($100.00), required. Installation will be at the town's cost plus 20%.

(C) Service charges.

| | |
|---|---|
| Disconnect | $25.00 |
| Reconnect | 10.00 |
| Service call | 10.00 |
| Inspection fee | 2.00 |

('71 Code, § 22-94) (Ord. 195, passed 4-21-71; Am. Ord. 75-21,passed 10-21-75; Am. Ord. 79-5, passed 5-2-79; Am. Ord. 82-4, passed 3-31-82)

## § 51.12 METER READING.

Meters will be read and bills rendered monthly, but the town reserves the right to vary the dates or the length of period covered, temporarily or permanently if necessary or desirable. Bills for water service will be figured in accordance with § 51.11 and will be based on the amount consumed for the period covered by the meter reading. However, where a consumer orders turn-off less than one month after turn-on, the minimum bill to the consumer for the period shall be equal to the minimum charge for one full month's service. Customer subscribing for water service will commence payment of at least a minimum water bill when water is available and a meter is installed. Readings from different meters will not be combined for billing.
('71 Code, § 22-95) (Ord. 206, passed 10-20-71; Am. Ord. 75-1, passed 2-5-75)

# SEWERS

## § 51.20 WASTEWATER SYSTEM CONNECTION FEE.

(A) There is hereby established a wastewater connection fee of $115 for each unit connected to the wastewater system, whether by individual connections or by one connection. The connection fee shall run with the land and inure to the benefit of subsequent owners and in no event be collected a second time for the same unit.

(B) The wastewater connection fee hereby established shall be payable to the town and placed in a separate fund for the purpose of making repairs, maintenance, extending, oversizing, construction of new additions to the collection and transmission system, and for debt service.

(C) Except as may be expressly provided otherwise, all persons making application for the construction of new buildings within the

town shall be required to pay the wastewater connection fee at the time the person makes application for a permit for construction of a new building.

(D) Any person who has paid or who hereafter pays the town a wastewater connection fee shall be entitled to a refund of one-half the wastewater connection fee paid by the person for each unit, as defined in § 51.02, which is eliminated from the construction permit within one year from the date of its issuance. However, 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 constucting or furnishing wastewater services to the property described in the construction permit.
('71 Code, § 22-93) (Ord. 75-12, passed 7-9-75; Am. Ord. 75-14, passed 9-10-75; Am. Ord. 77-26, passed 11-2-77; Am. Ord. 81-8, passed 3-4-81)

## § 51.21 RATES AND CHARGES.

The monthly rate and charges for the services and facilities of the town's wastewater system shall be as follows.

(A) Classes of service.

(1) Residences, apartments, condominiums, mobile homes, hotel/motel, and seasonal furnished rental apartments.

| | | |
|---|---|---|
| (a) | Service charge per month per living unit | $8.35 |
| (b) | Usage charge per 1,000 gallons of water consumption up to maximum of 7,000 gallons per living unit | 0.85 |
| (c) | Residences without water meters shall be charged for one service charge and a usage charge for 7,000 gallons. | |

(2) Commercial.

| | | |
|---|---|---|
| (a) | Service charge per month per equivalent living unit | 8.35 |
| (b) | Usage charge per 1,000 gallons of water consumption up to maximum of 7,000 gallons per equivalent living unit | 0.85 |
| (c) | Commercial wastewater users will be classified in the same manner as for water classification. | |

(B) Inspection fees. The inspection fee for all single-family units shall be a minimum of $10 per inspection. The inspection fee for all other units shall be determined by the Director of Public Works and shall be at least the cost of inspection plus 10%.
('71 Code, § 22-96) (Ord. 75-21, passed 10-21-75; Am. Ord. 82-4, passed 3-13-82)

§ 51.22 MONTHLY BILLING.

Bills will be rendered monthly for wastewater service and the charges included as a separate amount on the town's monthly utility bills. Customers applying for wastewater 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.
('71 Code, § 22-97) (Ord. 75-21, passed 10-21-75)

## BILL PAYMENT

§ 51.30 PAYMENT PROCEDURE.

(A) Bills shall be paid at the town hall, or at other specific places of business 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 that period, bills shall be subject to a 10% surcharge on the delinquent amount. Once the 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. Failure to receive bills or notices shall not prevent the accounts from becoming delinquent, nor relieve the consumer from payment.

(C) 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.
('71 Code, § 22-98) (Ord. 206, passed 10-20-71; Am. Ord. 75-1, passed 2-5-75; Am. Ord. 75-21, passed 10-21-75)

§ 51.31 COMPLAINTS AND ADJUSTMENT.

(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. The claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as provided in § 51.30. The consumer may pay the bill under protest, and 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 $2; however, if the special reading

discloses that the meter was overread, no charge will be made. Meters will be tested at the request of the consumer on payment to the town of the actual cost of making the test; however, if the meter is found to overregister beyond 3% of the correct volume, no charge will be made.

(C) 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 amount estimated by the town from the record of his previous bills or from other proper data.
('71 Code, § 22-99) (Ord. 206, passed 10-20-71)

## § 51.32 REFUND OF SERVICE DEPOSIT; NONPAYMENT OF BILLS.

(A) When services are discontinued and all bills paid, the service deposit will be refunded.

(B) On 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. Service discontinued for nonpayment of bills will be restored only after the bills are paid in full, the service deposit as may be required by the town is made, and a service charge of $10 is paid for each meter reconnected.
('71 Code, § 22-100) (Ord. 206, passed 10-20-71)

# CHAPTER 52: SEWERS

Section

General Provisions

52.01 Definitions
52.02 Connection required
52.03 Connection by town; cost recovery
52.04 Private wastewater disposal
52.05 Unlawful disposal
52.06 Sanitary requirements for disposal
52.07 Moving or demolishing buildings; sewer to be capped
52.08 Damaging wastewater equipment

Building Sewers and Connections

52.15 Compliance with certain standards
52.16 Prohibited connections
52.17 Connection permit
52.18 Connections to be gas- and watertight; deviations
52.19 Separate sewers
52.20 Use of old building sewers
52.21 Lifts
52.22 Excavations
52.23 Preconnection inspections
52.24 Costs; liability and restoration

Use Regulations

52.30 Unlawful discharges
52.31 Storm water; unpolluted drainage
52.32 Director to review certain wastes
52.33 Interceptors
52.34 Preliminary treatment or flow-equalizing facilities
52.35 Manholes
52.36 Measurements and analyses
52.37 Inspections; right of entry
52.38 Special arrangements for certain wastes

## GENERAL PROVISIONS

### § 52.01 DEFINITIONS.

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

"BOD" or "BIOCHEMICAL OXYGEN DEMAND." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in milligrams per liter.

"BUILDING DRAIN." 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 feet outside the inner face of the building wall.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal.

"COMBINED SEWER." A sewer receiving both surface runoff and wastewater.

"DIRECTOR." The Town Manager or his authorized deputy, agent, or representative.

"GARBAGE." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"INDUSTRIAL WASTES." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary wastewater.

"NATURAL OUTLET." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

"pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"PROPERLY SHREDDED GARBAGE." 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.

"PUBLIC SEWER." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

"SANITARY SEWER." A sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

"SEWER." A pipe or conduit for carrying wastewater.

"SLUDGE." Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"STORM DRAIN (BUILDING)." 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 feet outside the building wall.

"STORM SEWER." A sewer used for rainwater, surface water, condensate, cooling water, or other similar liquid wastes.

"SUSPENDED SOLIDS." Solids that are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering.

"WASTEWATER." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

"WASTEWATER TREATMENT PLANT." Any arrangement of devices and structures used for treating wastewater.

"WASTEWATER WORKS." All facilities for collecting, pumping, treating, and disposing of wastewater.

"WATERCOURSE." A channel in which a flow of water occurs, either continuously or intermittently.
('71 Code, § 22-21) (Ord. 73-4, passed 3-7-73)

## § 52.02 CONNECTION REQUIRED.

The owner of each lot or parcel of land within the town on which any building, or trailer used as a dwelling, in now situated or shall hereafter be situated, for either residential, commercial, or industrial use, shall connect or cause the building or trailer to be connected with the public sewer facilities of the sewer system of the town and use the facilities, within 90 days following notification to do so by the Town Clerk. All connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Town Commission, which shall provide for a charge for making any connections in a reasonable amount as the Commission may fix and determine.
('71 Code, § 22-22) (Ord. 73-4, passed 3-7-73; Am. Ord. 75-12, passed 7-9-75; Am. Ord. 75-21, passed 10-21-75) Penalty, see § 50.99

Cross-reference:
Wastewater sewer system connection fee, see § 51.20

## § 52.03 CONNECTION BY TOWN; COST RECOVERY.

If any 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 in § 52.02, then the town shall be authorized to make the connections, entering on or upon any lot or parcel of land for the purpose of making the connection. The town shall thereupon be entitled to recover the cost of making the 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 the costs of making the connections, the town shall have a lien on the lot or parcel of land for the cost, which shall be of equal dignity with the lien of state, county, and municipal taxes. The lien may be foreclosed by the town

in the same manner provided by the state law for the foreclosure of mortgages on real estate.
('71 Code, § 22-23) (Ord. 75-21, passed 10-21-75)

## § 52.04 PRIVATE WASTEWATER DISPOSAL.

The disposal of wastewater by means other than the use of the available sanitary wastewater system shall be in accordance with ordinances of the town and laws of the state. The disposal of wastewater by private disposal systems shall be permissible only in those instances where service from the sanitary wastewater system is not available.
('71 Code, § 22-24) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

## § 52.05 UNLAWFUL DISPOSAL.

(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 wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) Except as provided in this chapter, 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 wastewater.
('71 Code, § 22-25) (Ord. 73-4, passed 3-7-73; Am. Ord. 75-12, passed 7-9-75) Penalty, see § 50.99

## § 52.06 SANITARY REQUIREMENTS FOR DISPOSAL.

(A) Every residence and building in which human beings reside, are employed, or are 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 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 limis of the town.

(B) 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 the person, firm, or corporation, or the agent of the person, firm, or corporation, except in a sanitary water closet where sewage lines are available as provided in division (A) above.

(C) 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 200 feet of a public sanitary sewer line, unless it is provided with water-carried sewerage facilities.
('71 Code, § 22-26) (Ord. 75-21, passed 10-21-75) Penalty, see § 50.99

## § 52.07 MOVING OR DEMOLISHING BUILDINGS; SEWER TO BE CAPPED.

All persons engaged in the moving or demolition of buildings shall, prior to the movement or demolition, first locate the sewer lateral at the property line and obtain a permit from the town to cap the sewer. In applying for the permit, the applicant shall be required to first submit an inspection ticket showing that the premises have been inspected by the Building Inspector.
('71 Code, § 22-27) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

Cross-reference:
Moving of buildings, see §§ 150.50 through 150.55

## § 52.08 DAMAGING WASTEWATER EQUIPMENT.

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 wastewater 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 wastewater works.
('71 Code, § 22-28) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

# BUILDING SEWERS AND CONNECTIONS

## § 52.15 COMPLIANCE WITH CERTAIN STANDARDS.

All inside plumbing; the size, slope, alignment, materials of construction of a buiding sewer; 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. 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. All such work must be inspected and approved by the Building Inspector before any new installations are connected to the existing public sewer system.
('71 Code, § 22-34) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

Cross-reference:
Building code adopted, see § 150.01
Plumbing code adopted, see § 155.01

## § 52.16 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.
('71 Code, § 22-35) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

## § 52.17 CONNECTION PERMIT.

(A) 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. ('71 Code, § 22-36)

(B) 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. The permit, tapping, and inspection fees as provided by Chapter 51 shall be paid to the town at the time the application is filed. ('71 Code, § 22-37)
(Am. Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

Cross-reference:
Wastewater system connection fee, see § 51.20
Inspection fees, see § 51.21

## § 52.18 CONNECTIONS TO BE GAS- AND WATERTIGHT; DEVIATIONS.

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.
('71 Code, § 22-38) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

## § 52.19 SEPARATE SEWERS.

A separate and independent building sewer shall be provided for every building. However, 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.
('71 Code, § 22-39) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

## § 52.20 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 chapter.
('71 Code, § 22-40) (Ord. 73-4 passed 3-7-73) Penalty, see § 50.99

§ 52.21 LIFTS.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by the building drain shall be lifted by an approved means and discharged to the building sewer.
('71 Code, § 22-41) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

§ 52.22 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.
('71 Code, § 22-42) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

§ 52.23 PRECONNECTION INSPECTIONS.

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.
('71 Code, § 22-43) (Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

§ 52.24 COSTS; LIABILITY AND RESTORATION.

(A) All costs and expenses 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 wastewater sewer laterals between the main sewer located in the street or easement and the property line of the property requiring a wastewater sewer connection shall be the responsibility of those property owners requiring service to install and maintain. The owner will be reimbursed $100 of his connection fee 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 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 the $100 is refunded.
('71 Code, § 22-44) (Ord. 73-4, passed 3-7-73; Am. Ord. 75-14, passed 9-10-75)

## USE REGULATIONS

§ 52.30 UNLAWFUL DISCHARGES.

(A) 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. ('71 Code, § 22-50)

(B) It shall be unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes into 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than five or greater than ten, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater 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, and the like, either whole or ground by garbage grinders.
('71 Code, § 22-52)
(Ord. 73-4, passed 3-7-73) Penalty, see § 50.99

## § 52.31 STORM WATER; UNPOLLUTED DRAINAGE.

Storm water and all other unpolluted drainage, including cooling water, shall be discharged to the sewers that are specifically designated as storm sewers, or to a natural outlet approved by the Town Engineer.
('71 Code, § 22-51) (Ord. 73-4, passed 3-7-73)

## § 52.32 DIRECTOR TO REVIEW CERTAIN WASTES.

(A) 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 the wastes can harm either the sewers or the wastewater treatment process or equipment, have an adverse effect on the receiving stream, or 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 wastewater treatment process, capacity of the wastewater treatment plant, and other pertinent factors. The substances prohibited are as follows.

(1) Any liquid or vapor having a temperature higher than 150°F. or 65°C.; any waste from grease traps or septic tanks.

(2) Any water or waste containing fats, wax, grease, or oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F., or 0° and 65°C.

(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 (0.76 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 the material received in the composite wastewater at the wastewater 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 concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite wastewater, to meet the requirements of the state, federal, or other public agencies of jurisdiction for the discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of a half-life or concentration that may exceed limits established by the Director in compliance with applicable state or federal regulations.

(8) Materials which exert or cause the following.

(a) Unusual concentrations of inert suspended solids including, but not limited to, Fuller's earth, lime slurries and lime residues, or dissolved solids including, but not limited to, sodium chloride, sodium sulfate, phosphates, nitrates, and ammonia.

(b) Excessive discoloration including, but not limited to, dye wastes and vegetable tanning solutions.

(c) BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in quantities that constitute a significant load on the wastewater treatment works.

(d) Unusual volume of flow or concentration of wastes constituting sludge as defined in § 52.01.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to a degree that the wastewater treatment plant effluent 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 300 mg/l.
('71 Code, § 22-53)

(B) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in § 52.32, and which in the judgment of the Director may have a deleterious effect on the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may reject the wastes; require pretreatment to an acceptable condition for discharge to the public sewers; require control over the quantities and rates of discharge; or 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 § 52.38. 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. ('71 Code, § 22-54)
(Am. Ord. 73-4, passed 3-7-73)

## § 52.33 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; however, the 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.
('71 Code, § 22-55) (Ord. 73-4, passed 3-7-73)

## § 52.34 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.
('71 Code, § 22-56) (Ord. 73-4, passed 3-7-73)

§ 52.35 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 the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The 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. ('71 Code, § 22-57) (Ord. 73-4, passed 3-7-73)

§ 52.36 MEASUREMENTS AND ANALYSES.

'A) 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 on suitable samples taken at the 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.

(B) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents on the wastewater works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.
('7i Code, § 22-58; Am. Ord. 73-4, passed 3-7-73)

§ 52.37 INSPECTIONS; RIGHT OF ENTRY.

(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 chapter. The Director, Building Inspector, or their representative shall have no authority to inquire into any process, 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, waterways, or facilities for waste treatment.

(B) While performing the necessary work on private properties, 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 the 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, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the easement to the private property involved.
('71 Code, § 22-59) (Ord. 73-4, passed 3-7-73)

## § 52.38 SPECIAL ARRANGEMENTS FOR CERTAIN WASTES.

No statement contained in this chapter 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 the industrial concern.
('71 Code, § 22-60) (Ord. 73-4, passed 3-7-73)

# CHAPTER 53: WATER

Section

53.01 Water Department
53.02 Connection required; exception
53.03 Potable water determination
53.04 Service application
53.05 Tapping without permission
53.06 Town rights and duties
53.07 Consumer duties
53.08 Change of occupancy procedure
53.09 Use of nonpotable water supply
53.10 Emergency water use restrictions
53.11 Special contract agreements
53.12 Planning construction of water distribution systems
53.13 Injunctions

## § 53.01 WATER DEPARTMENT.

The town Water Department shall operate in accordance with the services, rules, and regulations established by this chapter.
('71 Code, § 22-66) (Ord. 206, passed 10-20-71)

## § 53.02 CONNECTION REQUIRED; EXCEPTION.

The owner, tenant, or occupant of each parcel of land within the town abutting on a street or easement which contains a water main serving or which may be served by the town's water distribution system and not connected to the water main, on which a building has been or shall be constructed for multiple-unit apartments, multiple-unit condominiums, commercial and industrial uses, motels, hotels, duplexes, trailer park facilities or for public use, shall do the following. Within 30 days after placing the town's public water system in operation, or within 30 days after construction of the building, the building shall be connected 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. However, if the existing water supply system meets the minimum standards of the agencies of the state having control for potable water, connection of the building shall not be required unless connection is otherwise required by state law or regulations. All connections shall be in accordance with the rules and regulations adopted from time to time by the Town Commission. A charge for making such a connection shall be as provided in § 51.10.
('71 Code, § 22-67) (Ord. 200, passed 10-6-71; Am. Ord. 75-21, passed 10-21-75) Penalty, see § 50.99

## § 53.03 POTABLE WATER DETERMINATION.

The existing minimum standards of the agencies of the state having control for potable water shall govern and determine whether the existing water supply is potable. In order to ascertain that the existing water supply meets the minimum standards of the agencies of the state having control for potable water, the Town

Commission shall cause the water supply to be tested not less than four times per year and if the minimum standards for potable water are not met, the building shall be required to connect to the town's public water system.
('71 Code, § 22-68) (Ord. 200, passed 10-6-71) Penalty, see § 50.99

Cross-reference:
Use of nonpotable water supply, see § 53.09

## § 53.04 SERVICE APPLICATION.

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 as required by § 51.11
('71 Code, § 22-69) (Ord. 206, passed 10-20-71) Penalty, see § 50.99

## § 53.05 TAPPING 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 the pipe or main, or for any other purpose, nor take or use any water from the pipe or main, or from any hydrant used for the purpose of taking or drawing water from the pipe or main.
('71 Code, § 22-70) (Ord. 195, passed 4-21-71) Penalty, see § 50.99

## § 53.06 TOWN RIGHTS AND DUTIES.

(A) The town shall run a service line from is distribution line to the property line where tne distribution line exists, or is to be constructed, and runs immediately adjacent and parallel to the property to be served. The town may make connections to service other properties not adjacent to its lines on payment of reasonable costs for the extension of its distribution lines as may be required to render the service. The town may install its meter at or near the property line or, at the town's option, on the consumer's property. 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.

(B) 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.

(C) The town may, in addition to prosecution by law, permanently or temporarily refuse service to any consumer who tampers with a meter or other measuring device.

(D) 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.
('71 Code, § 22-71) (Ord. 206, passed 10-20-71) Penalty, see § 50.99

## § 53.07 CONSUMER DUTIES.

(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. 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 the meter. 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.

(B) 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.

(C) 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.
('71 Code, § 22-72) (Ord. 206, passed 10-20-71; Am. Ord. 74-19, passed 7-24-74) Penalty, see § 50.99

## § 53.08 CHANGE OF OCCUPANCY PROCEDURE.

Not less than three days' notice must be given in person or in writing at the town office to discontinue service or to change occupancy. 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. The new occupant will apply for water service within 48 hours after occupying the premises and failure to do so will make him liable for the water consumed since the last meter reading.
('71 Code, § 22-73) (Ord. 206, passed 10-20-71) Penalty, see § 50.99

§ 53.09 USE OF NONPOTABLE WATER SUPPLY.

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 agencies of the state having control, promulgated pursuant to F.S.A. Ch. 120, is expressly prohibited.
('71 Code, § 22-74) (Ord. 200, passed 10-6-71) Penalty, see § 50.99

Cross-reference:
Potable water determination, see § 53.03

§ 53.10 EMERGENCY WATER USE RESTRICTIONS.

(A) For the purpose of this section only the following definition shall apply unless the context clearly indicates or requires a different meaning.

"WATER." Public water from mains, water from wells, water from lakes, ponds, or other surface supplies within the town.

(B) The Town Commission shall, upon consideration of all presentations made at any meeting thereof, have the responsibility and authority by duly adopted resolution to do the following.

(1) Determine the existence of an emergency drought condition.

(2) Determine the boundary of an emergency drought area.

(3) Limit or restrict the consumption and use of water within an emergency drought area by limiting or restricting the quantity of water which may be consumed, pumped, or used, the purpose for which water is consumed or used and the time period or periods within which the limitations or restrictions apply.

(4) Determine and declare the end of an emergency drought condition.

§ 53.11 SPECIAL CONTRACT AGREEMENTS.

Extraordinary circumstances, such as subdivision extensions, industrial users, and the like, shall be governed by a special contract agreement.
('71 Code, § 22-76) (Ord. 206, passed 10-20-71)

§ 53.12 PLANNING, CONSTRUCTION OF WATER DISTRIBUTION SYSTEMS.

All planning and construction of water distribution systems within the town shall conform with this section, state laws applying to health regulations, and the following regulations.

0000 0000 3086



(A) Preliminary report. Prior to the preparation of construction drawings, the design engineer shall submit a preliminary report to the town establishing the elements of the proposed engineering design. This submittal is intended to inform the town 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 15 days. 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 the following.

(a) Lots or tracts to be served.

(b) Population designed to be served.

(c) Hydraulic computations justifying pipe sizes larger than six inches in diameter.

(d) Location and method of connection to the existing system.

(B) Construction drawings. All construction drawings shall comply with the preliminary report and shall be done in ink on 24 by 36 inch mylar reproducible materials provided by the town 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. All original drawings of constructed water distribution systems shall remain the property of the town and the information they contain shall be available for planning for future construction. Plans for the water system shall not be combined with the wastewater system or any other system. However, any other systems and facilities, such as storm drainage, in the vicinity of the water system shall be indicated in an appropriate form. Final approval and acceptance at the completion of the project shall be contingent on 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 the original mylar reproducible drawing showing completed construction and with certification by the design engineer that they are "as-built" drawings.

(C) Design criteria generally. The following design criteria shall govern all public water distribution systems. A "PUBLIC WATER DISTRIBUTION SYSTEM" is defined as a system which can serve 25 or more persons. At the town's discretion, all such systems shall become the property of the town, together with rights-of-way and easements (minimum five 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) The minimum size of pipe shall be six inches in diameter; however, 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) Pipe shall be ductile iron manufactured in conformance with the latest standards of the Amercian Water Works Association. However, 4-inch, 6-inch, 8-inch, 10-inch, and 12-inch PVC class pressure pipe complying with American Water Works Associa- tion specifications C-900-75, having Underwriters Laboratories, Inc. approval; SDR 17 or SDR 18 having cast-iron pipe equivalent OD may be allowed.

(3) 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, PVC pipe shall be buried with a metal tape capable of being detected with aboveground detection equipment.

(4) Selection of pipe is at the option of the town.

(D) Fire prevention standards. 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, three 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. Extensions of water mains must be provided to adjacent properties when, in the opinion of the town, it will assist in providing proper circulation and looping of mains for future construction.

(F) Individual connections. Each building must be connected individually to the water main, complete with meter.

(G) Right of town to specify materials, method of construction. The town 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.
('71 Code, § 22-77) (Ord. 73-8, passed 5-2-73; Am. Ord. 76-5, passed 2-4-76) Penalty, see § 50.99

Cross-reference:
Inspection of improvements, see § 97.03

## § 53.13 INJUNCTIONS.

In addition to the remedies provided in this chapter, 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 injunction, or both, restraining any person from violating or continuing to violate any of the sections of this chapter or from failing or refusing to comply with the requirements of this chapter.
('71 Code, § 22-78) (Ord. 200, passed 10-6-71) Penalty, see § 50.99

# TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. STOPPING, STANDING, AND PARKING

73. BICYCLES

74. PARKING SCHEDULES

75. TRAFFIC SCHEDULES

# CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Application of state law
70.02 Impoundment of vehicles

## § 70.01 APPLICATION OF STATE LAW.

It shall be unlawful to commit within the limits of the town any act which is prohibited by the state as a misdemeanor, including anything prohibited by 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.
('71 Code, § 13-1) (Ord. 75-20, passed 10-15-75; Am. Ord. 76-31, passed 10-27-76)

Statutory reference:
Uniform Disposition of Traffic Infractions Act, see F.S.A. Ch. 318
Uniform Traffic Control Act, see F.S.A. Ch. 316

## § 70.02 IMPOUNDMENT OF VEHICLES.

(A) Members of the Police Department are hereby authorized to remove a vehicle from a street to the nearest garage or other place of safety, or to a garage 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 on any bridge, causeway, or viaduct where the vehicle constitutes an obstruction to traffic.

(2) When a vehicle on 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 on the streets and is not in proper condition according to state inspection requirements.

(4) When any vehicle is left unattended on 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 24 hours and may be presumed to be abandoned.

(6) When the driver of a vehicle is taken into custody by the Police Department and the vehicle would thereby be left unattended on 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 the vehicle into the garage and storage charges have been paid. The charge for towing or removal of any vehicle and storage charges shall be the actual expenses and $5 per day when stored on town property.
('71 Code, § 13-38)

(C) Whenever an officer removes a vehicle from a street, as authorized in division (A) above, and the officer knows or is able to ascertain the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal, the reasons therefor, and of the place to which the vehicle has been removed. In the event any vehicle is stored in an authorized garage, a copy of the notice shall be given to the proprietor of the garage. ('71 Code, § 13-39)

(D) Whenever any police officer finds a vehicle standing on a street or alley in violation of any of the provisions of this section, the officer is hereby authorized to move the vehicle or require the driver or person in charge of the vehicle to move it to a position off the paved or improved or main-traveled part of the street or alley. Whenever any police officer finds a vehicle unattended on any street, bridge, or causeway within this town where the vehicle constitutes an obstruction to traffic, the officer is hereby authorized to provide for the removal of the vehicle in accordance with the provisions of this section. ('71 Code, § 13-40) (Ord 76-1, passed 2-4-76)

Cross-reference:
Impoundment for illegal stopping, standing, or parking, see § 72.08

# CHAPTER 71: TRAFFIC RULES

Section

71.01 Use of land between tides as roadway
71.02 Town speed limits
71.03 Obedience to traffic-control devices

## § 71.01 USE OF LAND BETWEEN TIDES AS ROADWAY.

Land between high and low tides shall not be used as a roadway and this use is hereby prohibited. Any violation shall be punishable as provided in the State Uniform Disposition of Traffic Infractions Act, F.S.A. Ch. 318. The prohibition of this section shall not apply to an emergency vehicle when the vehicle is being operated in accordance with the provisions of F.S.A. § 316.072, and F.S.A. § 316.072, as hereby adopted, is modified by the addition of the following: "Employ the land between high and low tides as a roadway."
('71 Code, § 13-2) (Ord. 127, passed 7-11-67) Penalty, see § 10.99

## § 71.02 TOWN SPEED LIMITS.

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, at a speed in excess of 20 miles per hour; however, on Broadway east of Gulf of Mexico Drive, motor vehicles shall not be driven at a speed in excess of 25 miles per hour.
('71 Code, § 13-3) (Ord. 75-11, passed 6-18-75) Penalty, see § 10.99

Statutory reference:
Authority of municipalities to establish speed limits, see F.S.A. § 316.189

## § 71.03 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

It shall be unlawful, except on direction of a police officer, for the driver of any vehicle to disobey the instructions of existing traffic signs and signals and any traffic sign and traffic signal hereafter placed in view by authority of the Town Manager in accordance with the manual and specifications of the State Department of Transportation.
('71 Code, § 13-4) (Ord. 78-21, passed 12-20-78) Penalty, see § 10.99

Statutory reference:
Authority for municipality to place traffic-control devices upon streets and highways within its jurisdiction, see F.S.A. § 316.006(2)

# CHAPTER 72: STOPPING, STANDING, AND PARKING

Section

72.01 Parking prohibited in certain places
72.02 Unattended vehicle
72.03 Obstruction of traffic prohibited
72.04 All-night parking
72.05 Parking for certain purposes prohibited
72.06 Restrictions on parking and use of travel trailers
72.07 Restricted parking zones
72.08 Removal; impoundment

72.99 Penalty

Cross-reference:
Court cost assessment not applicable to parking violations, see § 35.05

Statutory reference:
Authority of municipalities to regulate stopping, standing, and parking, see F.S.A. § 316.008

## § 72.01 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.

(A) Generally.

(1) On a sidewalk and easements.

(2) In front of a public or private driveway.

(3) At an intersection.

(4) Within 15 feet of a fire hydrant.

(5) Within 20 feet of a crosswalk.

(6) Within 75 feet of the driveway entrance of any fire station.

(B) In fire lanes.

(1) Adjacent to sidewalks located around Publix, Eckards, and other shops in Bay Isles Shopping Center.

(2) Other areas determined by the Fire Chief and Police Chief that the parking of vehicles does or will interfere with ready access by the Fire Department to the property, and the fire lane is conspicuously furnished with signs or markers designating the area as a fire lane.

('71 Code, § 13-19) (Ord. 76-9, passed 4-21-76; Am. Ord. 80-14, passed 12-10-80; Am. Ord. 81-11, passed 3-4-81; Am. Ord. 81-36, passed 10-7-81) Penalty, see § 72.99

§ 72.02 UNATTENDED 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.
('71 Code, § 13-20) (Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76) Penalty, see § 72.99

§ 72.03 OBSTRUCTION OF TRAFFIC PROHIBITED.

No person shall park any vehicle on a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
('71 Code, § 13-21) (Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76) Penalty, see § 72.99

§ 72.04 ALL-NIGHT PARKING.

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.
('71 Code, § 13-22) (Ord. 76-9, passed 4-21-76) Penalty, see § 72.99

§ 72.05 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle on any street for the principal purpose of the following.

(A) Displaying the vehicle for sale.

(B) Washing, greasing, or repairing the vehicle, except repairs necessitated by an emergency.

(C) Displaying advertising.

(D) Selling merchandise from the 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 24 hours.
('71 Code, § 13-23) (Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76) Penalty, see § 72.99

§ 72.06 RESTRICTIONS ON PARKING AND USE OF TRAVEL TRAILERS.

(A) 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

on or susceptible of being mounted on 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 the structure.

(B) 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 vehicles commonly known as campers, travel trailers, house trailers, and motor homes, for more than nine hours within any 24-hour period while the vehicle is parked on 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) 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 vehicle with sleeping accommodations on any lot, tract, or parcel of land within the town for more than five days in any 30-day period, except as follows.

(1) In a carport, garage, or other building.

(2) In a permitted mobile home park.

(3) In a parking area of an existing motel or hotel.

(D) No person shall use the house car, trailer, travel trailer, camper, motor home, or self-propelled vehicle with sleeping accommodations for sleeping accommodations within the town, except when it is located in a permitted mobile home park.

(E) 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, or to connect such vehicles to any source of electrical power or potable water during the time that the vehicle is parked in any of the areas described in division (B), and within the prohibited areas described in division (C).
('71 Code, § 14-3) (Ord. 73-5, passed 4-18-73) Penalty, see § 72.99

## § 72.07 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 the zone is restricted; however, a driver of a passenger vehicle may stop temporarily in the zone for the purpose of, and while actually engaged in, loading or unloading passengers when the 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.
('71 Code, § 13-24) (Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76) Penalty, see § 72.99

## § 72.08 REMOVAL; IMPOUNDMENT.

Whenever any police officer finds a vehicle standing on a street or alley in violation of any of the provisions of this chapter, the officer is hereby authorized to move the vehicle or require the driver or person in charge of the vehicle to move the vehicle to a position off the paved or improved or main-traveled part of the street or alley. Whenever any police officer finds a vehicle unattended on any street, bridge, or causeway within the town, where that vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of the vehicle.
('71 Code, § 13-26) (Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76; Am. Ord. 79-3, passed 3-27-79; Am. Ord. 79-4, passed 5-2-79) Penalty, see § 72.99

Cross-reference:
Authority of police to impound certain vehicles; procedure for impoundment of vehicles, see § 70.02

## § 72.99 PENALTY.

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

| | | |
|---|---|---|
| (1) | Overtime parking | $15 |
| (2) | Parking in restricted area, unlawful parking, or parking where parking is prohibited | 20 |

(B) Any person found guilty of violating any other provision of this chapter or any order issued pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment for a term not exceeding 60 days.
('71 Code, § 13-27) (Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76; Am. Ord. 79-3, passed 3-27-79; Am. Ord. 79-4, passed 5-2-79)

(C) Any person, firm, company, corporation, or association, or the managing agent of any person, firm, company, corporation, or association who violates any of the provisions of § 72.06 shall, upon conviction thereof, be fined in a sum of not more than $50, or be imprisoned for not more than three days, with each day of the violation constituting a separate offense. ('71 Code, § 14-3) (Ord. 73-5, passed 4-18-73)

# CHAPTER 73: BICYCLES

Section

73.01 Definitions
73.02 Vehicles on bicycle paths; use by handicapped
73.03 Safety requirements
73.04 Use of bicycle paths
73.05 Rental businesses
73.06 Enforcement

73.99 Penalty

Statutory reference:
Authority of municipalities to regulate bicycles, see F.S.A. § 316.008

## § 73.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. In addition to these definitions, any applicable definitions of this title shall be deemed to be included herein.

"BICYCLE." Two- or three-wheeled vehicle with solid or pneumatic tires, having a steering bar or wheel and a saddle seat, capable of being propelled by human power only.

"BICYCLE PATH." A path or portion of a roadway designed especially for the exclusive use of bicyclists, pedestrians, and joggers.

"MOTOR VEHICLE." Any vehicle which is self-propelled, including motorcycles, mopeds, tractors, golf carts, and any other motor-driven vehicle, including bicycles if a motor is attached and in operation.

"OPERATOR." Any person who drives or who is in actual physical control of a motor vehicle on a highway, or who is exercising control of his vehicle or steering a vehicle being towed by a motor vehicle.

"PARK" or "PARKING." The stopping or standing of a motor vehicle, whether occupied or not.
('71 Code, § 13-50) (Ord. 77-24, passed 11-16-77; Am. Ord. 78-4, passed 4-5-78)

## § 73.02 VEHICLES ON BICYCLE PATHS; USE BY HANDICAPPED.

(A) No operator, except a public officer or employee in the performance of his duties, shall drive a motor vehicle on a bicycle path or other portion of a roadway set aside for the exclusive use of bicycles except for crossing incident to appropriate access to adjacent property. However, handicapped persons may operate motorized wheelchairs or motorized tricycles for handicapped persons on the bicycle path provided the following conditions are met.

(1) A permit is obtained from the Town Manager.

(2) The town is furnished with a certificate from a medical doctor licensed to practice medicine in the state giving the extent and the nature of the handicap, and an opinion that the physically handicapped person is able to operate the electric motorized wheelchair or electric motorized tricycle.

(3) The electric motorized wheelchair or electric motorized tricycle shall not be operated at a speed in excess of 10 miles per hour.

(4) A permit fee is paid to the town in the amount of $1. ('71 Code, § 13-51) (Ord. 81-5, passed 2-4-81)

(B) No operator, except a public officer or employee in the performance of his duties, shall park a motor vehicle on a bicycle path or other portion of a roadway set aside for the exclusive use of bicycles. The owner of a vehicle found in violation of this section shall be deemed prima-facie responsible therefor. ('71 Code, § 13-52)
(Ord. 77-24, passed 11-16-77) Penalty, see § 73.99

## § 73.03 SAFETY REQUIREMENTS.

No person shall operate a bicycle which is not in a mechanical condition so that it can be safely operated. Equipment on all bicycles shall include an operating sound device.
('71 Code, § 13-53) (Ord. 77-24, passed 11-16-77) Penalty, see § 73.99

Cross-reference:
Lights, see § 73.04 (D)

## § 73.04 USE OF BICYCLE PATHS.

(A) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway. This provision shall not be construed to prohibit bicyclists from crossing roadways or intersecting ways.

(B) No more than one person shall ride a bicycle unless it is specially equipped to ride more than one person.

(C) No bicyle using a bicycle path shall have any equipment for towing. Towing of any kind on the path is expressly prohibited.

(D) All bicycles using the path shall be equipped with a front light and rear reflector at night or at any other time when visibility is obstructed or reduced in any way.

(E) No bicycle shall be operated on bicycle paths at a speed in excess of 15 miles per hour.

(F) Bicyclists using the path shall yield to vehicular traffic at street intersections and at entrances to parking areas of business establishments.
('71 Code, § 13-54) (Ord. 77-24, passed 11-16-77) Penalty, see § 73.99

## § 73.05 RENTAL BUSINESSES.

Businesses in the town renting or providing bicycles shall comply with all safety standards required herein for the bicycles. Copies of this chapter shall be posted on the premises of all bicycle rental agencies and on the premises of all businesses in the town furnishing bicycles for its customers or tenants.
('71 Code, § 13-55) (Ord. 77-24, passed 11-16-77) Penalty, see § 73.99

## § 73.06 ENFORCEMENT.

Any police officer of the town shall enforce the provisions of this chapter.
('71 Code, § 13-56) (Ord. 77-24, passed 11-16-77)

## § 73.99 PENALTY.

Any person violating any provision of this article shall be fined not less than $10 nor more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
('71 Code, § 13-57) (Ord. 77-24, passed 11-16-77)

## CHAPTER 74: PARKING SCHEDULES

Schedule

I. Prohibited parking
II. Restricted parking

### SCHEDULE I: PROHIBITED PARKING

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

| Street | Between | Side |
|---|---|---|
| Bayside Drive | | South |
| Binnacle Point Drive | | South |
| Broadway Street | Gulf of Mexico Drive and Palm Drive and Longboat Drive South, Longboat Drive South and Poinsettia Drive, Seabreeze Avenue and waters of Gulf of Mexico | Both |
| | Gulf of Mexico Drive and Firehouse Road | North |
| Cedar Street | Gulf of Mexico Drive and Palm Drive, except 100 feet west of Palm Drive | North |
| Coral Avenue | Firehouse Road and waters of Gulf of Mexico | Both |
| Firehouse Court | Gulf of Mexico Drive and Joy Street | Both |
| Firehouse Road | Coral Avenue and 7043 Firehouse Road | Both |
| | Fire station and Broadway Street | West |
| Gulf of Mexico Drive | At any place where official signs of the Department of Transportation prohibit stopping, standing, or parking | |
| Gulfside Road | Entire length, Gulf of Mexico Drive to Gulf of Mexico Drive | Both, except south 169 feet of east side |
| Hibiscus Way | | Northwest |
| Joy Street | Firehouse Court and North Shore Road, and North Shore Road and waters of Longboat Pass | Both |
| Longboat Drive North | Broadway Street and Russell Street | Both |

| Street | Between | Side |
|---|---|---|
| Longboat Drive South | Broadway Street and Linley Street | Both |
| North Shore Road | Gulf of Mexico Drive to Joy Street | Both |
| | Joy Street and waters of Gulf of Mexico | South |
| Palm Drive | Cedar Street and Broadway Street, and Broadway Street and dead end | Both |
| Palmetto Avenue | Firehouse Road and waters of Gulf of Mexico | Both |
| Seabreeze Avenue | Broadway Street and waters of Gulf of Mexico | Both |

(Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76; Am. Ord. 80-14, passed 12-10-80; Am. Ord. 81-36, passed 10-7-81)
Penalty, see § 72.99

## LONGBOAT KEY - PARKING SCHEDULES

### SCHEDULE II: RESTRICTED PARKING

(A) Parking a motor vehicle in excess of 15 minutes on the following streets or portions thereof is prohibited.

| Street | Portion | Side |
|---|---|---|
| Cedar Street | The 100 feet west of Palm Drive | North |

(Ord. 76-9, passed 4-21-76; Am. Ord. 76-19, passed 6-2-76; Am. Ord. 81-36, passed 10-7-81)

(B) No person shall park a vehicle on any of the following streets or portions thereof when marked to prohibit parking between the hours of 8:00 p.m. and 5:00 a.m. October 30 to April 30, and between 9:00 p.m. and 5:00 a.m. April 30 to October 30.

| Street | Portion | Side |
|---|---|---|
| Broadway | | |
| Coral Avenue | | |
| Firehouse Court | | |
| Firehouse Road | | |
| Joy Street | | |
| North Shore Road | | |
| Palmetto Avenue | | |
| Seabreeze Avenue | | |

(Ord. 79-3, passed 3-27-79; Am. Ord. 79-4, passed 5-2-79; Am. Ord. 81-36, passed 10-7-81)

(C) No person shall park a vehicle on any of the following streets or portions thereof when marked to prohibit parking between the hours of 12:00 midnight and 8:00 a.m.

| Street | Portion | Side |
|---|---|---|
| North St. Judes Drive | | |

(Ord. 81-36, passed 10-7-81)

(D) Parking is prohibited on the following streets or portions thereof during the times indicated

| Street | Portion | Time | Side |
|---|---|---|---|
| Mayfield Street | West of Gulf of Mexico Drive | 11:00 a.m. to 2:00 p.m. | |

(Ord. 81-11, passed 3-4-81; Am. Ord. 81-36, passed 10-7-81)
Penalty, see § 72.99

0000 0000 3 108



## CHAPTER 75: TRAFFIC SCHEDULES

Schedule

I. Stop signs

### SCHEDULE I: STOP SIGNS

Stop signs at the following locations are hereby approved by the Town Commission.

| Intersection | Ord. No. |
|---|---|
| Bay Isles Road at Gulf of Mexico Drive | 78-21 |
| Bayview Drive at Gulf of Mexico Drive | 78-21 |
| Binnacle Point Drive at Gulf of Mexico Drive | 78-21 |
| Broadway Street at Gulf of Mexico Drive | 78-21 |
| Buttonwood Drive at Gulf of Mexico Drive | 78-21 |
| Cedar Street at Gulf of Mexico Drive | 78-21 |
| Cedar Street at Longboat Drive | 78-21 |
| Cedar Street at Poinsettia Drive | 78-21 |
| Channel Lane at Gulf of Mexico Drive | 78-21 |
| Companion Way at Gulf of Mexico Drive | 78-21 |
| Coral Avenue at Firehouse Road | 78-21 |
| Country Club Shores North at Gulf of Mexico Drive | 78-21 |
| Country Club Shores South at Gulf of Mexico Drive | 78-21 |
| Cutter Lane at Gulf of Mexico Drive | 78-21 |
| DeNavarez Drive at Gulf of Mexico Drive | 78-21 |
| Dream Island Road at Gulf of Mexico Drive | 78-21 |
| Exeter Drive at Gulf of Mexico Drive | 78-21 |
| Firehouse Road at North Shore Road | 78-21 |
| Fox Street at Longboat Drive | 78-21 |
| Fox Street at Poinsettia Drive | 78-21 |
| General Harris Road at Gulf of Mexico Drive | 78-21 |
| Gulfbay Road at Gulf of Mexico Drive | 78-21 |
| Gulfside Road North at Gulf of Mexico Drive | 78-21 |
| Gulfside Road South at Gulf of Mexico Drive | 78-21 |
| Gunwale Lane at Gulf of Mexico Drive | 78-21 |
| Hibiscus Way at Longboat Drive | 78-21 |
| Hibiscus Way at Poinsettia Drive | 78-21 |
| Hornblower Lane at Gulf of Mexico Drive | 78-21 |
| Hughes Street at Bayou Hammock Road | 78-21 |
| Juan Anasco Drive at Gulf of Mexico Drive | 78-21 |
| Jungle Queen Way at Gulf of Mexico Drive | 78-21 |
| Ketch Lane at Gulf of Mexico Drive | 78-21 |
| Linley Street at Longboat Drive | 78-21 |
| Linley Street at Poinsettia Drive | 78-21 |
| Lois Street at Broadway Street | 78-21 |
| Lyons Lane at Gulf of Mexico Drive | 78-21 |
| Marbury Lane at General Harris Road | 78-21 |
| Neptune Avenue at Gulf of Mexico Drive | 78-21 |
| North Shore Road at Gulf of Mexico Drive | 78-21 |
| Norton Street at Gulf of Mexico Drive | 78-21 |
| Outrigger Lane at Gulf of Mexico Drive | 78-21 |
| Palm Drive at Broadway Street | 78-21 |

| Intersection | Ord. No. |
|---|---|
| Palmetto Avenue at Firehouse Road | 78-21 |
| Poinsettia Drive at Broadway Street | 78-21 |
| Royal Road at Gulf of Mexico Drive | 78-21 |
| Russell Street at Longboat Drive | 78-21 |
| Russell Street at Poinsettia Drive | 78-21 |
| St. Judes Drive at Gulf of Mexico Drive | 78-21 |
| Schooner Lane at Gulf of Mexico Drive | 78-21 |
| Shell Street at Hibiscus Way | 78-21 |
| Sloop Lane at Gulf of Mexico Drive | 78-21 |
| Spanish Drive at Gulf of Mexico Drive | 78-21 |
| Spinnaker Lane at Gulf of Mexico Drive | 78-21 |
| Tarawitt Drive at Gulf of Mexico Drive | 78-21 |
| Yawl Lane at Gulf of Mexico Drive | 78-21 |

Penalty, see § 10.99

# TITLE IX: GENERAL REGULATIONS

Chapter

90. AIRCRAFT AND AIRPORTS
91. ANIMALS
92. BEACHES AND PARKS
93. BOATS AND WATERWAYS
94. FIRE PREVENTION CODE
95. GARBAGE, RUBBISH, AND JUNK
96. HEALTH AND SANITATION
97. STREETS AND SIDEWALKS
98. TREES

# CHAPTER 90: AIRCRAFT AND AIRPORTS

Section

90.01 Pilot's certificate required
90.02 Compliance with federal regulations
90.03 Landing within town limits
90.04 Required flying height

90.99 Penalty

## § 90.01 PILOT'S CERTIFICATE 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 of air-worthiness for the aircraft issued by the Department of Commerce.
('71 Code, § 2A-1) (Ord. 73-20, passed 8-22-73) Penalty, see § 90.99

## § 90.02 COMPLIANCE WITH FEDERAL REGULATIONS.

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.
('71 Code, § 2A-2) (Ord. 73-20, passed 8-22-73) Penalty, see § 90.99

## § 90.03 LANDING WITHIN TOWN LIMITS.

It shall be unlawful for any person to land any aircraft, including helicopters, within the town limits at any time except at established airports. However, 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. Further, nothing in this section shall be construed to prohibit landings on an individual basis where the Mayor or the Town Commission has granted prior approval on showing that there would be no damage to the property or the residents of the town.
('71 Code, § 2A-3) (Ord. 73-20, passed 8-22-73; Am. Ord. 74-5, passed 3-6-74; Am. Ord. 79-11, passed 6-20-79) Penalty, see 90.99

## § 90.04 REQUIRED FLYING HEIGHT.

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 1,000 feet above the ground, except U.S. Coast Guard emergency aircraft or other governmental aircraft and mosquito control aircraft.
('71 Code, § 2A-4) (Ord. 73-20, passed 8-22-73) Penalty, see § 90.99

## § 90.99 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 and, upon conviction thereof shall be fined in a sum not more than $500, or shall be imprisoned for not more than 60 days, with each day of the violation constituting a separate offense.
('71 Code, § 2A-5) (Ord. 73-20, passed 8-22-73)

# CHAPTER 91: ANIMALS

Section


General Regulations

91.01 Quarantine
91.02 Animals within town limits
91.03 Confinement in unattended motor vehicles
91.04 Injuring or destroying peafowl

Dogs and Cats

91.10 License and tags
91.11 Unlicensed dogs and cats
91.12 Vaccination required
91.13 Confinement when rabies suspected
91.14 Leash or lead requirements
91.15 Impoundment
91.16 Pound
91.17 Dog and Cat Warden
91.18 Barking, howling, or biting
91.19 Cruel and inhumane treatment
91.20 Prohibited on beaches
91.21 Disposition of fees, fines

91.99 Penalty


## GENERAL REGULATIONS

### § 91.01 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 Commission may by resolution declare a state of emergency to exist and during that 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 the period of time the emergency continues, the town by resolution may promulgate any other emergency regulations deemed necessary for the protection of the health, safety, and general welfare of the town.
('71 Code, § 4-1) (Ord. 147, passed 4-10-69)

### § 91.02 ANIMALS WITHIN TOWN LIMITS.

No livestock, fowl, or domestic animals, other than household pets, shall be kept or maintained within the town.
('71 Code, § 4-1.5) (Ord. 77-28, passed 12-7-77) Penalty, see § 91.99

### § 91.03 CONFINEMENT IN UNATTENDED MOTOR VEHICLES.

(A) For the purpose of this section the following definitions

shall apply unless the context clearly indicates or requires a different meaning.

"ANIMAL." All species of mammals, except humans, and all species of birds.

"ANIMAL SHELTER." Any facility maintained within Sarasota or Manatee Counties for the confinement and maintenance of dogs and other animals that come into its custody in the performance of its official duties, for the relief of suffering of dogs and other animals, or for the confinement, maintenance, safekeeping, and control of dogs and other animals that come into its custody.

"LAW ENFORCEMENT OFFICER." The police officer or any other officer having jurisdiction within the town.

"MOTOR VEHICLE." Any vehicle defined as a motor vehicle by F.S.A. Ch. 316.
('71 Code, § 4-31)

(B) It is hereby declared to be the purpose and intent of this section to protect animals from placement or confinement in unattended motor vehicles without adequate ventilation or under other conditions or for a period of time that may reasonably be expected to cause suffering, disability, or death. ('71 Code, § 4-30)

(C) All of the incorporated areas of the town shall be embraced by the provisions of this section. ('71 Code, § 4-32)

(D) No person owning or otherwise having charge or custody of an animal shall place or confine the animal or allow the animal to be placed or confined or to remain in an unattended motor vehicle without sufficient ventilation or under other conditions or for a period of time that may endanger the health or well-being of the animal due to heat, lack of water, or other circumstances that may reasonably be expected to cause suffering, disability, or death.

(E) No person owning or otherwise having dominion or control over a motor vehicle shall place or confine an animal or allow an animal to be placed or confined or to remain in an unattended motor vehicle without sufficient ventilation or under other conditions or for a period of time that may endanger the health or well-being of the animal due to heat, lack of water, or other circumstances that may reasonably be expected to cause suffering, disability, or death.

(F) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry, or other agricultural livestock in trailers or other vehicles designed and constructed for these purposes.
('71 Code, § 4-33)

(G) Any law enforcement officer who finds an animal in a motor vehicle that in the judgment of the law enforcement officer is in violation of this section may use any lawful means to remove the

animal. The law enforcement officer removing the animal shall take the animal, or have the animal delivered, to an animal shelter. The law enforcement officer shall, in the event the owner or custodian of the animal cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and department, and the address where the animal may be claimed by the owner thereof. In addition, the law enforcement officer shall notify the Animal Control Officer of the county of the fact that the animal was taken and the name of the animal shelter to which the animal was delivered.

(1) The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal.

(2) The animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of reasonable maintenance charges. If the owner does not reclaim the animal within the specified time, the shelter having custody of the animal may dispose of the animal in any reasonably humane manner.
('71 Code, § 4-34)
(Ord. 77-12, passed 5-18-77) Penalty, see § 91.99

## § 91.04 INJURING OR DESTROYING PEAFOWL.

It shall be unlawful for any person to intentionally injure, kill, or destroy any peafowl within the town by throwing stones or other objects, shooting at, or using any implements with the intention of killing or injuring any peafowl within the town.
(Ord. 81-17, passed 7-1-81) Penalty, see § 91.99

## DOGS AND CATS

## § 91.10 LICENSE AND TAGS.

(A) It shall be unlawful for any resident to keep a dog or cat within the town without first having obtained a license to keep the dog or cat. It shall be the duty of the Finance Director to issue these licenses. "RESIDENT," as used in this section, is a person residing in the town for a period of 90 days or more. ('71 Code, § 4-2)

(B) It shall be the duty of the Finance Director, on or before October 1 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 30, thereon, which shall be furnished by him to all applicants therefor upon payment of $3. ('71 Code, § 4-3) (Ord. 229, passed 9-27-72)

(C) Every dog or cat over the age of six months, whether kennel licensed or individually licensed, and if individually licensed, whether on or off the owner's premises, shall at all times wear a substantial durable collar to which shall be attached securely the license tag provided for in division (B) above. ('71 Code, § 4-4)

(D) No tag shall be used on the collar of any dog or cat other than the one for which it is issued. ('71 Code, § 4-5)

(E) 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. ('71 Code, § 4-6)
(Ord. 147, passed 4-10-69) Penalty, see § 91.99

Cross-reference:
Licenses generally, see Ch. 111

Statutory reference:
Damages by dogs and liability of owners therefor, see F.S.A. §§ 767.01 through 767.04

## § 91.11 UNLICENSED DOGS AND CATS.

The Dog and Cat Warden shall 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 to impound the 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 the seizure. The 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 $5 for each day within five calendar days after the date of seizure. In the absence of payment, the 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.
('71 Code, § 4-7) (Ord. 147, passed 4-10-69; Am. Ord. 229, passed 9-27-72)

## § 91.12 VACCINATION REQUIRED.

Prior to the issuance of any dog or cat license by the Finance Director, any resident owning or keeping a dog or cat within the town shall have the dog or cat vaccinated against rabies by a licensed veterinarian or other properly qualified person approved by the Town Manager. Evidence of the vaccination shall consist of a certificate signed by the person administering the vaccine and containing pertinent data for the identification of the dog or cat so vaccinated and the time of the vaccination. A copy of the certificate shall be filed by the Finance Director at the time of issuance of the license.
('71 Code, § 4-8) (Ord. 147, passed 4-10-69)

## § 91.13 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 and the county involved shall be promptly notified of the existence of the suspicion of rabies in any dog, cat, or other animal by the owner or the person in charge of the animal.
('71 Code, § 4-9) (Ord. 147, passed 4-10-69)

## § 91.14 LEASH OR LEAD REQUIREMENTS.

No dog or cat, whether licensed or unlicensed, muzzled or unmuzzled, inoculated or not inoculated against rabies, shall be allowed on the streets of the town or in public places, such as railroad depots, hotels, restaurants, theaters, public conveyances, and the like, or on property other than that of its owner, unless on a suitable dependable lead or leash not longer than eight feet, or unless within reasonable control of its owner or other person known to the dog or cat, the reasonable control not to exceed a distance of 300 feet, or unless on property other than that of its owner with the express or implied consent of the owner of the 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.
('71 Code, § 4-10) (Ord. 147, passed 4-10-69) Penalty, see § 91.99

## § 91.15 IMPOUNDMENT.

(A) 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 licensed dog or cat, or if the dog or cat is unlicensed, the owner of the 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 the dog or cat has been seized and is impounded in the dog and cat pound awaiting redemption.

(B) No 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 $5 per day for care, custody, and feeding of the dog or cat, plus $1 for neglect to pay a license fee, and if licensed, the sum of $5 per day only for care, custody, and feeding. If the impounded dog or cat is not redeemed and released to the owner or agent, and the required fees and costs paid at the time of the release on or before the fifth calendar day after the day of seizure, the dog or cat may be put to death humanely in the dog and cat pound on the sixth calendar day after the day of seizure; however, 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 15 days after seizure, unless death occurs before the expiration of the 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 a way as meets with the demands of public health and welfare.
('71 Code, § 4-11) (Ord. 147, passed 4-10-69)

## § 91.16 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. The Chief of Police is given the authority to make use of any of the above for any of the provisions under this chapter, and it shall be under the general supervision of the Chief of Police.
('71 Code, § 4-12) (Ord. 147, passed 4-10-69)

## § 91.17 DOG AND CAT WARDEN.

(A) The Chief of Police shall either designate a police officer as Dog and Cat Warden or appoint a 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 chapter. ('71 Code, § 4-13)

(B) 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 the dog or cat. He shall deliver to the Chief of Police, on each Monday, a duplicate copy of all records of receipts and disposals covering the preceding calendar week. ('71 Code, § 4-14)

(C) 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 provisons of this chapter. ('71 Code, § 4-15)
(Ord. 147, passed 4-10-69) Penalty, see § 91.99

## § 91.18 BARKING, HOWLING, OR BITING.

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, causes annoyance to the neighborhood or to people passing on the streets.
('71 Code, § 4-16) (Ord. 147, passed 4-10-69) Penalty, see § 91.99

## § 91.19 CRUEL AND INHUMANE TREATMENT.

It shall be unlawful for any person to be cruel or inhumane to a dog or cat, the cruelty and inhumanity consisting of cruelly beating, torturing, or mutilating, or cruelly killing, failing to

provide food, drink, and shelter, or abandoning old, sick, or disabled dogs or cats.
('71 Code, § 4-17) (Ord. 147, passed 4-10-69) Penalty, see § 91.99

Cross-reference:
Confinement of animals in unattended motor vehicles, see § 91.03

Statutory reference:
Cruelty to animals, see F.S.A. Ch. 828

## § 91.20 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 the dog or cat to be on any beaches within the town.
('71 Code, § 4-18) (Ord. 147, passed 4-10-69)

Cross-reference:
Pets prohibited on public beach accesses, see § 92.12

## § 91.21 DISPOSITION OF FEES, FINES.

All money collected as pound fees and the like, as prescribed in this chapter, shall be expended for efficient management of the pound and for the enforcement of this chapter, and for other dog and cat purposes. Any surplus after September 30 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 Finance Director every Monday morning.
('71 Code, § 4-19) (Ord. 147, passed 4-10-69)

## § 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which another penalty is not provided, shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment for not more than 60 days.

(B) Any person, firm, company, corporation, or association, or the managing agent of any person, firm, company, corporation, or association, who violates § 91.03, shall, upon conviction thereof, be fined in a sum of not more than $500, with each day of the violation constituting a separate offense. ('71 Code, § 4-35) (Ord. 77-12, passed 5-18-77)

# CHAPTER 92: BEACHES AND PARKS

Section


Parks

92.01 Closing of public parks

Activity on Public Beaches

92.10 Time restrictions
92.11 Possession of alcoholic beverages
92.12 Prohibited activities

Removal of Dead Fish

92.20 Purpose
92.21 When dead fish deemed nuisance
92.22 Duty of beach owner to remove
92.23 Abatement of nuisance; notice

92.99 Penalty


## PARKS

### § 92.01 CLOSING OF PUBLIC PARKS.

(A) The Town Commission may on its own motion, or on the petition of an interested party, close and discontinue any public park within the town. ('71 Code, § 19-5)

(B) Any interested party may sign and file with the Town Clerk a petition praying for the closing and discontinuing of any public park located within the town. The petition shall state the interest of the petitioner, fully and legally describe the park sought to be closed and discontinued, and shall set forth the names of all abutting property owners, the legal description of each individual parcel, and the owner thereof abutting the park. The petition shall state fully the petitioner's reasons for desiring the park to be closed and discontinued. The facts set forth in the petition shall be sworn to by the petitioner. ('71 Code, § 19-6)

(C) On petition being filed as provided in division (B) above, or by action of the Town Commission acting on its own motion, the Commission may, in its absolute discretion, by ordinance, close and discontinue the public park if the Commission finds that the public park has not been used as such or that any prior use has been abandoned or that the public park is of no benefit to the town and the public or that the closing and discontinuing of the public park is in the best interest of the public.

(D) On the adoption of any ordinance closing and vacating and discontinuing any public park, a copy of the ordinance, 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 the park is located.

(E) Accompanying each petition files as provided in this section, shall be a deposit of $35 to pay expenses including publication and recording connected with action on the petition.

## ACTIVITY ON PUBLIC BEACHES

### § 92.10 TIME RESTRICTIONS.

All persons and vehicles are prohibited from being present on any public access to the beach within the town and on public property known as Beer Can Island from 11:00 p.m. to 5:00 a.m. daily. 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.
('71 Code, § 4A-1) (Ord. 76-10, passed 5-19-76) Penalty, see § 92.99

### § 92.11 POSSESSION OF ALCOHOLIC BEVERAGES.

It shall be unlawful for any person to have in his possession, beer, wine, whiskey, or any other alcoholic beverage on any public access to the beach within the town and on public property known as Beer Can Island.
('71 Code, § 4A-2) (Ord. 76-11, passed 5-19-76) Penalty, see § 92.99

### § 92.12 PROHIBITED ACTIVITIES.

No person entering on and using the public beach, including public beaches seaward of the mean high water line and the public beach seaward of the erosion control line, or public beach accesses within the town and public property, including the property known as Beer Can Island, shall do any of the following.

(A) Build fires other than fires for cooking purposes contained in a grill or stove.

(B) Throw, place, or deposit any paper, food, trash, cans, bottles, or other refuse.

(C) Deface, damage, or defile the premises.

(D) Bring or allow pets on the premises.

(E) Dress or undress either by changing from ordinary street clothes into bathing or beach attire, or from beach attire into ordinary street clothes on the public beach.

(F) Bed down on the premises; i.e., after 11:00 p.m. set up tents, shacks, or any other temporary shelter for the purpose of overnight camping.

(G) Use profane or obscene language or conduct themselves in a disorderly manner.

(H) Drink, consume, or possess any bottled, canned, or packaged alcoholic beverages.

(I) Use any portion of the public beach for the purpose of assembling, where over ten persons are involved, without first obtaining written permission from the Town Commission. Such a request shall be made to the town on forms provided by the Town Clerk.

(J) Make any promotional and commercial activities of any kind whatsoever without first obtaining permission from the Town Manager.
('71 Code, § 4A-3) (Ord. 76-16, passed 5-19-76; Am. Ord. 81-31, passed 10-7-81) Penalty, see § 92.99

Cross-reference:
Dogs and cats prohibited on beaches, see § 91.20

## REMOVAL OF DEAD FISH

### § 92.20 PURPOSE.

The Town Commissioners find and declare that there is a general need in the town for the measures provided by this subchapter 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.
('71 Code, § 4A-12) (Ord. 76-14, passed 5-19-76)

### § 92.21 WHEN DEAD FISH DEEMED NUISANCE.

Those beaches on 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 and further are hereby determined to be a public nuisance.
('71 Code, § 4A-14) (Ord. 76-14, passed 5-19-76)

### § 92.22 DUTY OF BEACH OWNER TO REMOVE.

For the purpose of promoting the health, safety, and welfare of the people of the town, every owner of land is required to remove dead fish from the beaches of the land owned by him.
('71 Code, § 4A-13) (Ord. 76-14, passed 5-19-76) Penalty, see § 92.99

## § 92.23 ABATEMENT OF NUISANCE; NOTICE.

(A) If the Town Manager, or any other official or agent designated by resolution of the Town Commission, shall find any of the conditions described in § 92.21 existing on beach within the incorporated areas of the town, the Town Manager shall give written notice to the owner of record of the beach by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the letter. On the failure of the property owner to comply within the time prescribed, the Town Manager shall notify the Town Commission of the existence of the condition. ('71 Code, § 4A-15)

(B) On receipt by the Town Commission of notification from the Town Manager of the existence of conditions described in § 92.21 and failure to comply with the notice prescribed in division (A) above, the Commission shall, by resolution, direct the clearing of the beach and assess a lien on behalf of the town against the property for the costs herein described. A certified copy of the 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 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 the objections. On determining the invalidity of all objections, or failure to file objection within 20 days, a notice of the lien in the form 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 situated and recorded as other liens are recorded, and in the office of the Town Clerk.

(C) The costs of removing dead fish, and the necessary expenses for preparation of the assessment lien, filing, and recording, and legal expenses, if any, incident thereto, shall be assessed against the land and shall be collected by the Town Clerk on November 1 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, 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 situated.
('71 Code, § 4A-16)
(Ord. 76-14, passed 5-19-76) Penalty, see § 92.99

## § 92.99 PENALTY.

Any person, firm, company, corporation, or association, or the managing agent of any person, firm, company, corporation, or association, who violates any provision of this chapter shall, upon conviction, be fined in a sum not more than $500 or shall be imprisoned for no more than 60 days, with each day of the violation constituting a separate offense.
('71 Code, § 4A-17) (Ord. 76-10, passed 5-19-76; Ord. 76-11, passed 5-19-76; Ord. 76-14, passed 5-19-76; Ord. 76-16, passed 5-19-76)

# CHAPTER 93: BOATS AND WATERWAYS

Section


Waterways

93.01 Use of nets

Boats and Water Sports

93.10 Speed limits
93.11 Reckless operation
93.12 Disturbing peace from watercraft
93.13 Mooring of boats; placing of nets or other obstructions
93.14 Boat equipment; identification numbers
93.15 Abandonment of boats
93.16 Sanitary, health regulations for boats
93.17 Skiing, skin diving, or swimming
93.18 Designated areas for water activities

93.99 Penalty


## WATERWAYS

### § 93.01 USE OF NETS.

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.
('71 Code, § 5-1) (Ord. 74-9, passed 4-17-74) Penalty, see § 93.99

Statutory reference:
Salt water fisheries, see F.S.A. § 370.01 et seq.

## BOATS AND WATER SPORTS

### § 93.10 SPEED LIMITS.

No boat or other watercraft shall be operated on any waters within the town, at a rate of speed which causes waves to damage, or cause damage to docks, wharves, seawalls, the shoreline, boats, or personal property contained in boats moored or tied to docks or wharves.
('71 Code, § 5-3) Penalty, see § 93.99

### § 93.11 RECKLESS OPERATION.

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.
('71 Code, § 5-4) Penalty, see § 93.99

## § 93.12 DISTURBING 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 and in violation of this section, but shall not be deemed to be exclusive: 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, except when leaving a dock or returning to a dock.
('71 Code, § 5-5) (Ord. 76-4, passed 2-4-76) Penalty, see § 93.99

## § 93.13 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 on private property within the town without the permission of the owners of the 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 the 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 the 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.
('71 Code, § 5-6) Penalty, see § 93.99

## § 93.14 BOAT EQUIPMENT; 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 light on 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.

(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.
('71 Code, § 5-7) Penalty, see § 93.99

Statutory reference:
Boat registration; boat regulations, see F.S.A. Ch. 371

## § 93.15 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 the 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 the boat or other watercraft.
('71 Code, § 5-8) Penalty, see § 93.99

## § 93.16 SANITARY, HEALTH REGULATIONS FOR BOATS.

(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 the property.
('71 Code, § 5-9) Penalty, see § 93.99

Cross-reference:
Health and sanitation, see Chapter 96

## § 93.17 SKIING, SKIN DIVING, OR SWIMMING.

(A) 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.

(B) 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 the boat so as to place the operator in the position of endangering the person or property of any person.

(C) It is unlawful for any person skin diving, swimming, or engaging in other water activity, to engage in any activity in such a way as to endanger his life or limb, or the property, life, or limb of another person.
('71 Code, § 5-4) Penalty, see § 93.99

## § 93.18 DESIGNATED AREAS FOR WATER ACTIVITIES.

(A) The Town Commision 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.

(B) The Chief of Police 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 the 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. These regulations and prohibitions shall be made in order to facilitate and protect persons engaging in the respective water activities.

(C) When areas are designated and the regulations applicable thereto are determined, a description of the area and a copy of the regulations applicable thereto shall be filed in the Town Clerk's office and published once in a newspaper of general circulation within the town. The regulations and the boundaries of the designated area shall be conspicuously posted at the area affected. It shall be unlawful to violate any of the regulations.
('71 Code, § 5-10) Penalty, see § 93.99

## § 93.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than $500 or imprisoned not more than 60 days, or both.

# CHAPTER 94: FIRE PREVENTION CODE

Section


General Provisions

94.01 Title
94.02 Definitions
94.03 Adoption of National Fire Code
94.04 Application

Administration

94.10 Authority having jurisdiction
94.11 Alternatives to requirements
94.12 Right of entry; implied consent
94.13 Authority to investigate fires and explosions
94.14 Permits, approvals, and certificates
94.15 Violation procedure; authority to abate
94.16 Required records
94.17 Inspection of construction or installation work
94.18 Approval of plans and installations

Fire Prevention Regulations

94.25 Discovery of unfriendly fire
94.26 Reporting hazardous conditions; maintaining hazard
94.27 Carelessness with fire
94.28 Smoking
94.29 Unauthorized burning
94.30 False alarms
94.31 Posting fire safety regulations
94.32 Inoperative fire safety equipment
94.33 Required access for fire apparatus
94.34 Key box system
94.35 Fire doors
94.36 Interference with fire protection equipment
94.37 Clearance between heating and lighting equipment
94.38 Fumigation
94.39 Storage on roofs, fire escapes
94.40 Duty to prevent overcrowding
94.41 Obstruction of aisles and passageways
94.42 Failure to vacate
94.43 Combustible decorations
94.44 Marking of occupancies for emergency use
94.45 Automatic detection and alarm systems
94.46 Automatic extinguishing systems
94.47 Standpipes required
94.48 Alarm annunciator
94.49 Fire station connections
94.50 Emergency electrical power
94.51 Construction design requirements
94.52 Alternative electric and water supply systems

94.99 Penalty

## GENERAL PROVISIONS

### § 94.01 TITLE.

The title of this chapter shall be the Fire Prevention Code of the Town of Longboat Key, hereinafter referred to as "this chapter." One or more copies will be on file with the Town Clerk and shall be kept available for public use, inspection, and examination.
(Ord. 81-29, passed 9-2-81)

### § 94.02 DEFINTIONS.

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

"AUTHORITY HAVING JURISDICTION." The Town Manager, through the Fire Chief or Fire Chief's State Certified Inspector.

"MULTIPLE-FAMILY STRUCTURES." Hotels, motels, motor inns, apartment houses, apartment hotels, convents, dormitories, town houses, and other similar buildings.

"SUBSTANTIALLY ALTERED." 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; however, a substantial alteration shall not include inter alia, repairs to roof, walls, or interior; exterior or interior painting or re-decoration; elimination, moving, or construction of new partitions within an existing building; air conditioning or heating system repairs or replacement; modernization of kitchens or bathrooms, including moving, replacement, and the installation of utility lines, gas, water, sewer, and electricity. A structural alteration not increasing the square footage of a building more than 20% shall not be considered a substantial alteration.

"S.O.M." Stories or more.

"STORY." That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a "STORY."

"UNFRIENDLY FIRE." Any fire that is determined to be unauthorized burning of any nature or a fire that is out of control or poses a potential threat to life or property.

"UNIT." A room or group of rooms within a multiple-family structure designed for and occupied for one family only.
(Ord. 81-29, passed 9-2-81)

§ 94.03 ADOPTION OF NATIONAL FIRE CODE.

(A) The purpose of this chapter is to provide for the prevention of fire and explosion through the regulation of conditions which could cause fire or explosion and panic resulting therefrom. It is the intent of this chapter to identify and adopt by reference specific standards and codes.

(B) In furtherance of the intent of division (A) above, the National Fire Code, Volumes 1 through 16 inclusive, 1979, promulgated by the National Fire Protection Association is hereby adopted. The more stringent requirement shall take precedence, to be interpreted by the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81)

§ 94.04 APPLICATION.

(A) Except as noted, provisions of this chapter shall apply to all buildings, structures, marine vessels, premises, and conditions within the town. With the exception of sprinkler protection, standpipes, and those provisions listed in Figure 1 following § 94.45, which are not specifically required by the Life Safety Code, the provisions of this chapter shall apply equally to existing as well as new buildings, structures, marine vessels, premises, and conditions.

(B) The provisions of this chapter do not apply to one- or two-family dwellings in the normal use or maintenance thereof except where specifically referenced. This chapter shall apply however, whenever the activity or use of such a dwelling creates a distinct fire hazard to life or the property of others based on available data.
(Ord. 81-29, passed 9-2-81)

ADMINISTRATION

§ 94.10 AUTHORITY HAVING JURISDICTION.

This chapter shall be administered and enforced by the authority having jurisdiction or his designee who shall meet those qualifications set forth by the Fire Chief as being necessary to effectively administer this chapter.
(Ord. 81-29, passed 9-2-81)

§ 94.11 ALTERNATIVES TO REQUIREMENTS.

(A) Whenever this chapter requires a particular system, condition, arrangement, material, equipment, or any other particular provision, the authority having jurisdiction may accept alternatives provided the alternatives afford a substantially equivalent level of safety.

(B) Each application for an alternative shall be filed with the authority having jurisdiction and shall be accompanied by any evidence, letters, statement, results of tests, or other supporting information required to justify the request. The authority having jurisdiction shall keep a record of his actions on the applications and a signed copy of his decision shall be provided for the applicant.
(Ord. 81-29, passed 9-2-81)

## § 94.12 RIGHT OF ENTRY; IMPLIED CONSENT.

(A) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

"EMERGENCY." Those circumstances which the fire official knows, or has reason to believe, exist and which reasonably may constitute immediate danger to life or property.

(B) To the full extent permitted by law, the Town Fire Department personnel engaged in fire prevention and inspection work are authorized at all reasonable times to enter and examine any building, marine vessel, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private building or dwelling, Fire Department personnel shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. Persons authorized to enter and inspect buildings, marine vessels, vehicles, and premises as herein set forth, shall be identified by proper credentials issued by the Fire Chief.

(1) It shall be unlawful for any persons to interfere with a fire official carrying out any duties or functions prescribed by this chapter.

(2) It shall be unlawful for any unauthorized person to use an official badge, uniform, or other credentials so as to impersonate a fire official for the purpose of gaining access to any building, marine vessel, vehicle, or premises, or for any other unauthorized purpose in this jurisdiction.

(C) Any application for or acceptance of any permit requested or issued pursuant to this chapter, constitutes agreement and consent by the person making the application or accepting the permit to allow the authority having jurisdiction to enter the premises at any reasonable time to conduct any inspections required by this chapter.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.13 AUTHORITY TO INVESTIGATE FIRES AND EXPLOSIONS.

The authority having jurisdiction shall have the authority to

investigate the cause, origin, and circumstances of any fire or explosion or any willful act creating the potential for injuries to persons or destruction or damage to property. When, in the opinion of the authority having jurisdiction, reasonable cause exists, the authority having jurisdiction shall have the authority to take custody of all physical evidence relating to the cause of the fire or explosion or potential fire or explosion and to continue the investigation to conclusion. Information protected by F.S.A. Chapter 119, shall not be made a part of the public record except as may be directed by a court of law.
(Ord. 81-29, passed 9-2-81)

## § 94.14 PERMITS, APPROVALS, AND CERTIFICATES.

The authority having jurisdiction will review for approval all permits, certificates, notices, approvals, and other orders pertaining to fire control and fire hazards as provided for in this chapter. The authority having jurisdiction will have the power to recommend the revoking, suspending, denying, or the granting of any permit, approval, or certificate for failure to meet the provisions of this chapter as it relates to fire or life safety for the issuance of the permit, certificate, or approval.
(Ord. 81-29, passed 9-2-81)

## § 94.15 VIOLATION PROCEDURE; AUTHORITY TO ABATE.

(A) The authority having jurisdiction shall have the authority to summarily abate any condition which is in violation of any provision of this chapter and presents immediate danger to life.

(B) Except as provided in division (A) above, whenever the authority having jurisdiction finds any violation of this chapter, he shall report and discuss the violation with the owner, operator, occupant, or other responsible person to determine a schedule and procedure for corrective action. He shall also issue written notices to confirm the findings and discussions as may be necessary to secure compliance with this chapter. Every notice shall set forth a time limit for compliance. The time limit shall be correlated to the degree of hazard created by the violation and availability of means of abatement.
(Ord. 81-29, passed 9-2-81)

## § 94.16 REQUIRED RECORDS.

The authority having jurisdiction shall keep a record of all fire prevention inspections including the date of the inspections and a summary of any violations found to exist, the date of the services of notices, and a memorandum of the final disposition of all violations. Any records required to be kept by this section shall be maintained until their usefulness has been served, or as otherwise may be required. A record of approvals and exceptions granted shall be maintained in the office of the authority having jurisdiction and shall be available to the public for inspection during normal business hours.
(Ord. 81-29, passed 9-2-81)

§ 94.17 INSPECTION OF CONSTRUCTION OR INSTALLATION WORK.

(A) Whenever any installation that is subject to inspection under the terms of this chapter prior to use is covered or concealed without having first been inspected, the authority having jurisdiction may require by written notice that the work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within a reasonable period of time.

(B) When any construction or installation work is being performed in violation of the plans and specifications as approved by the authority having jurisdiction, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation and no work shall be continued on that portion until the violation has been corrected.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.18 APPROVAL OF PLANS AND INSTALLATIONS.

The authority having jurisdiction shall examine the submitted plans for evidence of compliance with this chapter. The authority having jurisdiction may require tests or other investigations to be conducted by an agency satisfactory to the jurisdiction when an appliance, device, equipment, or system intended for installation does not specifically meet the requirements of this chapter. The tests or investigations shall be based on nationally accepted test standards or principals.
(Ord. 81-29, passed 9-2-81)

## FIRE PREVENTION REGULATIONS

§ 94.25 DISCOVERY OF UNFRIENDLY FIRE.

Whenever an unfriendly fire occurs in any building or on any premises of any kind, the owner, manager, occupant, or any person in control of the building or premises, on discovery of an unfriendly fire, even though it has apparently been extinguished, immediately shall cause notice of the existence of the fire, circumstances of the fire, and the location thereof to be given to the Fire Department. This requirement shall not be construed to forbid the owner, manager, or other person in control of the building or premises from using all diligence necessary to extinguish the fire prior to the arrival of the Fire Department. No person shall make, issue, post, or maintain any regulation or order, written or verbal, that would require any person to take unnecessary delaying action prior to reporting a fire to the Fire Department.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.26 REPORTING HAZARDOUS CONDITIONS; MAINTAINING HAZARD.

(A) Any person, on discovering evidence of spontaneous heating of any merchandise, commodity, cargo, shipment, or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stock or pile, or any person on discovering or being apprised of any uncontrolled hazardous leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department.

(B) No person shall knowingly maintain a fire hazard.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.27 CARELESSNESS WITH FIRE.

No person shall set fire to or cause the burning of any bedding, furniture, rugs, curtains, drapes, or other combustible material, in a manner so as to endanger the safety of any person or property.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.28 SMOKING.

Where conditions exist which make smoking a fire hazard on any premises, "no smoking" signs shall be posted as directed by the authority having jurisdiction. "No smoking" signs shall be of a color, size, lettering, and location approved by the authority having jurisdiction. No person shall remove "no smoking" signs or lights, or ignite, or otherwise set fire to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. Nothing in this section shall be construed as prohibiting smoking in areas, offices, or other rooms which have been designated by the authority having jurisdiction as safe smoking areas and have been approved for that purpose.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.29 UNAUTHORIZED BURNING.

The burning of garbage, rubbish, or any other material except in containers approved by the authority having jurisdiction is prohibited.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.30 FALSE ALARMS.

The purpose of this section shall be to regulate and control the malfunctioning, negligence, or unintentional act resulting in the unnecessary response of emergency vehicles. In the case of false alarms, the authority having jurisdiction shall cause an investigation to be made and keep a record of the alarms on file.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.31 POSTING FIRE SAFETY REGULATIONS.

Hotels, motels, and similar occupancies designed for, intended for, or used by transients shall have an approved copy of fire safety regulations for transients conspicuously posted in the lobby, each occupancy unit, and at any other locations as may be required by the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.32 INOPERATIVE FIRE SAFETY EQUIPMENT.

Persons owning, controlling, testing, or otherwise having charge of any fixed fire extinguishing or fire warning system or standpipe system shall notify the Fire Department at any time the system or systems are inoperable, tested, or taken out of service. The Fire Department shall also be notified when service is restored.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.33 REQUIRED ACCESS FOR FIRE APPARATUS.

(A) All premises that the Fire Department may be called on to protect in case of fire and that are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.

(B) Whenever it is determined by the authority having jurisdiction that parking of vehicles does or will interfere with ready access by the Fire Department to the property for fighting fires, for access to a fire hydrant installed for protection of the property, or other Fire Department related emergencies, the authority having jurisdiction shall designate a reasonable area or areas leading to and adjacent to the property to be maintained as a fire access lane.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.34 KEY BOX SYSTEM.

When access to a structure is unduly difficult because of secured openings, and where immediate access is required for life saving purposes, the authority having jurisdiction may require a key box to be installed in a location determined by the authority having jurisdiction. The key box shall be a type approved by the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81)

## § 94.35 FIRE DOORS.

Fire doors shall be kept closed at all times.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.36 INTERFERENCE WITH FIRE PROTECTION EQUIPMENT.

No person shall render any portable or fixed fire entinguishing

system or device or any fire warning system inoperative or inaccessible except as may be necessary during emergencies, maintenance, drills, or prescribed testing.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.37 CLEARANCE BETWEEN HEATING AND LIGHTING EQUIPMENT.

Proper clearances shall be maintained between heating and lighting equipment and ordinary combustibles, in accordance with this chapter and manufacturers' recommendations.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.38 FUMIGATION.

The Fire Department shall be notified of fumigation operations in accordance with the provisions of "Standard for Fumigation NFPA 57."
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.39 STORAGE ON ROOFS, FIRE ESCAPES.

No person shall place or maintain on any roof or fire escape balcony any material or objects which may interfere with egress or Fire Department operations.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.40 DUTY TO PREVENT OVERCROWDING.

The manager or person in charge of the premises shall be responsible for preventing overcrowding as specified by the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.41 OBSTRUCTION OF AISLES AND PASSAGEWAYS.

No person shall block, impede, or obstruct any aisle, passageway, hallway, lobby, foyer, or stairway leading to or from any entrance or exit required by law which will prevent, delay, hinder, or interfere with the free use of the passageway by any person. Special security devices which affect the exiting shall be subject to approval of the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.42 FAILURE TO VACATE.

No person shall fail to leave any premise that is overcrowded when told to do so by the management of the premises or any authorized enforcement officer.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.43 COMBUSTIBLE DECORATIONS.

No person shall install, maintain, or use vegetation, bunting, cotton batting, plastic cloth, textile, excelsior, paper, or other

combustible material for the purpose of decoration in any building, premises, vehicle, or marine vessel to which the public is admitted or invited unless the decorative materials have been made flame resistant with an approved flame retardant material or process. Textiles or paper adhered to walls or ceilings (not free hanging), are considered interior finishes and shall be subject to the flame spread limitations for interior finishes, unless authorized by the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.44 MARKING OF OCCUPANCIES FOR EMERGENCY USE.

All occupancies including single-family residences, shall be numbered and marked in a manner and size as to be easily identified by responding emergency vehicles from the public roadway. The size of lettering and numbers will be determined by occupancy.

(A) Single-family dwelling. Minimum of four-inch numbers.

(B) Other residential and commercial. Minimum of six-inch numbers.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.45 AUTOMATIC DETECTION AND ALARM SYSTEMS.

(A) Fire detection and alarm systems.

(1) Fire detection and alarm systems shall be installed in all buildings as required by Figure 1 following this section.

(2) If the space in a Group "B" or Group "M" occupancy is undivided or otherwise equipped with non-permanent partitions, a unit shall be considered as 800 square feet of floor space or any part thereof.

(3) Each person in a dormitory or lodging house shall be considered as one unit for the interpretation of Figure 1.

(4) Fire protection and alarm systems shall be installed according to N.F.P.A. requirements, except as specifically modified by this section or as called for in Figure 1.

(5) For the purpose of this section, the occupant content of any structure shall be determined according to the N.F.P.A. Life Safety Code.

(B) Automatic detection and alarm.

(1) Automatic detection devices shall be considered as those that detect dangerous levels of heat, smoke, or toxic gases when they are present, and turn in an alarm without requiring human observance.

(2) Automatic detection equipment shall include but not be limited to heat detectors, rate-of-rise heat detectors, photo cell smoke detectors, ionization smoke detectors, and water flow switches. Nothing in this chapter shall prohibit the authority having jurisdiction from requiring a specific type of detection device for a specific application.

(3) Automatic detection devices shall be permanently wired to an AC primary source of electrical power. All detection devices shall have an emergency power source.

(4) Every dwelling unit, including one- and two-family dwellings, constructed or substantially altered shall be provided with automatic detection devices. These devices shall be installed as follows.

(a) In all sleeping areas there shall be an approved smoke detector on the ceiling and as close to the center of the room as possible. The location shall be approved by the authority having jurisdiction.

(b) In an area where the air-conditioner and heating equipment receives its return or make-up air flow, a smoke detector shall be installed that shall automatically shut down the air-handling equipment on its activation. This detector shall not cause the building fire alarm system to be activated; however, it shall be connected as specified in division (5) below. The location shall be approved by the authority having jurisdiction.

(5) Those detectors that are required in division (4) above shall sound an alarm within the dwelling unit that is sufficiently audible to awaken a sleeping person in any area, room, or part of the unit without regard to any intervening mediums, or sources of noise that may or may not be present. A test of audibility shall be conducted with all household equipment that may be in operation when in the opinion of the authority having jurisdiction, the level of audibility is questionable. The alarm sounding devices shall have a minimum rating of 86 OBA at ten feet.

(6) Automatic alarm systems shall have a sufficient number of sounding devices so that they will be audible in any normally habitable area of a building and shall have at least one device located on the outside facing the street of each building. The audibility shall be determined by the authority having jurisdiction.

(7) In all existing occupancies, approved detectors shall be installed and maintained in working condition in all sleeping areas within one year of the adoption of this chapter. The smoke detector shall be on the ceiling and as close to the center of the room as possible. The location shall be approved by the authority having jurisdiction. These detectors may be of the battery-operated type.

(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

FIGURE 1 FOR ALL BUILDINGS CONSTRUCTED OR SUBSTANTIALLY ALTERED

| OCCUPANCY | CONSTRUCTION | OCCUPANCY TYPE | FIRE DETECTION & FIRE ALARM SYS. see § 94.45(A) | ALARM ANNUNCIATOR see § 94.48 | FIRE STATION CONN. see § 94.49 | EMERGENCY POWER see § 94.50 |
|---|---|---|---|---|---|---|
| Group R Resident | All types | All | All | Over 10 units or 4 S.O.M. | Over 10 units or 4 S.O.M. | Over 10 units or 4 S.O.M. |
| Group B Bus. Offc. | All types | All | All | 3 S.O.M. | 3 S.O.M. | 3 S.O.M. |
| Group M Bus. Merch. | All types | Restaurant and other food serv. facilities | All | Over 50,000 s.f. or 3 S.O.M. | All | All |
| | | Bowling alleys | All | All | All | All |
| | | All other M occupancies | All | 3 S.O.M. or 50,000 s.f. | Over 20,000 s.f. or 3 S.O.M. | Over 5,000 s.f. or 3 S.O.M. |
| Group E School | All types | All | All | Over 10,000 s.f. or 3 S.O.M. | 2 classrooms or more | 2 classrooms or more |
| Group I Restrained Inst. | All types | All | All | Over 10 inmates or 3 S.O.M. | All | All |
| Group I Unrestrained Hosp. etc. | All types | All | All | Over 30 beds or 3 S.O.M. | All | All |
| Group A | Types 1 and 2 | Large assembly working and non-working stage | All | Over 50,000 s.f. or 3 S.O.M. | All | All |
| Large Assembly | Types 3, 4, 5, and 6 | Large assembly nonworking stage | All | Over 25,000 s.f. | All | All |
| Group A Assembly | All types | All | All | Over 50,000 s.f. or 3 S.O.M. | All | All |
| Group S | All types | Pub. garage | All | 3 S.O.M. | 3 S.O.M. | 3 S.O.M. |
| Storage | All types | All other S occupancies | All | 3 S.O.M. | Over 150,000 c.f. | Over 22,500 s.f. |
| Group F Indust. | All types | All | All | Over 50,000 s.f. or 3 S.O.M. | Over 20,000 s.f. or 3 S.O.M. | Over 7,500 s.f. or 3 S.O.M. |
| Group H Hazardous | All types | All | All | Any time building is divided by fire walls | All | Over 7,500 s.f. or 3 S.O.M. |

§ 94.46 AUTOMATIC EXTINGUISHING SYSTEMS.

(A) After the adoption of this chapter, all occupancies except one- and two-family dwellings constructed or substantially altered shall be provided with total automatic sprinkler protection. All automatic sprinkler equipment shall meet the requirements of current N.F.P.A. standards adopted herewith and as amendments are subsequently adopted by the town. Nothing in this division shall prohibit the use of hydraulic calculations as described in current N.F.P.A. publications.

(B) Other automatic extinguishing systems shall be required in occupancies where the use of water sprinklers may be hazardous. Such systems shall be approved by the authority having jurisdiction. (Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

§ 94.47 STANDPIPES REQUIRED.

(A) Buildings with four stories or more and any other structures that in the opinion of the authority having jurisdiction are inaccessible to firefighting equipment, shall be equipped with standpipes and 2-1/2-inch valved Fire Department hose connections at each floor level.

(B) All 2-1/2-inch valved Fire Department hose connections with or without hoses shall be located in the exit access within ten feet of the exit door. Valves without hoses shall be installed not less than three feet or more than five feet above the floor as directed by the authority having jurisdiction.

(C) Both standpipe and sprinkler systems shall be provided with individual siamese Fire Department pumper connections. Where individual systems are present, Fire Department connections will be marked as to system.

(D) Combination standpipe and sprinkler system risers as allowed by this chapter will be permitted under the following conditions.

(1) Each take-off from the riser to the sprinkler system shall be provided with a supervised shut-off valve as directed but not more than seven feet above the floor.

(2) Buildings ten stories or more in height shall be provided with an auxiliary Class I standpipe in parallel with riser. This standpipe shall be provided with a 2-1/2-inch valved Fire Department hose connection at each floor next to those required by division (B) of this section, and shall be clearly labeled "auxiliary system." Each auxiliary standpipe shall be provided with a Fire Department pumper connection and shall be pressurized from the main system through a one-inch, properly checked, pipe connection.

(E) The water supply for standpipes or sprinkler systems shall meet the requirements of the N.F.P.A. for minimum acceptable flow and residual pressure; however, the authority having jurisdiction may increase these minimum requirements if the factors in the N.F.P.A. warrant.

(F) All electrically-driven or started pumps required to insure adequate flow and pressure in the standpipe and sprinkler system shall be connected to the emergency power system as described in § 94.50.

(G) All fire pumps shall bear the seal of a nationally recognized independent testing agency. Where two or more standpipes or combination risers are installed in the same building, they shall be interconnected "full size" at the bottom and at the tenth floor. Additional interconnections shall be provided above the tenth floor at a minimum of five and a maximum of every ten floors. Auxiliary standpipes need not be interconnected. All interconnections shall be valved at each standpipe.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.48 ALARM ANNUNCIATOR.

(A) The fire alarm annunciator panel shall be located at the main entrance to the building at a position approved by the authority having jurisdiction. In cases where the main building entrance is not an adequate entrance for firefighting equipment, the annuniciator shall be located as directed by the authority having jurisdiction.

(B) The annunciator shall consist of pilot lights or drop flags and be equipped with a permanent engraved directory. The wording and information of the directory shall be approved by the authority having jurisdiction.

(C) The annunciator shall be connected to individual apartments and all common areas or as otherwise directed by the authority having jurisdiction.

(D) A structure containing ten units or four stories or more shall install for Fire Department use a public address system in all common areas with transmitting capabilities at the annunciator panel. The system shall be capable of silencing alarm-sounding devices when transmitting.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.49 FIRE STATION CONNECTIONS.

Fire station connections shall be such as to automatically notify the Fire Department at the same time the automatic alarm system is activated. The method of notifying the Fire Department shall be through a system approved by the authority having jurisdiction.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.50 EMERGENCY ELECTRICAL POWER.

(A) Emergency electrical power shall be so arranged as to provide the required power for lighting and emergency equipment automatically in the event of failure of the normal power. Emergency electrical power shall be either continuously in operation, or shall be capable of repeated automatic operation without manual intervention, for a period of not less than 90 minutes.

(B) Emergency electrical power subject to the approval of the authority having jurisdiction may be provided by any method or combination of methods which will produce the desired results, such as the following.

(1) Two separate electrical systems, each adequate alone to provide the necessary power, one supplied from an outside source such as a public utility service, and the other from an electric generator on the premises driven by an independent energy source, shall be in regular simultaneous operation whenever the building is occupied.

(2) An electrical circuit or circuits used only for emergency power with two independent electric energy sources so arranged that on the failure of one, the other will come on automatically and immediately into operation. One such independent source shall be a connection from a public utility or similar outside power source, and the other shall be one of the following.

(a) An approved storage battery with suitable provisions to keep it automatically charged. The battery shall also be provided with automatic controls so that after the battery comes into operation due to turning off the primary electrical power source, it will be shut off after its period of operation and will be ready for further service when the primary electrical power is again turned on.

(b) The other power source may be an electrical generator set provided and maintained according to the provisions of Article 700 of the National Electrical Code adopted by the town (see § 94.03.)

(c) Unit devices with approved individual batteries providing for the same functions as specified above, except that the battery-supplied light may be operated on a separate circuit at a voltage different from that of the primary light, provided the unit battery-powered devices are installed and maintained according to Underwriter's Laboratories Listing.

(d) The primary source of electrical power for exit lighting, exit signs, and exit access lighting shall be connected ahead of the main building disconnect switch.

(e) An emergency source of electrical power is not required for internally illuminated exit signs provided the exit sign is externally illuminated by one of the approved methods listed in this chapter and the sign's readability meets the requirements of the Standard Building Code.

(f) Emergency electrical power is required for all exit and exit access lighting by one or more of the approved methods listed in this section.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.51 CONSTRUCTION DESIGN REQUIREMENTS.

(A) One elevator in each bank shall be electrically wired in order to provide the Fire Department with complete control. Directions detailing operation shall be installed within the elevator car.

(B) All buildings with elevator accommodations shall also have an automatic emergency power source to provide electrical power in order to operate elevators and all emergency equipment.

(C) Enclosed stairwells connected to enclosed corridors or vestibules shall be pressurized as per the Standard Building Code.

(D) Single-family structures and duplexes with parking facilities below the structure shall have a minimum of one hour fire protection as defined by the current Standard Building Code between the parking facility and the first floor of the structure.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

Cross-reference:
Adoption of the Standard Building Code, see § 150.01

## § 94.52 ALTERNATIVE ELECTRIC AND WATER SUPPLY SYSTEMS.

Where more than one building is located in an area that can be adequately serviced by a single emergency power system or water supply system, then the authority having jurisdiction shall have the right to waive the foregoing requirements of an individual power and water supply system for each building and may permit, in lieu thereof, a water supply or electrical power system shown to be capable of adequately servicing several buildings.
(Ord. 81-29, passed 9-2-81) Penalty, see § 94.99

## § 94.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from

which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the authority having jurisdiction or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine of not more than $500 or by imprisonment for not more than 60 days with each day of the violation constituting a separate offense. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(B) For the first, second, and third false alarm as set forth in § 94.30 in any given calendar year, a warning shall be issued in writing; for the fourth and fifth false alarm in the same calendar year, a fine of $100 shall be assessed; and for the sixth and seventh false alarm in the same calendar year, a fine of $250 shall be assessed. All false alarms in excess of seven in one calendar year shall be assessed a fine of $500.
(Ord. 81-29, passed 9-2-81)

# CHAPTER 95: GARBAGE, RUBBISH, AND JUNK

Section


Collection Regulations

95.01 Definitions
95.02 Garbage and trash receptacles
95.03 Duty to provide refuse containers
95.04 Location, inspection of refuse containers
95.05 Garbage to be collected by town; exceptions
95.06 Preparation of refuse for collection
95.07 Collection times
95.08 Fees, billing for town refuse service

Garbage, Ashes, and Filth

95.15 Policy
95.16 Unlawful deposits
95.17 Throwing, spilling refuse from vehicles
95.18 Burning or burying rubbish

Junk and Discarded Material

95.25 Accumulations prohibited; exception
95.26 Resolution authorizing removal
95.27 Removal notice
95.28 Failure to obey notice; hearing and abatement
95.29 Removal by town; proposed assessment hearing
95.30 Assessment to become property lien
95.31 Interest on assessment lien
95.32 Delinquent assessment lien
95.33 Right to appeal lien
95.34 Statute of limitations

95.99 Penalty


Cross-reference:
Health and sanitation regulations, see Ch. 96

## COLLECTION REGULATIONS

### § 95.01 DEFINITIONS.

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

"DIVISION OF REFUSE COLLECTION AND DISPOSAL." That part of the Department of Public Works that is responsible for the collection and disposal of waste and refuse.

"FOOD AND INDUSTRIAL PROCESSING WASTES." The waste products of canneries, slaughterhouses, packing plants, large quantities of condemned food products, industrial wastes from brick, concrete

block, roofing shingle, or tile plants, debris and wastes accumulated from land clearing, building, rebuilding, and altering of buildings, structures, roads, streets, sidewalks, parkways, excavating by an owner, contractor, or work performed by purchase and hire of labor and materials.

"GARBAGE." Every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, and dealing in, or storage of, meats, fish, fowl, fruit, or vegetables, and any other matter of any nature whatsoever which is subject to decay, putrefaction, and the generation of noxious or offensive 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, or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other waterbreeding insects.

"GARBAGE CAN." A galvanized iron or plastic can of the type commonly sold as a garbage can of a capacity not to exceed 32 gallons. The can shall have two handles on the sides of the can, or a bail by which it may be lifted, and shall have a tight-fitting top.

"GARDEN TRASH." All accumulations of grass or shrubbery cuttings, and other refuse attending the care of lawns, shrubbery, vines, trees, and tree limbs.

"MULTIPLE DWELLING." All places of abode other than single-family residences, including garage apartments, duplex residences, apartment houses, rooming or boardinghouses, sanitariums, rest homes, resident schools, hotels, motor courts, guesthouses, tourist homes, trailer courts and trailer camps, and other similar or like places.

"NONCOMBUSTIBLE REFUSE." Refuse materials that are unburnable at ordinary incinerator temperature (800°F. to 1800°F.) such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar materials or refuse not usual to housekeeping or to the operation of stores or offices.
(Ord. 80-7, passed 9-15-80)

"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 defined above which are usual to housekeeping and to the operation of stores, offices, and other business places; and materials such 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. ('71 Code, § 10-1) (Ord. 129, passed 8-8-67; Am. Ord. 139, passed 7-9-68)

"TRASH." Refuse accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings, and all other accummulations of a nature other than garbage, which are usual to housekeeping and to the operations of stores, offices, and other business places. "TRASH" shall not include "noncombustible refuse," nor "garden trash", as defined above.

"TRASH CONTAINER." The same as defined above as "garbage can"; provided, however, that by a special permit issued by the Director of Public Works, a "TRASH CONTAINER" may be of different specifications or design.
(Ord. 80-7, passed 9-15-80)

## § 95.02 GARBAGE AND TRASH RECEPTACLES.

All residents or occupants of any single-family dwelling, and the owner, manager, or occupant of any multiple dwelling or of any place of business or commercial establishment within the town are hereby required to provide a garbage can and trash can, as defined in § 95.01; however, no garbage can or trash can shall be over the capacity of 32 gallons, except upon permit of the Director of Public Works. The owner or manager of any multiple dwelling shall furnish or see that the multiple dwelling is furnished or supplied with a sufficient number of garbage and trash cans to comply with this section, or multiple family and commercial establishments may use a bulk container as authorized by the town's franchised refuse disposal organization. No receptacle used for the storage of refuse, except mechanically dumped containers, may exceed a capacity of 32 gallons.
(Ord. 80-7, passed 9-15-80) Penalty, see § 95.99

## § 95.03 DUTY TO PROVIDE REFUSE CONTAINERS.

It shall be unlawful for any person who is responsible to provide refuse containers to fail to provide and maintain them in sufficient numbers and in serviceable condition for disposal of refuse accumulations for disposal services on a basis of two times each week. Where provision for disposal of garbage and trash has been made on a basis providing for disposal more frequently than two times each week, then it shall be unlawful for any person responsible to provide refuse containers, to fail to provide them in sufficient numbers for disposal of garbage and trash accumulations for the period between the regularly-scheduled collections.
(Ord. 80-7, passed 9-15-80) Penalty, see § 95.99

## § 95.04 LOCATION, INSPECTION OF REFUSE CONTAINERS.

(A) All privately-owned refuse containers shall be kept in a clean and sanitary condition by the owner, and maintained in a place readily accessible to the employees of the Division of Refuse Collection and Disposal. The refuse containers shall be placed in the alley adjacent to the premises served by the alley; and where premises are not served by an alley, the refuse containers shall be kept on the property in the ownership or tenancy of the person

responsible for refuse accumulation at locations approved by the Director of Public Works who is authorized to designate places where refuse containers will be placed.

(B) All refuse containers shall be subject to inspection and approval or condemnation by the Director or his authorized inspectors. It shall be unlawful for any person to deposit any garbage or trash in any containers which will not permit the lid of the container to tightly fit into place.
(Ord. 80-7, passed 9-15-80) Penalty, see § 95.99

## § 95.05 GARBAGE TO BE COLLECTED BY TOWN; EXCEPTIONS.

(A) It shall be unlawful for any garbage or trash to be removed by or disposed of by persons other than the town's franchised refuse disposal organization, unless a permit therefor has been obtained from the Director of Public Works to permit removal of garbage or trash by a special permittee of the town. An application for a permit must specify the type of vehicle in which it is to be transported, and the location and manner of the ultimate disposition of the garbage or trash. The type of vehicle in which it is to be transported, and the location and manner of the ultimate disposition of the garbage or trash, must comply with the provisions of this subchapter.

(B) It shall be the responsibility of the owners, operators, contractors, and custodians to remove or cause to be removed food and industrial wastes as defined in § 95.01, large tree stumps, spent oils and grease, unburnable metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar materials in accordance with the provisions of this subchapter wherever and to the extent that any persons cause these wastes to accumulate.
(Ord. 80-7, passed 9-15-80) Penalty, see § 95.99

## § 95.06 PREPARATION OF REFUSE FOR COLLECTION.

(A) Highly inflammable or explosive materials shall not be placed in containers for regular collections but shall be disposed of as directed by the Director of Public Works. Human and animal wastes shall not be placed in refuse containers intended for collection by city refuse collection personnel.

(B) All occupants of abode and all owners, managers, or custodians of businesses and institutions shall deposit or cause to be deposited all garbage and trash in accordance with the methods prescribed in this subchapter in containers complying with provisions of § 95.02. All garbage shall first be drained of all liquids and shall be deposited daily in refuse containers, with wet garbage being placed in paper, plastic, or polyethylene bags or securely wrapped in paper before being placed in the containers. Hotels and restaurants and other eating establishments shall be required to wrap wet garbage unless exempted by the Director. Pasteboard boxes shall be collapsed prior to being placed in refuse

containers. Refuse containers shall be kept tightly covered at all times except when uncovered for purposes of depositing refuse.

(C) Unless arrangements have been made with the town's franchised refuse collection organization, no removal of refuse, except garden trash containerized or bundled and placed at the curb of the premises, shall be made by the Division of Refuse Collection and Disposal from any premises unless the refuse is deposited in proper refuse containers and proper fees have been paid therefor in accordance with the provisions of this subchapter.
(Ord. 80-7, passed 9-15-80) Penalty, see § 95.99

## § 95.07 COLLECTION TIMES.

All refuse containers shall be emptied at least twice each week in residential and business districts, and more frequently in business districts where the service is requested or required and fees paid for in accordance with § 95.08. Where deemed necessary in the interest of public health, the Director of Public Works shall have authority to require that businesses and institutions have their refuse emptied more frequently than twice a week.
(Ord. 80-7, passed 9-15-80)

## § 95.08 FEES, BILLLING FOR TOWN REFUSE SERVICE.

Franchisee is hereby authorized to charge the maximum rates set forth below, for which the property owner is responsible.

(A) Rate schedule.

(1) Single-family homes - $5.75 per month.

(2) Duplexes - $5.75 per month per unit.

(3) Condominiums, cooperatives, and other multi-unit complexes having three or more living units for twice-a-week pickup from containers at a rate of $2.89 per pickup per cubic yard; except that all complexes using other than containerized dumpster service shall be billed at the rate of $5.75 per month per unit.

(4) Commercial establishments yardage rate - $2.89 per cubic yard.

(5) Trailer parks not using containerized dumpster service - $5.75 per unit per month per unit. All others shall be billed at the commercial rate of $2.89 per pickup per cubic yard.

(6) Public schools, churches, and municipal buildings - no charge.

(7) Vacation credit - If any single-family residence, duplex, or complex of three multi-units or more remains unoccupied for a period of three consecutive months or more, a credit of 50% of

the monthly bill for each month shall be given to the residences. In order to receive the credit, the home owner must apply to the town prior to the vacancy period. The town shall be responsible for all administration of the vacation credit action.

(8) Whitney Beach and Spanish Main - $4.75 per month.

(B) Optional service.

(1) Residential - rear door service on residential accounts - $30.84 per year, payable yearly in advance.

(2) Commercial - casters - $2.00 per month per container.

(3) Rollout - short, easy rollout or enclosures - $10.00 per month, one time per week. Add $10 for each additional pickup.

(4) Long or difficult rollout - $20.00 per month, one time per week. Add $20.00 for each additional pickup per week.

(5) Compacted rates - $5.25 per cubic yard. Uncompacted rates - $2.89 per cubic yard. Rolloff - $4.52 per cubic yard.

(C) The front-end monthly rate schedule of service and maintenance shall be as follows.

| Container Size (Cubic yards) | Monthly Maintenance | Pickups per week | | | | | |
|---|---|---|---|---|---|---|---|
| | | 1X | 2X | 3X | 4X | 5X | 6X |
| 2 | $20.00 | $ 45.05 | $70.09 | $95.14 | $120.19 | $145.23 | $170.28 |
| 3 | 20.00 | 57.57 | 95.14 | 132.71 | 170.28 | 207.85 | 245.42 |
| 4 | 20.00 | 70.09 | 120.19 | 170.28 | 220.37 | 270.46 | 320.56 |
| 6 | 20.00 | 95.14 | 170.28 | 245.42 | 320.56 | 395.70 | 470.84 |
| 8 | 20.00 | 120.19 | 220.37 | 320.56 | 420.74 | 520.93 | 621.12 |

(D) The rolloff monthly rate schedule of service and maintenance shall be as follows. The County dumping fee shall be $5 per ton.

| Container Size (Cubic yards) | Monthly Maintenance | Per Pull | |
|---|---|---|---|
| | | Uncompacted | Compacted |
| 15 | $30.00 | $ 67.80 | $ 78.75 |
| 20 | 40.00 | 90.40 | 105.00 |
| 25 | 50.00 | 113.00 | 131.25 |
| 30 | 60.00 | 135.60 | 157.50 |

(E) The following shall apply to customer-owned containers.

| Container (Cubic yards) | No Maintenance | Pickups Per Week | | | | | |
|---|---|---|---|---|---|---|---|
| | | 1X | 2X | 3X | 4X | 5X | 6X |
| 2 | | $ 25.05 | $ 50.09 | $ 75.14 | $100.19 | $125.23 | $150.28 |
| 3 | | 37.57 | 75.14 | 112.71 | 150.28 | 187.85 | 225.42 |
| 4 | | 50.09 | 100.19 | 150.28 | 200.37 | 250.46 | 300.56 |
| 6 | | 75.14 | 150.28 | 225.42 | 300.56 | 375.70 | 450.84 |
| 8 | | 100.19 | 200.37 | 300.56 | 400.74 | 500.23 | 601.12 |

(F) All payments for removal of refuse shall be on a current basis. Bills for regularly scheduled collections of containerized refuse will be rendered by the utilities office of the town, or the town's franchised refuse collection organization. Where the town is responsible for billing, and the customer is also a town water customer, the charge for the service shall be billed on the same bill as that containing the statement for water and sewer charges. Receipts for refuse collection service shall be issued by the office or department originating the billing and receiving the payment for the services. The receipts shall be in the form that shall be prescribed by the Finance Director.
(Ord. 80-7, passed 9-15-80; Am. Res. 81-29, passed 10-7-81)
Penalty, see § 95.99

## GARBAGE, ASHES, AND FILTH

### § 95.15 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 subchapter is for the purpose of controlling and reducing atmospheric pollution and the pollution of the land and its adjacent waters.
('71 Code, § 10-2) (Ord. 129, passed 8-8-67)

Cross-reference:
Pollution control, see §§ 96.45 and 96.46

### § 95.16 UNLAWFUL DEPOSITS.

It shall be unlawful for any person to place or deposit garbage, garden trash, brush, or rubbish on the premises of another, whether the premises are improved or vacant, or on 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. ('71 Code, § 10-3) (Ord. 129, passed 8-8-67) Penalty, see § 95.99

Cross-reference:
Disposal of garbage from boats, see § 93.16

§ 95.17 THROWING, SPILLING REFUSE FROM VEHICLES.

(A) 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 subchapter. ('71 Code, § 10-4) (Ord. 129, passed 8-8-67)

(B) It shall be unlawful for any person to transport on any public roads within the town, garbage, refuse, trash, rubbish, sand, soil, gravel, shell, rock, marl, limestone, or asphalt in a vehicle which is not completely covered or otherwise secured in such a manner as to prevent the spilling of its contents on public roads. It shall be unlawful for any person to transport on any public roads within the town material or supplies other than those enumerated herein 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. ('71 Code, § 10-7) (Ord. 178, passed 9-16-70)
Penalty, see § 95.99

§ 95.18 BURNING OR BURYING RUBBISH.

The burning or burying of garbage or rubbish is prohibited. ('71 Code, § 10-5) (Ord. 129, passed 8-8-67; Am. Ord. 73-1, passed 1-10-73) Penalty, see § 95.99

## JUNK AND DISCARDED MATERIALS

§ 95.25 ACCUMULATIONS PROHIBITED; EXCEPTIONS.

(A) For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"JUNK." 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. ('71 Code, § 14-16)

(B) It shall be unlawful to accumulate, park, store, or allow the accumulation, parking, or storing of any junk, as junk is herein defined, within the town, unless authorized in conjunction with a business properly operated pursuant to the zoning ordinances of the town. ('71 Code, § 14-17)
(Ord. 227, passed 8-23-72)

## § 95.26 RESOLUTION AUTHORIZING REMOVAL.

Whenever it shall become apparent to the Town Commission that there are properties in the town on which there is junk as defined in § 95.25 (A), it may adopt a resolution instructing the Town Manager to forthwith proceed with the removal, clearing away, elimination, and disposal of the junk in the manner specified herein. ('71 Code, § 14-18) (Ord. 227, passed 8-23-72)

## § 95.27 REMOVAL NOTICE.

(A) The Town Manager, promptly after the adoption of the 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 defined in § 95.25 (A), to remove, clear away, eiiminate, and dispose of the junk in not more than 15 days from the receipt of the notice. The notice shall describe the property affected and state the name of the owner of the real estate on which the junk is situated, or the person in which the real estate was last assessed, as this appears from the tax records of the town, and shall state that if the owner or person last assessed or someone in his behalf shall not proceed to remove the junk from the property within the time specified in the notice, the town may proceed to do the work and to assess the cost thereof against the real property from which the junk was removed.

(B) The notice shall be given in the first instance either by registered or certified mail, with return receipt requested, or by personal delivery of the notice. Personal delivery may be made by any person of the age of 21 years or more, with proof of delivery thereof being made by a sworn affidavit. In the event the Town Manager is unable, after reasonable diligence, to give the notice, then it may be given by publishing the notice at least one time in a daily newspaper of general circulation in the town. In the event a notice is first attempted to be given by mail, as aforesaid and the receipt of delivery is not returned showing delivery within ten 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.
('71 Code, § 14-19) (Ord. 227, passed 8-23-72)

## § 95.28 FAILURE TO OBEY NOTICE; HEARING AND ABATEMENT.

(A) If, after the expiration date specified in the notice for the removal of the junk, the junk remains on the property, road right-of-way, or the waters of the town, the Town Manager shall forthwith report the 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 the 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 § 95.27.

(B) 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 the hearing at least 15 days in advance thereof. If, at the hearing, the Town Commission determines that no violation of this subchapter exists, then 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 violation, not to exceed 30 days from the date of the hearing. 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.
('71 Code, § 14-20) (Ord. 227, passed 8-23-72)

## § 95.29 REMOVAL BY TOWN; PROPOSED ASSESSMENT HEARING.

(A) On the completion of the work, the Town Manager shall determine the costs of removing, carrying away, and disposing of the 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 subchapter, together with the name of the owner as it appears from the town tax records. The 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 on the assessments appearing in the preliminary assessment roll.
('71 Code, § 14-21)

(B) Immediately on the determination by the Town Commission of a date for public hearing on the proposed assessments referred to in division (A) above, the Town Manager shall give notice of the 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 the properties were last assessed as they appear in the preliminary assessment roll. The notice shall be given in the manner set out in § 95.28. The notice shall be mailed, delivered, or published not less than ten days before the date of the public hearing. ('71 Code, § 14-22)
(Ord. 227, passed 8-23-72)

## § 95.30 ASSESSMENT TO BECOME PROPERTY LIEN.

(A) The Town Commission shall, pursuant to the notice so published, meet at the time and place specified in the notice and proceed to hear any and all complaints from any person affected by any proposed assessment and shall proceed to correct any and all mistakes or errors then and there appearing on the preliminary assessment roll. On the approval by the Town Commission of the preliminary assessment roll as submitted, or as corrected, it shall be final. The amounts so then and there determined, assessed against the respective properties, shall from the date of the

approval be and constitute a lien against the properties of equal dignity with the town and county taxes; however, the taxes shall not take priority over a recorded lien, mechanic's lien, or statutory lien existing on the effective date of this subchapter, and shall remain a lien against the respective properties until paid.

(B) The assessment roll, as finally approved, shall immediately be set out by the Town Clerk. It shall be a public record and the entry therein of any assessments shall be and constitute a notice to the public of the lien against the land so assessed. No other record of 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 the property.
('71 Code, § 14-23) (Ord. 227, passed 8-23-72)

## § 95.31 INTEREST ON ASSESSMENT LIEN.

The principal amount of all assessment liens levied and assessed under this subchapter shall bear interest at the rate of 10% per year, commencing 30 days after final approval of the assessment roll by the Town Commission. The 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 it is finally assessed, and interest shall be charged only to the date of payment.
('71 Code, § 14-24) (Ord. 227, passed 8-23-72)

## § 95.32 DELINQUENT ASSESSMENT LIEN.

(A) All special assessment liens and accrued interest levied and assessed under the provisions of this subchapter shall be deemed to be delinquent and past due as of the first day of April first occurring 60 days or more after the final assessment and levy of the liens by the Town Commission. If the liens shall not have been paid by that date, the same may be enforced in the manner herein provided. ('71 Code, § 14-25)

(B) The liens created by this subchapter, 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, 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 state law for the enforcement and collection of mechanic's liens. ('71 Code, § 14-26)
(Ord. 227, passed 8-23-72)

Statutory reference:
Mechanic's liens, see F.S.A. § 713.01 et seq.

§ 95.33 RIGHT TO APPEAL LIEN.

For the period of 30 days after the date on which liens entered into the assessment roll have been finally assessed and levied under this subchapter, any person aggrieved shall have the right to contest the legality thereof by suit, action, writ, or special proceeding, after which time, no suit, action, writ, or special proceeding in any manner questioning the legality of the lien shall lie for any cause whatsoever.
('71 Code, § 14-27) (Ord. 227, passed 8-23-72)

§ 95.34 STATUTE OF LIMITATIONS.

The statute of limitations against the enforcement of liens assessed under the authority of this subchapter is 20 years from the date of final assessment and levy thereof. The Town Clerk is directed to note the date of final assessment in the assessment roll where the liens are set out, but his failure to do so shall not affect the validity or priority of the lien.
('71 Code, § 14-28) (Ord. 227, passed 8-23-72)

§ 95.99 PENALTY.

Any person who violates any provision of this chapter for which another penalty is not provided, shall, upon conviction thereof, be punished by a fine of not more than $500 or by imprisonment for not more than 60 days.

# CHAPTER 96: HEALTH AND SANITATION

Section


Maintenance of Premises

96.01 Responsibility of property owner
96.02 Failure to maintain deemed public nuisance; notice to abate
96.03 Correction of violations by town
96.04 Mosquito breeding sites

Overgrowth of Vegetation

96.10 Policy
96.11 Accumulation of brush prohibited
96.12 Duty to keep premises cleared
96.13 Failure to clear deemed public nuisance; notice to abate
96.14 Abatement by town; cost

Registration of Certain Employees

96.20 Applicability of requirement
96.21 Registration, fingerprinting, and photographing
96.22 Identification cards
96.23 Fee

Food and Drink Establishments

96.30 Definitions
96.31 Permit required; inspection and fee
96.32 Permits nontransferable
96.33 Construction or alteration of premises
96.34 Training requirements for management
96.35 Work card for all employees
96.36 Inspections; violations
96.37 Authority to close establishments
96.38 Enforcement

Pollution Control

96.45 Policy
96.46 Prohibited acts; exceptions

96.99 Penalty


Cross-reference:
Garbage, rubbish, and junk, see Ch. 95
Sanitary regulations for boats, see § 93.16

Statutory reference:
Health and Sanitation, see F.S.A. Chs. 381 through 406
Supervision and regulation of municipal sanitation by State Division of Health; enforcement of state sanitary code by local officials, see F.S.A. § 381.311

## MAINTENANCE OF PREMISES

### § 96.01 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 40 feet of any dwelling, house, or place of business is required to keep the land cleared of all underbrush and debris; weeds or grass in excess of 12 inches in height from the ground; noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes and vermin of all kinds and character; or noxious material 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.
('71 Code, § 10-8) (Ord. 193, passed 3-3-71) Penalty, see § 96.99

Cross-reference:
Collections of water or debris creating breeding places for mosquitoes declared nuisance, see § 96.04

### § 96.02 FAILURE TO MAINTAIN DEEMED PUBLIC NUISANCE; NOTICE TO ABATE.

(A) That portion of every lot or parcel of land lying within 40 feet of any dwelling, house, or place of business on which are located underbrush and debris, or weeds or grass in excess of 12 inches in height from the ground, or noxious material of any kind which tends to be a breeding place for mosquitoes, 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 and is prohibited. ('71 Code, § 10-9)

(B) If the Town Manager, or any other town official or agent designated by resolution by the Town Commission, finds any of the conditions described in division (A) above to exist on any land within the incorporated areas of the town, the Town Manager shall give written notice to the owner of record of the land by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the letter. Upon the failure of the property owner to comply within the time prescribed, the Town Manager shall notify the Town Commission of the existence of the condition.
('71 Code, § 10-10)
(Ord. 193, passed 3-3-71) Penalty, see § 96.99

Cross-reference:
Abatement procedure for collections of water or debris creating mosquito breeding places, see § 96.04

§ 96.03 CORRECTION OF VIOLATIONS BY TOWN.

(A) Upon receipt by the Town Commission of notification from the Town Manager of the existence of conditions described in § 96.02 (A), the Commission shall, by resolution, direct the clearing of the land and assess a lien on behalf of the town against the land for the costs herein described. A certified copy of the 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 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 the objections.

(B) Upon determining the invalidity of all objections, or failure to file objection within 20 days, a notice of lien in the form that 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 situated and recorded as other liens are recorded, and in the office of the Town Clerk. The costs of the lot clearing, cleaning, or removing of debris, and the necessary expenses for preparation of the assessment lien, filing, and recording the lien and legal expenses, if any, incident thereto shall be assessed against the land and shall be collected by the Finance Director on November 1 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 situated.
('71 Code, § 10-11) (Ord. 193, passed 3-3-71)

§ 96.04 MOSQUITO BREEDING SITES.

(A) 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 the water or debris is hereby declared to be a public nuisance. ('71 Code, § 11-8)

(B) Water in which live mosquito larvae are found shall be prima facie evidence of a violation of division (A) above. ('71 Code, § 11-9)

(C) Responsibility for the enforcement of the provisions of division (A) above within the boundaries of the town is hereby vested in the Town Manager. The Town Manager may request the assistance of and act through the Mosquito Control Commission. ('71 Code, § 11-10)

(D) When any person has been found guilty of a violation of division (A) above and the violation continues for a period of five days after the conviction, the Town Manager may alleviate and cure the condition causing the nuisance and the cost thereof shall be a

lien on the property, enforceable in the same manner as tax liens in the town are enforceable. ('71 Code, § 11-11)
Penalty, see § 96.99

Cross-reference:
Abatement procedure, see §§ 96.02 and 96.03
Accumulation of noxious materials and the like, which tends to become breeding place for mosquitoes prohibited, see § 96.01

Statutory reference:
Mosquito control, see F.S.A. Ch. 388

## OVERGROWTH OF VEGETATION

### § 96.10 POLICY.

The Town Commissioners find and declare that there is a general need in the town for the measures provided by this subchapter and that this subchapter in enacted in the exercise of the police power for the protection of the health, safety, and welfare of the people of the town.
('71 Code, § 10-12) (Ord. 213, passed 2-16-72)

### § 96.11 ACCUMULATION OF BRUSH PROHIBITED.

(A) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

"BRUSH." All vegetation detached from the land resulting from land-clearing operations or other causes.
('71 Code, § 10-1) (Ord. 139, passed 7-9-68)

(B) All accumulations of brush shall be removed or otherwise effaced from the public view within ten 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. ('71 Code, § 10-6) (Ord. 77-15, passed 6-15-77)
(Ord. 129, passed 8-8-67) Penalty, see § 96.99

### § 96.12 DUTY TO KEEP PREMISES CLEARED.

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 the land cleared of all overgrowth of trees and shrubs which interfere with vehicular traffic or boat navigation, create a hazard to vehicular traffic or boat navigation and endanger the lives and property of the citizens

of the town, or which tend to create a nuisance or other unsightly condition.
('71 Code, § 10-13) (Ord. 213, passed 2-16-72) Penalty, see § 96.99

Cross-reference:
Tree trimming, see § 98.04
Trimming or removal of plant life important to shore line ecology, see § 98.05

## § 96.13 FAILURE TO CLEAR DEEMED PUBLIC NUISANCE; NOTICE TO ABATE.

(A) 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. ('71 Code, § 10-14)

(B) 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 division (A) above to exist on any land within the incorporated areas of the town, the Town Manager shall give written notice to the owner of record of the land by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying the owner of the condition and demanding that the condition be abated within seven days from the date of receipt of the letter. Upon the failure of the property owner to comply within the time prescribed, the Town Manager shall notify the Town Commission of the existence of the condition. ('71 Code, § 10-15)
(Ord. 213, passed 2-16-72) Penalty, see § 96.99

## § 96.14 ABATEMENT BY TOWN; COST.

(A) Upon receipt by the Town Commission of notification from the Town Manager of the existence of conditions described in § 96.13 (A), the Commission shall, by resolution, direct the clearing of the trees and shrubs and assess a lien on behalf of the town against the land for the costs herein described. A certified copy of the 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 20 days from receipt of the resolution to file written objections as to the reasonableness of the assessed costs with the Town Commission.

(B) Thereafter the Commission shall hear and determine the validity of the objections. Upon determining the invalidity of all objections, or failure to file objection within 20 days, a notice of lien in a form the Commission shall determine shall be filed in the office of the Clerk of the Circuit Court in which the lot or parcel of land is situated and recorded as other liens are recorded, and in the office of the Town Clerk. The costs of the lot clearing,

removing of the trees and shrubs, and the necessary expenses for preparation of the assessment lien, filing and recording the lien, and legal expenses, if any, incident thereto, shall be assessed against the land and shall be collected by the Finance Director on November 1 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 situated.
('71 Code, § 10-16) (Ord. 213, passed 2-16-72)

## REGISTRATION OF CERTAIN EMPLOYEES

### § 96.20 APPLICABILITY OF REQUIREMENT.

This subchapter 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, bathhouses; to every person engaged for the purpose of doing ground or yard maintenance and disposal service personnel; and to every person engaged in selling or installing burglar alarms, fire alarms, or smoke alarms. This subchapter shall also apply to the operators of any nightclub, establishment or place of business storing or selling liquor, beer, or wine, and if the operator is a firm, partnership, or body corporate, then this subchapter shall apply to the members of the firm or partnership and the officers of the body corporate.
('71 Code, § 11-12) (Ord. 75-10, passed 7-9-75)

### § 96.21 REGISTRATION, FINGERPRINTING, AND PHOTOGRAPHING.

(A) Every person mentioned in § 96.20 shall register within 24 hours from the time of their employment in a book of registration to be kept by the Chief of Police. ('71 Code, § 11-13)

(B) Every person required to be registered under division (A) above shall also be fingerprinted and photographed at the time of registering by the Police Department. ('71 Code, § 11-14)
Penalty, see § 96.99

### § 96.22 IDENTIFICATION CARDS.

Identification cards shall be issued to each person registering under the provisions of this subchapter. This identification card shall be renewed by the holder thereof every 12 months thereafter by registration as required by this subchapter.
('71 Code, § 11-15) Penalty, see § 96.99

### § 96.23 FEE.

For the purpose of defraying the expenses of enforcement of this

subchapter, a fee of $2 shall be paid for each identification card or renewal thereof issued under the provisions of this subchapter.
('71 Code, § 11-16) (Ord. 75-8, passed 6-4-75)

## FOOD AND DRINK ESTABLISHMENTS

### § 96.30 DEFINITIONS.

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

"DIRECTOR." 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.

"HEALTH DEPARTMENT." The Sarasota County Health Department in Sarasota County and the Manatee County Health Department in Manatee County.

"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.
('71 Code, § 11-27) (Ord. 74-8, passed 4-17-74)

### § 96.31 PERMIT REQUIRED; INSPECTION AND FEE.

No person, firm, or corporation shall operate a food or drink establishment within the town without first obtaining and maintaining a valid permit or written approval from the Health Department. The permit shall be issued only after inspection of the premises of the establishment by the Director has revealed compliance with minimum requirements established by applicable law, and the payment of any fees as may be authorized and required by the Director. The permits shall expire on September 30 of each year.
('71 Code, § 11-28) (Ord. 74-8, passed 4-17-74) Penalty, see § 96.99

### § 96.32 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.
('71 Code, § 11-29) (Ord. 74-8, passed 4-17-74) Penalty, see § 96.99

### § 96.33 CONSTRUCTION OR ALTERATION OF PREMISES.

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 the establishment showing existing and proposed facilities has received written approval by the Health Department.
('71 Code, § 11-30) (Ord. 74-8, passed 4-17-74) Penalty, see § 96.99

## § 96.34 TRAINING REQUIREMENTS FOR MANAGEMENT.

(A) 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 foodborne 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.

(B) The Health Department shall administer a written examination following the completion of the course, and if the trainee successfully passes the written examination, the Director shall issue to the trainee a food handler's training card, which shall be valid for a two-year period. Compliance with this section shall be mandatory, commencing one year from the effective date of this subchapter. 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.
('71 Code, § 11-31) (Ord. 74-8, passed 4-17-74) Penalty, see § 96.99

## § 96.35 WORK CARD FOR ALL EMPLOYEES.

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 year from the date of issuance, and each employee shall obtain a new food handler's work card annually thereafter.
('71 Code, § 11-32) (Ord. 74-8, passed 4-17-74) Penalty, see § 96.99

## § 96.36 INSPECTIONS; VIOLATIONS.

The Health Department shall inspect all food and drink establishments within the town, and if a violation of any provision of this subchapter is determined to exist, the Director shall give the operator of the food or drink establishment a reasonable time following the receipt of written notice thereof within which to correct the violation. Should the violation 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 the food or drink establishment, at the street address of the establishment.
('71 Code, § 11-34) (Ord. 74-8, passed 4-17-74)

**§ 96.37 AUTHORITY TO CLOSE ESTABLISHMENTS.**

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 until the dangerous condition has been removed, and the establishment fully complies with all of the provisions of this subchapter.
('71 Code, § 11-35) (Ord. 74-8, passed 4-17-74)

**§ 96.38 ENFORCEMENT.**

It shall be the responsibility of the Director to enforce the provisions of this subchapter within the town.
('71 Code, § 11-33) (Ord. 74-8, passed 4-17-74)

## POLLUTION CONTROL

**§ 96.45 POLICY.**

(A) F.S.A. § 403.182 authorizes each municipality to administer and establish local pollution control programs in compliance with F.S.A. Ch. 403, and provides among other things that the local pollution control programs must provide by ordinance requirements compatible with or stricter than those imposed by F.S.A. Ch. 403, and the regulations issued thereunder.

(B) Florida Laws, Special Acts of 1971, Ch. 71-913 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 the county adopting the code.

(C) It is declared to be the public policy of the town and the purpose of this subchapter to achieve and maintain the levels of air quality that will protect human health and safety, to the greatest degree practicable prevent injury to plant and animal life, foster and protect the comfort and convenience of the people, promote the economic and social development of the community, and facilitate the enjoyment of the natural attributes of this community.
('71 Code, § 17A-1) (Ord. 73-1, passed 1-10-73)

**§ 96.46 PROHIBITED ACTS; EXCEPTIONS.**

No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

(A) Open fires for the cooking of food for human consumption on other than commercial premises.

(B) Fires to abate a fire hazard, providing the hazard is so declared by the Fire Department.

(C) Fires for the 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.
('71 Code, § 17A-2) (Ord. 73-1, passed 1-10-73) Penalty, see § 96.99

Cross-reference:
Burning of garbage and refuse, see § 95.18
Fire prevention, see Ch. 94

## § 96.99 PENALTY.

(A) Any person, firm, company, corporation, or association, or the managing agent of any person, firm, company, corporation, or association who violates any provision of this chapter for which another penalty is not provided, shall upon conviction thereof, be fined in a sum of not more than $500, or shall be imprisoned for not more than 60 days, with each day of the violation constituting a separate offense.

(B) Any person, firm, company, corporation, or association, or the managing agent of any person, firm, company, corporation, or association who violates § 96.12 shall, upon conviction thereof, be fined in a sum of not more than $100 or shall be imprisoned for not more than ten days, with each day of the violation constituting a separate offense. ('71 Code, § 10-13) (Ord. 213, passed 2-16-72)

# CHAPTER 97: STREETS AND SIDEWALKS

Section


Construction and Improvements

97.01 Drainage culvert construction permit; fee
97.02 Removal of illegally-constructed culverts
97.03 Inspection of improvements; fee

Closing Streets

97.10 Motion of Town Commission; petition of interested party
97.11 Public hearing
97.12 Ordinance to be recorded
97.13 Deposits to cover expenses


## CONSTRUCTION AND IMPROVEMENTS

### § 97.01 DRAINAGE CULVERT CONSTRUCTION PERMIT; FEE.

(A) 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 the culvert. ('71 Code, § 19-1)

(B) Application for a permit under division (A) above shall be made to the Town Manager, shall be in a form acceptable to the Town Manager, and shall be in conformity with the town's master plan for drainage facilities. ('71 Code, § 19-2)

(C) An application fee of $10 shall accompany an application under division (B) above, to partially offset the processing and inspection costs. ('71 Code, § 19-3)

### § 97.02 REMOVAL OF ILLEGALLY-CONSTRUCTED CULVERTS.

Any noncompliance with § 97.01 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 30 days of the order.
('71 Code, § 19-4)

### § 97.03 INSPECTION OF IMPROVEMENTS; FEE.

(A) "IMPROVEMENTS" shall include 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, plus 10%. However, the inspection fee shall not be less than $15 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.
('71 Code, § 19-4.1) (Ord. 76-25, passed 7-21-76)

Cross-reference:
Inspection costs relative to drainage culvert construction permit, see § 97.01 (C)
Inspection fees for users of the waste water system, see § 51.21 (B)
Inspections relative to construction of water distribution systems, see § 53.12
Inspections relative to tree removal, see § 98.03

## CLOSING STREETS

### § 97.10 MOTION OF TOWN COMMISSION; PETITION OF INTERESTED PARTY.

(A) The Town Commission may on its own motion, or on the petition of an interested party, close and discontinue any street within the town. ('71 Code, § 19-5)

(B) Any interested party may sign and file with the Town Clerk a petition praying for the closing and discontinuing of any street located within the town. The petition shall state the interest of petitioner, fully and legally describe the road sought to be closed and discontinued, and shall set forth the names of all abutting property owners, the legal description of each individual parcel, and the owner thereof abutting on the street. The petition shall state fully petitioner's reasons for desiring the road to be closed and discontinued. The facts set forth in the petition shall be sworn to by the petitioner. ('71 Code, § 19-6)

### § 97.11 PUBLIC HEARING.

On petition being filed as provided in §97.10(B), or by action of the Town Commission acting on its own motion, the Commission may, in its absolute discretion by ordinance, close and discontinue the street if the Commission finds that the street has not been used as a street; a prior use has been abandoned; the street is of no benefit to the town and the public; or that the closing and discontinuing of the street is in the best interest of the public.

### § 97.12 ORDINANCE TO BE RECORDED.

Upon the adoption of any ordinance closing and vacating and discontinuing any street, a copy of the ordinance, 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 the street is located.

## § 97.13 DEPOSITS TO COVER EXPENSES.

Accompanying each petition filed, as provided in this subchapter, shall be a deposit of $ 35 to pay expenses including publication and recording connected with action on the petition.

# CHAPTER 98: TREES

Section

98.01 Tree defined
98.02 Application to remove tree required; exception
98.03 Investigation of application; fee
98.04 Tree trimming
98.05 Mangroves, plant life important to shoreline ecology
98.06 Petition for review

98.99 Penalty

## § 98.01 TREE DEFINED.

"TREE." Any self-supporting woody plant having a diameter of four inches or more measured four and one-half feet above ground level in the environs of the town and which provides shade or is capable of providing shade at maturity.
('71 Code, § 17C-19) (Ord. 74-21, passed 7-24-74; Am. Ord. 76-21, passed 12-1-76)

## § 98.02 APPLICATION TO REMOVE TREE REQUIRED; EXCEPTION.

(A) It shall be unlawful for any person, corporation, or agent to remove any tree as defined in § 98.01 until a request has been submitted to the Town Manager 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 in § 98.01, which shall be identified as to type and species.

(3) The designation of all trees which are to be removed.

(4) A statement as to why the 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.
('71 Code, § 17C-16)

(B) Any tree, other than an oak tree and other than mangroves as provided for in § 98.05 located on a parcel of improved single-family residential land, provided the tree is located on the premises of an individual resident owner, and further provided the 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 division (A). ('71 Code, § 17C-20) (Ord. 76-21, passed 12-1-76)
(Ord. 74-21, passed 7-24-74) Penalty, see § 98.99

Cross-reference:
Removal of mangroves, other plants important to shoreline ecology, see § 98.05

## § 98.03 INVESTIGATION OF APPLICTION; FEE.

(A) After an application for removal of trees has been filed, the application shall be checked by the Planning and Zoning Official who will review and consider what effects the removal of the trees will have upon the drainage, topography, and the natural resources of the affected area prior to granting or denying the application. Based upon a review of these factors, the application shall be approved or denied. ('71 Code, § 17C-17)

(B) Application for tree removal permits filed with the Town Manager shall be accompanied by a fee of $5. These fees are necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement of this subchapter. ('71 Code, § 17C-18)
(Ord. 74-21, passed 7-24-74)

## § 98.04 TREE TRIMMING.

Subject to the provisions of § 96.12 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 a tree as to cause mutilation of the tree or to trim more than 50% of the leaves, limbs, and foliage of the tree existing or which would exist if the tree were not disturbed or previously trimmed during or after the same growing season.
('71 Code, § 17C-20) (Ord. 74-21, passed 7-24-74; Am. Ord. 76-21, passed 12-1-76) Penalty, see § 98.99

Cross-reference:
Trimming mangroves, other plants important to shoreline ecology, see § 98.05

## § 98.05 MANGROVES, PLANT LIFE IMPORTANT TO SHORELINE ECOLOGY.

Subject to the provisions of § 96.12 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 to remove or mutilate mangroves of all species or other plant life important to shoreline ecology, except for trimming as permitted in § 98.04, within a distance of four feet upland of the mean high waterline without first applying for and obtaining a permit to do so from the Town Manager setting forth the extent of the permissible operation.
('71 Code, § 17C-20) (Ord. 74-21, passed 7-24-74; Am. Ord. 76-21, passed 12-1-76) Penalty, see § 98.99

## § 98.06 PETITION FOR REVIEW.

Any person, corporation, or agent who feels aggrieved by the strict enforcement of this chapter by any administrative official may file, within five days after the aggrievement, a petition to have his case reviewed and acted upon by the Town Commission, whose decisions on all matters shall be final.
('71 Code, § 17C-20) (Ord. 74-21, passed 7-24-74; Am. Ord. 76-21, passed 12-1-76)

## § 98.99 PENALTY.

Any person found guilty of violating any provisions of this chapter, or any order issued pursuant thereto, shall upon conviction thereof be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding 60 days, with each day the violation continues constituting a separate offense.
('71 Code, § 17C-21) (Ord. 74-21, passed 7-24-74)

# TITLE XI: BUSINESS REGULATIONS

Chapter

110. ALCOHOLIC BEVERAGES

111. LICENSES AND PERMITS

112. PEDDLERS AND SOLICITORS

# CHAPTER 110: ALCOHOLIC BEVERAGES

Section

110.01 Hours of sale

## § 110.01 HOURS OF SALE.

(A) 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 for the sale of alcoholic or intoxicating beverages, except between and during the following hours.

(1) 7:00 a.m. on Monday to 2:00 a.m. on Tuesday.

(2) 7:00 a.m. on Tuesday to 2:00 a.m. on Wednesday.

(3) 7:00 a.m. on Wednesday to 2:00 a.m. on Thursday.

(4) 7:00 a.m. on Thursday to 2:00 a.m. on Friday.

(5) 7:00 a.m. on Friday to 2:00 a.m. on Saturday.

(6) 7:00 a.m. on Saturday to 2:00 a.m. on Sunday.

(7) 12:00 noon on Sunday to 2:00 a.m. on Monday; however, beer. ale, and wine may be sold or served from 7:00 a.m. on Sunday to 2:00 a.m. on Monday.

(8) 7:00 a.m. on December 31 of any year, unless the day falls on a Sunday, in which case the hours shall be from the hour set forth in division (7) to 4:00 a.m. of January 1 of any year.

(B) It shall be unlawful to keep open for business, admit the public, allow the public to remain, or permit the consumption of alcoholic or intoxicating beverages in or on the premises in which alcoholic or intoxicating beverages are sold at retail during the hours within which the sale of these alcoholic or intoxicating beverages are prohibited. However, in case these establishments are open for business during these 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 these hours.
('71 Code, § 3-3) (Ord. 75-6, passed 6-4-75) Penalty, see § 10.99

Statutory reference:
Hours of sale, authority of town to regulate, see F.S.A. §§ 562.14, 562.45

# CHAPTER 111: LICENSES AND PERMITS

Section


Occupational Licenses

111.01 License tax
111.02 Separate license for each location
111.03 Application
111.04 Display
111.05 Building trades
111.06 Collection of license tax; delinquent taxes
111.07 Tax schedule

Permits

111.15 When permit required; term
111.16 Application
111.17 Qualifications for permit

111.99 Penalty


Cross-reference:
Cost of giving notice for permit applications, see § 35.01

## OCCUPATIONAL LICENSES

### § 111.01 LICENSE TAX.

(A) A license tax is levied on, and shall be collected from, every individual, partnership, or corporation exercising the privilege of carrying on or engaging in the businesses or occupations specifically enumerated in this subchapter, and maintaining a permanent business location or branch office within the town. Each of the amounts set forth in § 111.07, unless otherwise specifically stated, will be the amount payable annually as a license tax for exercising this privilege. It shall be unlawful for any individual, partnership, or corporation to carry on or engage in any business or occupation described and designated in this subchapter, while maintaining a permanent business location or branch office within the town, without having complied with the terms of this subchapter and paid the license taxes. ('71 Code, § 12-1) (Ord. 228, passed 9-27-72)

(B) License taxes imposed and collected by this subchapter shall not be construed to exempt from other forms of taxation the property used in the licensed business or occupation. ('71 Code, § 12-9)

Cross-reference:
Alcoholic beverages tax, see § 110.01

### § 111.02 SEPARATE LICENSE FOR EACH LOCATION.

For any person operating any of the businesses provided for in

this subchapter at more than one location in the town, each location shall be considered a separate business and a separate license therefor shall be required.
('71 Code, § 12-2)

§ 111.03 APPLICATION.

(A) Each person required to pay a license tax as provided in this subchapter shall make an application for a 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. ('71 Code, § 12-3)

(B) The application referred to in division (A) above shall, among other things, contain the following information. Where an 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 the trade or fictitious name. In the event that the 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 the corporation, the application shall contain the name and principal place of business of the corporation.
('71 Code, § 12-4)

§ 111.04 DISPLAY.

The person possessing an occupational license issued pursuant to the terms of this subchapter, shall publicly display the license in the office or place of business of this person which is located within the town.
('71 Code, § 12-3)

§ 111.05 BUILDING TRADES.

Any person seeking an occupational license in any of the building trades will submit evidence of competency. This evidence may be a license issued by any county or municipality in the state, and shall be effective at the time an application is made to the town.
('71 Code § 12-6)

§ 111.06 COLLECTION OF LICENSE TAX; DELINQUENT TAXES.

(A) All license taxes required by this subchapter shall be collected by the Finance Director and shall be due and payable the first day of October of each year; however, any business which shall begin within six months of the due date for the tax herein provided for, may secure a license for one-half of the amount provided. ('71 Code, § 12-7) (Ord. 228, passed 9-27-72)

(B) Those licenses not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of 10% for the month of October, plus an additional 5% penalty for each month of delinquency thereafter until paid. However, the total delinquency

shall not exceed 25% of the occupational license fee for the delinquent establishment. The Finance Director shall collect the penalty provided for in this section for the delinquent license taxes. ('71 Code, § 12-8)

§ 111.07 TAX SCHEDULE.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "CONTRACTOR." Any individual, partnership, or corporation engaged in the building industry as a general contractor, plumber, electrician, mason, or other 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.

(2) "SUBCONTRACTOR." 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 the work for a contractor.

(B) 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.

| | |
|---|---|
| (1) Contractors | $40 |
| (2) Subcontractors | 20 |

('71 Code, § 12-5) (Ord. 228, passed 9-27-72)

## PERMITS

§ 111.15 WHEN PERMIT REQUIRED; TERM.

A permit is required from 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 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. The permit shall be for the privilege of engaging in or managing any profession or occupation mentioned, for an annual period beginning October 1 of each year and ending September 30 of the following year.
('71 Code, § 12-10) (Ord. 76-12, passed 5-19-76)

Cross-reference:
Peddlers' permit, see § 112.02

## § 111.16 APPLICATION.

Each person required to obtain a permit as provided in this subchapter shall make an application to the town, giving in the application all the information necessary for the proper determination of the owner or operator of the business, occupation, or profession, including but not limited to trade or fictitious names; and name, address, and residence of any person owning any interest in the business, profession, or occupation to be conducted under the trade or fictitious name. In the event the business, profession or occupation is owned by a corporation, the name of the corporation and its principal place of business shall be furnished.
('71 Code, § 12-10) (Ord. 76-12, passed 5-19-76) Penalty, see § 111.99

## § 111.17 QUALIFICATIONS FOR PERMIT.

Where any occupation, business, or profession is regulated by the laws of the United States, the state of Florida, Manatee or Sarasota Counties, or ordinances of the town, the business. occupation, or profession shall, as a prerequisite for a permit, present all necessary credentials to the town to establish that the applicant is qualified by law to conduct, operate, or practice the business, occupation, or profession.
('71 Code, § 12-10) (Ord. 76-12, passed 5-19-76) Penalty, see § 111.99

## § 111.99 PENALTY.

It shall be unlawful for any person to carry on any business, occupation, or profession described in § 111.15 without having first obtained the permit provided for in that section. Any person engaging in or managing any business, occupation, or profession without first having obtained a permit as required under §§ 111.15 through 111.17 shall be subject to a fine in a sum of not more than $500 or shall be imprisoned for no more than 60 days with each day of the violation constituting a separate offense.
('71 Code, § 12-10) (Ord. 76-12, passed 5-19-76)

# CHAPTER 112: PEDDLERS AND SOLICITORS

Section

112.01 Peddler defined
112.02 Permit required; exception
112.03 Application; fee
112.04 Display of permit; term
112.05 Denial of application
112.06 Notice that permit required

Cross-reference:
Cost of giving notice for permit applications, see § 35.01

## § 112.01 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 salespersons, 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 that regular place of business personally or through their agent offer for sale or sell and at the time of the offering for sale, deliver goods, wares, and merchandise, shall also be defined as a "peddler."
('71 Code, § 15-1) (Ord. 138, passed 5-28-68)

## § 112.02 PERMIT REQUIRED; EXCEPTION.

(A) Soliciting orders by peddlers within the town for the sale, selling, or exhibiting of goods, wares, merchandise, or magazines, or disposing of or peddling these items without first obtaining a permit is declared a nuisance and punishable unless the provisions of this chapter are complied with. ('71 Code, § 15-3)

(B) Any person licensed as a peddler shall endorse his name on the permit and the permit shall not be transferable. The permit shall confer authority to sell at any house or place within the town. ('71 Code, § 15-5)

(C) 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 chapter 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. ('71 Code, § 15-2)
(Ord. 138, passed 5-28-68) Penalty see § 10.99

## § 112.03 APPLICATION; FEE.

(A) Any person defined as a peddler desiring to engage in solicitation shall first make application for a permit with the Police Department before peddling within the town limits. For the privilege of peddling in this town, there shall be paid a nonrefundable levy of $25 payable at the time of making the application. Applications shall be on a form prescribed by the Town Manager. The Police Department shall make an investigation of all applications for a peddler's permit and shall report its findings and recommendations, if any, to the Town Commission, who shall either approve or deny the application.
('71 Code, § 15-4) (Ord. 77-6, passed 4-6-77)

(B) In addition, every person defined as a peddler and applying for a permit as described in (A) above, shall be fingerprinted and photographed by the Police Department at the time of application for the permit. Identification cards will be issued to each person, along with the permit.
Penalty, see § 10.99

## § 112.04 DISPLAY OF PERMIT; TERM.

(A) 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. On his failure or refusal to do so he shall be subject to the penalties for peddling without a permit.
('71 Code, § 15-6)

(B) The permit shall be effective for one year from date of issue unless revoked for cause, and no permit fee shall be prorated. ('71 Code, § 15-4) (Ord. 77-6, passed 4-6-77)
(Ord. 138, passed 5-28-68) Penalty, see § 10.99

## § 112.05 DENIAL OF APPLICATION.

Any person may be denied permission to peddle either on the public streets or on private premises by the Police Department in exercise of its reasonable judgment and police powers.
('71 Code, § 15-7) (Ord. 138, passed 5-28-68)

## § 112.06 NOTICE THAT PERMIT REQUIRED.

Appropriate notices shall be posted at the north and south entrances to the town along State Road 789 which shall adequately give peddlers notice that permits are required.
('71 Code, § 15-8) (Ord. 138, passed 5-28-68)

# TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

# CHAPTER 130: GENERAL OFFENSES

Section

130.01 State misdemeanors
130.02 Loud and unnecessary noise
130.03 Annoying spotlights or floodlights
130.04 Firearms and weapons
130.05 Nudity in establishments selling alcoholic beverages
130.06 Impersonating law enforcement officers

## § 130.01 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 act of this kind in the town shall be considered a violation of the laws of the town.
('71 Code, § 14-1) (Ord. 170, passed 4-1-70) Penalty, see § 10.99

Case reference:
Orr v. Quigg, 135 Fla. 653, 185 So. 726
State v. Smith, 189 So. 2d 846

## § 130.02 LOUD AND UNNECESSARY NOISE.

(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. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section. This enumeration shall not be deemed to be exclusive.

(1) Exhausts. The discharge into the open air of the exhaust of any internal-combustion engine of any type, motorboat, or motor vehicle, whether situated on the land or the water of the town, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited.

(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, is prohibited.

(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 a manner so 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 the machine or device is operated and who are voluntary listeners thereto is prohibited. The operation of

any set, instrument, phonograph, machine, or device in a manner so as to be plainly audible at a distance of 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 is prohibited.

(5) Construction or repair of buildings. The erection, including excavation, demolition, alteration, or repair of any building within any area, other than between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Saturday inclusive is prohibited.

(6) Hydraulic suction dredges, pneumatic hammers, pile drivers, derricks, draglines, and hoists. The operation between the hours of 5:00 p.m. and 8:00 a.m. Monday through Friday and all day on Saturday and Sunday of any hydraulic suction dredge, pneumatic hammer, pile driver, derrick, dragline, hoist, pump, bulldozer, earth-moving equipment, chain saw, air hammer, and any other type of heavy equipment, 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 is prohibited. In the case of urgent necessity where the interest of public health and safety so requires, and then only with a permit from the Public Works Director of the town, any of the aforesaid activities may be performed during a period not to exceed three days while the emergency continues.

(B) The Town Commission may, by special permit, authorize parades, dredging operations, the operation of pneumatic hammers, pile drivers, derricks, draglines, steam or electric hoists, or other appliances at any time other than as provided in division (A)(6) above upon the application to it and showing by the applicant to the satisfaction of the Town Commission that these 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.
('71 Code, § 14-2) (Ord. 194, passed 4-21-71; Am. Ord. 77-11, passed 5-18-77; Am. Ord. 78-17, passed 11-15-78, Am. Ord. 78-22, passed 12-20-78) Penalty, see § 10.99

## § 130.03 ANNOYING SPOTLIGHTS OR FLOODLIGHTS.

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 these adjoining premises.
('71 Code, § 14-4) (Ord. 76-24, passed 7-21-76) Penalty, see § 10.99

## § 130.04 FIREARMS AND WEAPONS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"FIREARM." Any weapon or any destructive device which will, is designed to, or may readily be converted to expel a projectile. This term shall include without limitation any pistol, rifle, shotgun, BB gun, air gun, or gas-operated gun, and any explosive, incendiary or poison gas bomb, grenade, mine, rocket, missile, or similar device.

"WEAPON." Any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical device, or any other deadly device except a "firearm" or common pocketknife.

(B) 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.

(C) No person within the town shall carry, transport, or have concealed upon him any firearm or weapon. Exceptions from the provisions of this division are 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.

(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.

(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 these members are at or going to or from their collector's 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 such a person while engaged in the lawful course of the 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, place of business, or to a place of repair, or back to his home or place of business.

(D) All firearms or weapons found on any person arrested hereunder shall be removed from the person and retained by the Police Department until after the trial of the person. If the person is convicted, the firearms or weapons shall be forfeited and the Chief of Police shall destroy or sell them at public sale and account for and pay over the proceeds thereof as in the case of fines collected. If the person is acquitted, the firearms or weapons shall be returned to him upon claiming them. Any firearm or weapon not claimed by its lawful owner within 90 days after a legal verdict of acquittal or nol prosse, shall be forfeited and destroyed or sold at public sale.
('71 Code, § 14-5) (Ord. 76-13, passed 6-2-76) Penalty, see § 10.99

## § 130.05 NUDITY IN ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

(A) This section is adopted pursuant to Article VIII, Section 2(b) under the State Constitution and F.S. § 166.021.

(B) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the town at which alcoholic beverages are offered for sale for consumption on the premises to do the following.

(1) Suffer or permit any female person, while on the premises of the commercial establishment, to expose to the public view that area of the human female breast at or below the areola thereof.

(2) Suffer or permit any female person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or to simulate those portions of the human female breast as described in division (1).

(3) Suffer or permit any person, while on the premises of the commercial establishment to expose to public view his genitals, pubic area, buttocks, anus, or anal cleft or cleavage.

(4) Suffer or permit any person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or to simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.

(C) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the town at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof or to employ any device or covering which is intended to give the appearance of or to simulate the areas of the female breast as described herein.

(D) It shall be unlawful for any person, while on the premises of a commercial establishment located within the town at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or to simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.
(Ord. 80-10, passed 12-10-80) Penalty, see § 10.99

## § 130.06 IMPERSONATING LAW ENFORCEMENT OFFICERS.

(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 to do the following.

(1) 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 such a 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.

(2) Wear, in the town, any other uniform or badge, or other police equipment which causes the person to resemble a police officer of the town or any other police or enforcement agency.

(3) 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 any other police or law enforcement agency.

(4) 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 provisions of division (A) shall not be construed to prevent persons specifically authorized by the laws of the United States, the state, or any municipality or governmental subdivision of the state, to wear a prescribed uniform similar but not identical to the prescribed uniform of the members of the Police Department of the town while any of these persons are in the 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 the person so employed is upon the private property and while this person is going to and from his residence to the private property which is being guarded. However, while on any public streets, sidewalks, rights-of-way, or public property located within the town, this person shall not display a badge and shall take all necessary precautions that his person does not, by use of the uniform or otherwise, resemble any police officer of the town or that of any police or law enforcement agency.

(D) The provisions of division (A) (3) above relating to use of sirens and blinker lights shall not be construed to apply to any emergency vehicles so designated by law or ordinance of this town, and shall not be applicable to ambulances.
('71 Code, § 17-6) Penalty, see § 10.99

# TITLE XV: LAND DEVELOPMENT CODE

Chapter

150. BUILDINGS

151. COASTAL CONSTRUCTION

152. DREDGING AND FILLING

153. ELECTRICITY

154. FLOOD CONTROL

155. PLUMBING CODE

156. SIGNS

157. SUBDIVISION REGULATIONS

158. ZONING CODE
APPENDIX: LAND USE CHARTS AND ILLUSTRATIONS

# CHAPTER 150: BUILDINGS

Section


## General Provisions

150.01 Adoption of Standard Building Code; amendments
150.02 Adoption of Standard Mechanical Code; amendments
150.03 Exemption for government buildings and grounds
150.04 Minimum housing standards
150.05 Construction of bulkheads, seawalls
150.06 Fee schedule

## Administration

150.15 Building Inspector
150.16 Right of entry
150.17 Tests or test reports
150.18 Compliance with plans and specifications
150.19 Bond for multifamily construction
150.20 Utility service to condominiums; required documents
150.21 Notice to stop dangerous or illegal work
150.22 Procedure for dangerous or unsanitary buildings
150.23 Procedure for buildings which are nuisances
150.24 Procedure for conversion of existing structures
150.25 Nonconforming uses
150.26 Civil remedies available

## Certificates and Permits

150.35 Certificate of occupancy
150.36 Temporary certificate of occupancy
150.37 Application for certificates of occupancy
150.38 Building permit required
150.39 Building permit application
150.40 Invalidation of building permit

## Moving of Buildings

150.50 Permit required; fee
150.51 Application for permit
150.52 Liability insurance
150.53 Information required prior to permit issuance
150.54 Approval procedure; costs
150.55 Building code to apply


Cross-reference:
Occupational license for building trades, see § 111.05
Occupational license tax for contractors and subcontractors, see § 111.07

## GENERAL PROVISIONS

### § 150.01 ADOPTION OF STANDARD BUILDING CODE; AMENDMENTS.

(A) Adoption. The Standard Building Code, 1979 Edition (excluding Chapter 1, Administration, but including 105.6 and 106.5 of Chapter 1) 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 conflict with any adopted provision of the Standard Building Code, the provision of this chapter shall prevail. Three or more copies of the code are on file with the Town Clerk, identified as official copies, and shall be kept there available for public use, inspection, and examination. ('71 Code, § 6-1) (Ord. 148, passed 4-16-69; Am. Ord. 76-15, passed 5-19-76; Am. Ord. 79-8, passed 6-6-79; Am. Ord. 81-23, passed 7-1-81)

(B) Amendments.

(1) Secs. 2204.1 - 2204.6. The provisions of sections 2204.1 through 2204.6 of the Standard Building Code adopted in division (A) above are hereby repealed. (Ord. 74-23, passed 8-7-74)

(2) Sec. 2401.4. The Standard Building Code adopted in divison (A) above is amended by adding Section 2401.4 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 stretcher and attendants. The minimum dimensions of said stretcher are as follows: Length, seventy-nine (79) inches; width, twenty-two and one-half (22-1/2) 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. 176, passed 6-17-70; Am. Ord. 73-27, passed 9-26-73)

(3) Sec. 2803. The Standard Building Code adopted in division (A) above is amended by adding section 2803.

"Aluminum Carport Construction:

"(A) Design and Fabrication Generally; Insulation. 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.

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 0.061 feet steel C-beam or

equivalent. Span twenty-one (21) feet, nine and one-quarter 9-1/4) inches."
(Ord. 74-34, passed 12-4-74)

Cross-reference:
Adoption of National Fire Code, see § 94.03

Statutory reference:
Adoption of certain minimum building codes, see F.S.A. §§ 553.70 et seq.

## § 150.02 ADOPTION OF STANDARD MECHANICAL CODE; AMENDMENTS.

There is hereby adopted by reference the "Standard Mechanical Code," 1979 Edition and the "Amendments to the Standard Mechanical Code" by the Southern Building Code Congress, three or more copies of which are on file with the the Town Clerk. These copies shall be identified as official copies and shall be kept available for public use, inspection, and examination. The code is adopted by reference a authorized by F.S.A. § 163.295.
(Ord. 81-22, passed 7-1-81)

## § 150.03 EXEMPTION FOR GOVERNMENT BUILDINGS AND GROUNDS.

The Town Manager may waive, in his discretion, the requirements for licensed contractors and fees for repairs or additions to the town governmental buildings and grounds.
('71 Code, § 6-2.1) (Ord. 76-15, passed 5-19-76; Am. Ord. 81-23, passed 7-1-81)

Cross-reference:
Building permit fees, see § 150.06
Licensing of contractors, see §§ 111.01, 111.05, and 111.07

## § 150.04 MINIMUM HOUSING STANDARDS.

(A) No person shall occupy as owner-occupant or let or sublet to another for occupancy, any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to be used which does not comply with the following requirements.

(1) Sanitary facilities required. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(2) Location of sanitary facilities. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants. The water closet, tub or shower, and lavatory shall be located in a room affording privacy to the user and the room shall have a minimum floor space of 30 square feet.

(3) Hot and cold water supply. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(4) Water heating facilities. Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 120°F. The water heating facilities shall be capable of meeting the requirements of this division when the dwelling or dwelling unit heating facilities required under the provisions of this section are not in operation.

(5) Heating facilities. Every dwelling unit shall have heating facilities which are properly installed, and are maintained in safe and good working conditions.

(6) Cooking and heating equipment. All cooking and heating equipment and facilities shall be installed in accordance with the building or electrical code of the town and shall be maintained in a safe and good working condition.

(7) Garbage disposal facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which shall be approved by the applicable governing body.

(B) However, when the standards of this section are in conflict with other provisions of the code of the town, the other provisions of the code shall prevail.
('71 Code, § 6-18) (Ord. 78-3, passed 4-5-78) Penalty, see § 10.99

## § 150.05 CONSTRUCTION OF BULKHEADS; SEAWALLS.

(A) 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.

(B) 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 50 feet seaward of the mean high waterline. The mean high waterline shall be shown thereon.

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

(4) Proposed finish elevations of the top of the 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, and the like, in complete detail.

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

(C) 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.

(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.

(D) Plans shall be submitted to the town for engineering evaluation prior to the issuance of a construction permit. 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. 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 this section, and upon compliance with §§ 151.01 through 151.07.
('71 Code, § 6-10) (Ord. 181, passed 10-7-70; Am. Ord. 73-25, passed 7-26-73) Penalty, see § 10.99

Cross-reference:
Coastal construction generally, see §§ 151.01 through 151.07

## § 150.06 FEE SCHEDULE.

(A) Schedule; collection and disposition. The Building Inspector shall collect from each applicant for a permit the following fees required in this chapter.

(1) Construction. For each thousand dollars or part thereof of the cost of construction $ 6.00

(2) Moving of buildings or structures. For moving of any building or structure, the fee shall be 10.00

The user's attention is directed to $ 150.00 providing for a $100.00 per day fee for a permit to move buildings over town streets.

(3) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be 12.00

(4) 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 |

(5) 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 | $ 0.02 |
| Ventilation inspections, three-story or higher, per story | 1.00 |
| Commercial boilers | 10.00 |
| Window or wall units | 5.00 |

(B) The Building Inspector shall transmit the collected sum to the Finance Director, who shall deposit the sum to the general account of the town. Any person who has paid or who hereafter pays the town a building permit fee may, upon application and approval of the Town Manager, be entitled to a refund of the portion of the building permit fee determined by the Town Manager to be returned (in excess of the work accomplished by the Building Department to the date the project was abandoned). The refund shall be paid to the original applicant and shall not run with the land.

(C) Waiver for charitable nonprofit corporations. A church or a charitable nonprofit corporation may make a written application to the Town Commission for a waiver of the fees herein provided for. The written application shall be signed by the necessary church officials or officers of the charitable nonprofit corporation and accompanied by the necessary information supporting the request, including a certified copy of the church organization or the charter and bylaws of the nonprofit corporation; and the amount of the fees requested to be waived.
('71 Code, § 6-16) (Ord. 157, passed 10-1-69; Am. Ord. 79-6, passed 5-2-79; Am. Ord. 81-9, passed 3-4-81; Am. Ord. 81-16, passed 4-15-81)

Cross-reference:
Town governmental buildings may be exempt from repair fees, see § 150.03

## ADMINISTRATION

### § 150.15 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.
('71 Code, § 6-3) (Ord. 157, passed 10-1-69)

### § 150.16 RIGHT OF ENTRY.

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.
('71 Code, § 6-4) (Ord. 157, passed 10-1-69)

### § 150.17 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 the test reports or the results of all the tests shall be kept on file by the Building Inspector.
('71 Code, § 6-5) (Ord. 157, passed 10-1-69)

### § 150.18 COMPLIANCE WITH PLANS AND SPECIFICATIONS.

(A) 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. ('71 Code, § 6-6)

(B) 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.
('71 Code, § 6-7) (Ord. 157, passed 10-1-69) Penalty, see § 10.99

## § 150.19 BOND FOR MULTIFAMILY CONSTRUCTION.

(A) Prior to the time an application is made for a building permit for multifamily dwellings to be constructed within the town, the developer shall deliver to the town a secured obligation satisfactory to the Town Commission in the sum of $7,500, plus 1% of the cost of improvements as determined by the amount of the building permit. If the secured obligation to be delivered is a corporate surety bond, the surety company must be licensed to do business in the state and be on the United States Treasury Department's list of approved surety companies. The secured obligation shall guarantee that the site will be promptly restored to, as nearly as possible, its original state if, and in the event, the construction is abandoned and that in default thereof, the amount of the security shall be, on demand, paid over to the town for its use in effecting the restoration, or retained by it as a forfeiture in lieu of the inability to fix damages if the restoration costs would exceed the amount of the security. Construction shall be deemed to have been abandoned if the applicant, or his successors or assigns, so notifies the Town Manager or if work on the premises ceases prior to the completion of the improvement and is not resumed within 30 days of the expiration of the building permit.

(B) In the event the applicant, his successors, or assigns fail to restore the site prior to abandonment, the town shall notify the applicant and his surety, guarantor, or security agent, as the case may be, by certified mail, addressed to the last address furnished by the parties to the town demanding performance or the deposit of the guarantee sum. Not later than ten days after the posting by the town of the notice, the applicant or his surety, guarantor, or security agent shall deposit in the office of the Town Clerk the sum demanded by the town, either the estimated cost of restoring the site to its original condition as nearly as possible or the full sum of the secured obligation in the event the restoration costs would exceed the amount of the security.

(C) In the event there is a surplus in the deposit made on the town's demand, after completing the improvements, the town shall refund to the depositor on his order the surplus after cost and expenses. If the amount is forfeited, the applicant shall not be relieved of his obligation to complete the improvement or restore the site.
('71 Code, § 6-9.5) (Ord. 77-25, passed 1-4-78)

Cross-reference:
Suspension or abandonment of construction invalidates building permit, see § 150.40

## § 150.20 UTILITY SERVICE TO CONDOMINIUMS; REQUIRED DOCUMENTS.

(A) This section shall govern any and all lands located within the incorporated limits of the town.

(B) Any person or corporation proposing to create a condominium or cooperative or to convert a condominium or cooperative to time share or interval ownership within the town pursuant to F.S.A. Chs. 718 and 719, shall do the following.

(1) File with the Town Manager two copies of all preliminary condominium and cooperative plats, declaration of condominium, articles of incorporation, and bylaws of owner-association.

(2) File with the Town Manager two copies of all documents required to be filed with the state pursuant to F.S.A. Ch. 498, Florida Land Sales Practices, and F.S.A. Chs. 718 and 719, including prospectus, condominium and cooperative plat, declaration of condominium, articles of incorporation, and bylaws of owner-association.

(3) File with the Town Manager certified copies of condominium and cooperative plats, declaration of condominium or cooperative, articles of incorporation, and bylaws of the owners association after they have been recorded in the county where the condominium or cooperative is located.

(C) The Town Manager shall furnish one of all the copies to the Town Attorney for his review and written opinion which shall be given to the Town Manager and Town Commission and shall set forth any deviations and omissions thereof from the letter and content of the provisions of F.S.A. Ch. 498, Florida Land Sales Practices, and F.S.A. Chs. 718 and 719. All charges of the Town Attorney for reviewing the documents required herein shall be the expense of the person or corporation filing them and shall be remitted to the town.

(D) No certificate of occupancy or public utility or service shall be provided to any condominium or cooperative building until the person or corporation proposing the condominium or cooperative shall have complied with the provisions of this section and of F.S.A. Chs. 718, 719, and 498 and have corrected any deviations and omissions reported by the Town Attorney.

(E) Any conversion of a building to condominium or cooperative form of ownership without compliance with this section shall render any existing certificate of occupancy for the structure void.
('71 Code, § 6-9.7) (Ord. 78-2, passed 4-5-78; Am. Ord. 80-12, passed 1-21-81; Am. Ord. 81-6, passed 2-13-81)

## § 150.21 NOTICE TO STOP DANGEROUS OR ILLEGAL 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, the work shall be stopped immediately upon receipt of notice from the Building Inspector. The 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. The notice shall be in writing, except that when an emergency exists, oral notice shall be sufficient, which shall be promptly followed by written notice. ('71 Code, § 6-11) (Ord. 157, passed 10-1-69) Penalty, see § 10.99

## § 150.22 PROCEDURE FOR DANGEROUS OR UNSANITARY BUILDINGS.

(A) If any building, 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 the 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, structure, or portion thereof.

(B) If necessary for the preservation of life, safety, or health, the notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied 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 the building a notice that the building is unsafe and that its use or occupancy has been prohibited. The notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove the 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.

(C) 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 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 the 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 30 days from the date the notice 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 the determination he shall make an order, either affirming the requirements imposed by the Building Inspector, or altering, modifying, or cancelling the requirements. In the order the Town Manager may also impose any conditions that seem advisable.

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

(D) In case the owner, agent, or person in control cannot be found, or, if the 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 the building, structure, or portion thereof to be demolished, secured, or required to remain vacant, as circumstances may require.

(E) 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 the 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 the bill. If the bill is not paid within ten days after mailing, or within seven days after personal delivery, or after ten 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 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 the lien, at the stated time and place.

(2) The notice shall be served on the interested parties not less than five days prior to the date set for the hearing by the Town Commission.

(F) At the hearing referred to in division (E) above, 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 the costs, and shall thereupon by resolution levy a special assessment against the property in an amount, if any, as it finds to be proper and equitable.
('71 Code, § 6-12) (Ord. 157, passed 10-1-69)

Cross-reference:
Dangerous buildings deemed nuisances, procedures for abatement, see § 150.23

## § 150.23 PROCEDURE FOR BUILDINGS WHICH ARE NUISANCES.

(A) 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. ('71 Code, § 6-23)

(B) It shall be the duty of the Town Manager to regularly and frequently examine buildings and structures within the town to determine whether the buildings or structures constitute a public nuisance as as provided in division (A) 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 the 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 constituting the building or structure a public nuisance. ('71 Code, § 6-24)

(C) 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, the 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. The 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 days prior thereto. The Town Clerk shall also post a notice of the public hearing on the building or structure. The Clerk shall send a copy of the notice of hearing, by registered mail, to the owner of the premises, on which the building or structure is located, as it appears on the most current town or county tax assessment roll. ('71 Code, § 6-25)

(D) The public notice specified in division (C) above shall contain a description of the property on which the building or structure is located sufficient for identification. The notice to the owner shall also describe, in general terms, the condition of the building or structure that is alleged to constitute the building or structure a public nuisance. The public notice and notice to the owner shall also contain the time, date, and place that the public hearing will be held. ('71 Code, § 6-26)

(E) At the public hearing, the Town Commission shall hear and read the full report of the Town Manager and hear any other evidence as the Commission may deem relevant. At the hearing, the owner shall be allowed to present testimony and evidence showing that the conditions do not constitute a nuisance. The owner of the 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. ('71 Code, § 6-27)

(F) At the conclusion of the public hearing, the Town Commission shall adopt a resolution declaring one or more of the following.

(1) That the conditions alleged by the Town Manager to exist in the building or structure do not exist.

(2) That the conditions existing in the building or structure do not constitute a public nuisance.

(3) That the conditions alleged by the Town Manager to exit in the building or structure have been remedied and that the building or structure does not now constitute a public nuisance.

(4) That the conditions existing in the building or structure constitute the building or structure a public nuisance, and it is hereby condemned.

(5) Any other provisions that will appropriately decide and determine the issues.

(6) A description of the conditions existing which constitute the building or structure a public nuisance, if any.

(7) That upon the failure of the owner to correct and abate the conditions constituting the building or structure a public nuisance within a reasonable period of time, which shall be stated in the resolution and shall be not less than three days from the date thereof, the town will abate the conditions constituting the building or structure a public nuisance or by appropriate pleadings, institute suit in a court having jurisdiction over the property for a mandatory injunction and any other relief as the town deems necessary and proper, or both.
('71 Code, § 6-28)

(G) Upon the adoption of a resolution under division (F) above, the Town Clerk shall post a copy thereof on the structure and shall mail a copy thereof to the owner of the premises on which the building or structure is located, if the address of the owner is known to the Town Clerk. ('71 Code, § 6-29)

(H) If the 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 the public nuisance, including all attorneys' fees, court costs and expenses, shall be a lien on the premises and superior to all other liens except other liens for special assessments. The liens may be enforced against the property by foreclosure as provided by law for foreclosure of tax liens or may be collected as otherwise provided by law. ('71 Code, § 6-30)

Cross-reference:
Dangerous or unsanitary buildings and structures, procedures for abatement, see § 150.22

## § 150.24 PROCEDURE FOR CONVERSION OF EXISTING STRUCTURES.

(A) Any conversion of a hotel, motel, or bungalow court to an apartment or multifamily dwelling, as defined in Chapter 158, to a time share or to an interval ownership constitutes a change of use for the purpose of this section and shall conform to the building code requirements for the use. (Ord. 81-10, passed 3-4-81)

(B) It shall be unlawful for any person or corporation to change the use of or make any alterations, changes, or modifications covered by the Standard Building Code in any dwelling unit, building structures, foundation, or improvement within the town without first notifying the town and furnishing the town with the following information prior to obtaining a building permit.

(1) Certificate of apparent ownership or attorney's opinion as to ownership with respect to the property involved, including legal description, address, and location.

(2) The present use of the existing building structure, dwelling unit, and improvement, the date alteration is planned, and a copy of any plat and restrictions or declaration.

(3) Site plans including details showing the building structure and dwelling unit and foundations before and in their proposed altered condition.
('71 Code, § 6-19) (Ord. 78-3, passed 4-5-78; Am. Ord. 81-10, passed 3-4-81)

(C) Any alterations, changes, or modifications made in any existing building structure, dwelling unit, foundation, or improvement without giving the notice or information provided in division (B) above, or conforming to § 150.25 shall render the existing certificate of occupancy for the structure void.
(Ord. 81-10, passed 3-4-81)
Penalty, see § 10.99

## § 150.25 NONCONFORMING USES.

Any alterations, changes, or modifications in any existing building structure, dwelling unit, foundation, or improvement, including without limitation, motels, hotels, and bungalow courts, covered by the Standard Building Code, shall comply with this code.

However, the Town Commission may waive any nonconforming requirements with respect to any alterations, changes, and modifications, other than those requirements in § 150.04 and in Chapter 154, provided the nonconformities are reduced to the maximum extent possible.
(Ord. 81-10, passed 3-4-81) Penalty, see § 10.99

## § 150.26 CIVIL REMEDIES AVAILABLE.

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 Town Attorney, 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 the unlawful erection, construction, or reconstruction, or to restrain, correct, or abate the violation.
('71 Code, § 6-13) (Ord. 157, passed 10-1-69)

## CERTIFICATES AND PERMITS

## § 150.35 CERTIFICATE OF OCCUPANCY.

(A) 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. ('71 Code, § 6-8)

(B) 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. ('71 Code, § 6-9(a)) (Ord. 73-9, passed 5-16-73) (Ord. 157, passed 10-1-69) Penalty, see § 10.99

Cross-reference:
Application for certificate of occupancy, see § 150.37

## § 150.36 TEMPORARY CERTIFICATE OF OCCUPANCY.

The Town Commission may authorize a temporary certificate of occupancy for the time stated therein and a variance from the provisions of § 150.35(B) where there are practical difficulties or peculiar hardship in carrying out the strict letter of the provisions of § 150.35(B). 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; and the applicant furnishing the town with a liability insurance policy in an amount not less than $1,000,000, insuring the town against any and all liability with respect to the completion of

the development plan, together with a certificate from the insurance company issuing the policy that the town, as a co-insured, or insured, will be given 30 days notice prior to any termination of the insurance. The applicant shall carry the liability insurance until the development plan has been completed and the certificate of occupancy issued by the town.
('71 Code, § 6-9(b)) (Ord. 157, passed 10-1-69; Am. Ord. 73-9, passed 5-16-73; Am. Ord. 80-13, passed 12-10-80)

## § 150.37 APPLICATION FOR CERTIFICATES OF OCCUPANCY.

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.
('71 Code, § 6-15(d)) (Ord. 157, passed 10-1-69; Am. Ord. 73-9, passed 5-16-73; Am. Ord. 74-25, passed 8-7-74) Penalty, see § 10.99

Cross-reference:
Building permit applications, see § 150.39

## § 150.38 BUILDING PERMIT 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 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.
('71 Code, § 6-14) (Ord. 157, passed 10-1-69; Am. Ord. 73-27, passed 9-26-73) Penalty, see § 10.99

## § 150.39 BUILDING PERMIT APPLICATION.

(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 the following.

(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 division may be waived by the Building Inspector.

(2) Three or more copies of all specifications and drawings, drawn to scale and in sufficient detail to indicate the nature and character of the work. The 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 any 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, 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; and any other relevant information shall also be submitted.

(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.
('71 Code, § 6-15(a) through (c)) (Ord. 157, passed 10-1-69; Am. Ord. 73-9, passed 5-16-73; Am. Ord. 74-25, passed 8-7-74)

## § 150.40 INVALIDATION OF BUILDING PERMIT.

(A) A building permit heretofore issued shall become invalid if the construction authorized by the permit is not commenced within 60 days after the date the permit is issued, or if at any time after construction is commenced, the work is suspended or abandoned for a period of 30 days. Construction shall be deemed to have been "COMMENCED" when any work is started on the 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 30-day period.

(B) If a building permit becomes invalid for any of the reasons provided in division (A) above, the permit can be extended for a period of 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. In the event that the suspension, abandonment, or failure to commence construction has exceeded six 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 Chapter 158 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.
('71 Code, § 6-17) (Ord. 157, passed 10-1-69; Am. Ord. 163, passed 1-7-70; Am. Ord. 74-25, passed 8-7-74)

Cross reference:
Bond requirements when temporary certificate of occupancy issued, see § 150.36
Guarantee in case of abandonment of multifamily construction, see § 150.19

## MOVING OF BUILDINGS

### § 150.50 PERMIT REQUIRED; FEE.

(A) 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 without first obtaining a permit from the Director of Public Works. ('71 Code, § 6-31)

(B) The fee for obtaining a permit to move a building over the town streets shall be $100 for each day or fraction thereof that the building rests on blocks, a trailer, or impedes traffic. ('71 Code, § 6-37)
(Ord. 74-23, passed 8-7-74) Penalty, see § 10.99

Cross-reference:
Permit fees for moving buildings or structures, see § 150.06

### § 150.51 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 on which the building or structure is located, or by the owner of the building or structure. The application shall specify the following.

(1) The character and size of the building to be moved.

(2) The use, purpose, and occupancy for which the building or structure is to be used.

(3) The location from which and to which the building is to be moved.

(4) A plot plan showing the proposed location of the building on the property to which the building is to be moved, provided the location is in the town.

(5) The streets on, over, or through which it is desired to move the 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 the investigation, together with recommended action thereon.

(C) An opinion of title or a certificate from an abstract company shall accompany the application, which shall clearly indicate the ownership of the property both from which and to which the building or structure is to be moved. If the structure or building is to be moved by a person other than the person owning the property on 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 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 whereby the moving would violate any restrictions of the zoning code.

(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 the work.

(G) Any person seeking a moving permit to relocate a building within the town under this subchapter shall file with the town a cash or surety bond, payable to the town, which shall be approved by the Town Attorney and conditioned that the building or structure to be moved shall be moved to the 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 the property from which the building or structure is to be moved lies within the town then the 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.

(H) 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.
('71 Code, § 6-32) (Ord. 74-23, passed 8-7-74)

Cross-reference:
Moving or demolishing buildings; sewers to be capped, see § 52.07

## § 150.52 LIABILITY INSURANCE.

(A) 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 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.

(B) The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of the policy. 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 the building, to the amount or limit of $100,000, 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 $300,000, exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person; and $100,000 for damage to property of others, resulting from moving any one building.
('71 Code, § 6-33) (Ord. 74-23, passed 8-7-74) Penalty, see § 10.99

## § 150.53 INFORMATION REQUIRED PRIOR TO PERMIT ISSUANCE.

(A) 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 of the following.

(1) 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.

(2) 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.

(3) 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.

(B) If the property from which the building is to be moved lies

within the town, then, before any permit for the moving of any building or structure, as provided for in this subchapter, 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.

(C) Before any permit shall be granted for the moving of any building or structure onto any property within the town limits, the plans and specifications required under the terms of this subchapter to be filed by the applicant shall clearly show that the building or structure, with the improvements and repairs to be made, shall be of a character, appearance, and value that no injury or damage to the property valuations of that general locality or area shall be sustained.
('71 Code, § 6-34) (Ord. 74-23, passed 8-7-74) Penalty, see § 10.99

## § 150.54 APPROVAL PROCEDURE; COSTS.

(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. Before final action shall be taken by the Town Commission thereon, the owners of property located within a radius of 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) The notice shall be mailed to the last known address, as nearly as it may be ascertained, of each owner at least 20 days prior to final hearing by the Town Commission in order that the owners may have an opportunity to appear in person or by writing to protest or object to the granting of the 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 a moving permit, then the 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 $35 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 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.
('71 Code, § 6-36) (Ord. 74-23, passed 8-7-74) Penalty, see § 10.99

## § 150.55 BUILDING CODE TO APPLY.

The provisions of the building code shall apply to structures or buildings moved under the provisions of this subchapter in the same

manner as new buildings, except where the provisions of this subchapter otherwise provide.
('71 Code, § 6-35) (Ord. 74-23, passed 8-7-74)

Cross-reference:
Moving or demolishing buildings; sewers to be capped, see § 52.07

# CHAPTER 151: COASTAL CONSTRUCTION

Section

151.01 Definitions
151.02 Purpose
151.03 Permit required; application
151.04 Application processing procedure; processing fee
151.05 Permit issuance; conditions
151.06 State approval of permit required
151.07 Emergency permit

Statutory reference:
Regulation of coastal construction, reconstruction, or other physical activity, see F.S.A. § 161.011 et seq.

## § 151.01 DEFINITIONS.

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

"BASE AND CONTROL LINES." These words shall have the same meaning as 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 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.
('71 Code, § 7-1) (Ord. 105, passed 7-13-65)

## § 151.02 PURPOSE.

It is the intent of this chapter to provide a uniform system of groins on the Gulf beaches of the town and where application is for coastal construction of a type which varies from the typical plan of the master plan, to control the design and plan of the construction. Further, to accomplish this purpose by requiring approval of the design and a permit for construction.
('71 Code, § 7-2) (Ord. 105, passed 7-13-65)

## § 151.03 PERMIT REQUIRED; APPLICATION.

(A) All coastal construction is hereby prohibited except such coastal construction as is authorized by a permit issued by the town pursuant to this chapter. ('71 Code, § 7-3)

(B) Any person desiring to undertake coastal construction, as defined in § 151.01, shall make application in writing in duplicate to the Town Manager, which application shall contain the following.

(1) Name and address of applicant property owner.

(2) Name, address, and capacity of person making application, if other than property owner.

(3) Legal description of upland property adjacent to or in front of which construction is planned.

(4) 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.

(5) 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.

(6) Location map on 8-1/2-inch by 11-inch paper, showing the location of each structure to approximate scale, and the following information.

(a) Name of applicant.

(b) 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.

(c) Location by town and county.

(d) Name of water body.

(e) Brief word description or title of project.

(f) General identifying landmarks.

(g) Legend or labels to identify graphic objects.

(h) Date.

(i) Scale and north arrow.

(j) Control line.

(7) Names and addresses from latest county tax roll of owners of all riparian property within 1,000 feet of the proposed construction.

(8) A statement by an engineer that the plan and elevation views of the structures, and 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. The 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.

(9) In the event the proposed coastal construction is such that the applicant's engineer cannot make the statement required in division (8) above, then in addition to the requirements of divisions (1) through (7) above a drawing prepared by registered professional engineer shall be submitted, showing the following at scale.

(a) Plan view of structures (or typical structure, if all are essentially identical), with mean high and mean low water lines extending 100 feet on each side.

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

(c) Profile of beach at proposed structures (or typical structure), from dune crest to 100 feet beyond seawall extremity, with elevations referenced to mean sea level datum.

(d) Details of construction, including materials to be used.
('71 Code, § 7-4) (Ord. 105, passed 7-13-65)

## § 151.04 APPLICATION PROCESSING PROCEDURE; PROCESSING FEE.

(A) Applications will be checked by the Town Manager for completeness prior to processing. Following an office review of the proposed construction, a field investigation will be conducted if indicated by the nature of the project. Riparian property owners within 1,000 feet of the proposed construction will be notified by the town and given 15 days in which to comment. This step may be eliminated however, should the applicant elect to submit a signed waiver of objections from each such property owner within 1,000 feet. If the proposed project is approved by the town, recommendation will be made to the agency of the state having jurisdiction that the permit be issued. If, in the opinion of the town and the agency of the state having jurisdiction 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. ('71 Code, § 7-5)

(B) A processing fee, payable in advance, will be charged for each application to partly offset costs of investigation and handling. The fee shall be $50.

An application for contiguous properties may be made jointly by owners. Checks should be made payable to the town. ('71 Code, § 7-4(h))
(Ord. 105, passed 7-13-65)

**§ 151.05 PERMIT 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 agency of the state having jurisdiction, 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 state agency having jurisdiction 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 state agency having jurisdiction 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 state agency having jurisdiction, if in the opinion of the town or the agency 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 state agency as to whether adjustment, alteration or removal is required shall be final, and the town or state agency 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 permitted hereunder, at permittee's expense, on 30 days written notice from the town or state agency having jurisdiction, 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 state agency having jurisdiction with an acceptable surety bond in an amount equal to 110% of the estimated cost of removal of the coastal construction, but in no case less than $500, for the 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 the bond may be waived, discontinued at any time, renewed for successive terms, or kept in force perpetually, at the discretion of the state agency having jurisdiction.

(H) Upon completion of the work the 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.
('71 Code, § 7-6) (Ord. 105, passed 7-13-65)

## § 151.06 STATE APPROVAL OF PERMIT REQUIRED.

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 state agency having jurisdiction grants a permit for coastal construction.
('71 Code, § 7-7) (Ord. 105, passed 7-13-65)

## § 151.07 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 state agency having jurisdiction. The emergency permit shall be conditioned on the applicant immediately making an application pursuant to this chapter.
('71 Code, § 7-8) (Ord. 105, passed 7-13-65)

# CHAPTER 152: DREDGING AND FILLING

Section


Permits

152.01 Permit required; exceptions
152.02 Application; processing fees and costs
152.03 Plans and drawings
152.04 Issuance; revocation
152.05 Staking of area to be filled
152.06 Waiver of requirements

Improvements and Special Assessments

152.15 Special assessments for improvements; resolution required
152.16 Publication of resolution
152.17 Assessment plat
152.18 Assessment roll
152.19 Public hearing by Equalizing Board
152.20 Assessment in proportion to benefits
152.21 Payment of assessment; lien
152.22 Foreclosure
152.23 Issuance of bonds
152.24 Second assessment
152.25 Payments by town
152.26 Irregularities not affecting validity


## PERMITS

### § 152.01 PERMIT REQUIRED; EXCEPTIONS.

(A) No lands within the corporate limits of the town, whether bordering on tidal waters, or otherwise, shall be dredged or excavated, and none of these 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 F.S.A. Ch. 253, except as hereinafter set forth as exceptions to this section, and this chapter.

(1) The normal matters coming up in the construction and building of buildings, and the maintenance of grounds.

(2) Swimming pools.

(3) Lakes.

(4) Docks.

(5) Ponds.

(6) Sea walls.

(7) Septic tanks.

(8) Drainage ditches.

(9) Construction of man-made basins and moorings.

(B) All of the above exceptions shall refer only to the lands owned by the individual applicant.
('71 Code, § 8-1) Penalty, see § 10.99

## § 152.02 APPLICATION; PROCESSING FEES AND COSTS.

(A) A sworn application for a permit under this chapter, accompanied by the required filing fee and the exhibits provided herein, shall be made to the Town Manager. The application shall contain the following.

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

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

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

(4) An accurate estimate of the amount and type of fill required for the proposed project, made by a registered engineer.

(5) The names and addresses of all persons owning or holding any legal or equitable interest in the lands described pursuant to divisions (1) and (2) of this section, as shown by the public records of the county in which the lands are located.

(6) The names and addresses of all persons owning lands bordering on, or adjacent to, the mean high water line within 1000 feet of the areas to be filled and dredged, as shown by the latest tax assessment roll in the county in which the lands are located.

(7) Satisfactory evidence of fee simple title to lands described pursuant to division (1), and satisfactory evidence of the ownership of lands described pursuant to division (2). Evidence of tax records required herein shall be by sworn certificate of a duly-licensed attorney at law, a reputable abstract company, or by the county tax collector or assessor.
('71 Code, § 8-2)

(B) The application fee for filing, processing, and considering an application for a permit under this chapter shall be $25 for offshore areas to be filled not in excess of one square acre, plus

$10 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 $25. 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 the 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 the application.
('71 Code, § 8-3)

§ 152.03 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.

(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 of water to fill material available for dredging in the area to be dredged.

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

(F) Showing the specifications of bulkheading and sea-walling around the area to be filled if required.

(G) Showing any other matters and meeting any other requirements the Town Commission may reasonably require in order that a comprehensive and complete plan of the proposed construction is presented.
('71 Code, § 8-6)

§ 152.04 ISSUANCE; REVOCATION.

(A) Upon receipt of an application and the other matters required in this chapter, the Town Manager shall submit the application to the Town Commission with his recommendation thereon. The Town Commission may, at their discretion, order a public hearing on the 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 1,000 feet of the land proposed to be dredged or filled. If notice is required, it shall be published once each week for three consecutive weeks in a newspaper in general circulation within the town. A copy of the

notice by certified mail shall be sent to each riparian owner of upland lying within 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.

(B) Upon consideration, if the Commission finds that the work proposed in the application does not violate any statute, zoning law, ordinance, or other restriction which may be applicable thereto; no harmful obstruction to, or alteration of, the natural flow of the navigable waters within the area will arise from the proposed construction; no harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created thereby; 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 agency of the state having jurisdiction.

(C) Upon approval, the applicant shall cause the application and the other matters required herein, together with the filing fee required by the agency of the state having jurisdiction to be submitted to the agency of the state having jurisdiction for their formal approval. Upon formal approval, the Town Manager shall issue a construction permit for the work proposed in the application, which shall be an authorization for the applicant to perform and complete the work described in the application within a period of two years next after the date of issuance of the permit, in accordance with the exhibits submitted with the application. The Town Manager may extend the time for completion of the work for good cause, upon a showing that all due efforts and diligence toward completion of the work have been made. The 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 Town Commission and after a hearing is held thereon. ('71 Code, § 8-4) (Ord. 182, passed 10-21-70)

Statutory reference:
Internal Improvement Trust Fund, see F.S.A. Ch. 253

## § 152.05 STAKING OF AREA 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.
('71 Code, § 8-7)

§ 152.06 WAIVER OF REQUIREMENTS.

(A) The Town Manager may waive any of the requirements of applicants to fill upland property of less than 10,000 square feet by dredging less than 500 cubic yards, provided the work proposed does not violate any zoning law, ordinance, or other restriction which may be applicable thereto; no harmful obstruction to, or alteration of, the natural flow of the navigable waters within the area will arise from the proposed construction; no harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created thereby; and no material injury or monetary damage to adjoining land will accrue therefrom.

(B) The Town Manager may waive any of the requirements of application to dredge any existing canal of 5,000 cubic yards or less when the 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 a maintenance work permit shall be $20.
('71 Code, § 8-5) (Ord. 182, passed 10-21-72; Am. Ord. 74-28, passed 9-18-74)

## IMPROVEMENTS AND SPECIAL ASSESSMENTS

§ 152.15 SPECIAL ASSESSMENTS FOR IMPROVEMENTS; RESOLUTION REQUIRED.

(A) The town, by its Town Commission, may provide for the construction, reconstruction, repair, cleaning, or dredging of canals or waterways within the boundaries of the town and provide for the payment of all or any part of the costs of any of these improvements by levying and collecting special assessments on the abutting, adjoining, contiguous, or other specifically benefited property. ('71 Code, § 8-8)

(B) When the Town Commission determines to make any improvement authorized by division (A) above, and defray the whole or any part of the expense thereof by special assessments, the Commission shall so declare by resolution stating the nature of the proposed improvement, designating the canal or waterway to be so improved, and the part or portion of the expense thereof to be paid by special assessments, the manner in which these assessments shall be made, when the assessments are to be paid and what part, if any, shall be apportioned to be paid from the general improvement fund of the town, if any. The resolution shall also designate the lands upon which the special assessments shall be levied.

(1) In describing the lands, it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting the improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for."

(2) The resolution shall also state the total estimated cost of the improvement. The estimated cost may include the cost of construction or reconstruction, the cost of all labor and materials, financing charges, interest prior to and during construction and for one year after completion of construction, discount on the sale of special assessment bonds, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of the construction or reconstruction, administrative expense, and any other expense necessary or incident to the financing herein authorized.
('71 Code, § 8-10) (Ord. 79-18, passed 11-7-79)

## § 152.16 PUBLICATION OF RESOLUTION.

Upon the adoption of the resolution provided for in § 152.15, the town shall cause the resolution to be published one time in a newspaper of general circulation published in the town, and if there is no newspaper published in the town, the governing authority of the town shall cause the resolution to be published once a week for a period of two weeks in a newspaper of general circulation published in the county in which the special assessment project is located.
('71 Code, § 8-12) (Ord. 79-18, passed 11-7-79)

## § 152.17 ASSESSMENT PLAT.

At the time of the adoption of the resolution provided for in § 152.15(B), there shall be on file with the Town Clerk, an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvement. This assessment plat, plans, specifications, and estimate shall be open to the inspection of the public.
('71 Code, § 8-11) (Ord. 79-18, passed 11-7-79)

## § 152.18 ASSESSMENT ROLL.

Upon the adoption of the resolution in § 152.15, the Town Commission shall cause to be made an assessment roll in accordance with the method of assessment provided for in the resolution, which shall be completed and filed with the Tax Assessor's office in the county in which the special assessment project is located as promptly as possible. The assessment roll shall show the lots and lands assessed, the amount of the assessment against each lot or parcel of land, and if the assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon the assessment roll.
('71 Code, § 8-13) (Ord. 79-18, passed 11-7-79)

## § 152.19 PUBLIC HEARING BY EQUALIZING BOARD.

(A) Upon the completion of the assessment roll, the Town Commission shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons

interested therein, may appear before the governing authority and be heard as to the propriety and advisability of making the improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved.

(1) Ten days notice in writing of the time and place shall be given to these property owners, which shall be served by mailing a copy of the notice to each of the property owners at his last known address, the names and addresses of the property owners to be obtained from the records of the property appraiser or from any other sources the Town Clerk deems reliable, proof of the mailing to be made by the affidavit of the Clerk or Deputy Clerk of the town, which proof is to be filed with the Clerk. Failure to mail the notice or notices shall not invalidate any of the proceedings hereunder.

(2) Notice of the time and place of the hearing shall also be given by two publications a week apart in a newspaper of general circulation in the town, and if there is no newspaper published in the town, the Town Commission shall cause the notice to be published in like manner in a newspaper of general circulation published in the county in which the special assessment project is located; however, the last publication shall be at least one week prior to the date of the hearing.

(3) The notice shall describe the canal or other areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the Town Clerk. Service by publication shall be verified by the affidavit of the publisher and filed with the Town Clerk.
('71 Code, § 8-14)

(B) At the time and place named in the notice provided for in division (A) above, the Town Commission shall meet as an Equalizing Board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on the basis of justice and right. When so equalized and approved by resolution or ordinance of the Town Commission, the assessments shall stand confirmed and remain legal, valid, and binding first liens upon the property against which the assessments are made, until paid. However, upon completion of the improvement, the town shall credit to each of the assessments the difference in the assessment as originally made, approved, and confirmed, and the proportionate part of the actual cost of the improvement to be paid by special assessments as finally determined upon the completion of the improvement. In no event shall the final assessments exceed the amount of benefits originally assessed.

(C) Promptly after confirmation, the assessments shall be recorded by the Town Clerk in the Public records in the office of the Clerk of the Circuit Court and the record of the lien shall constitute prima facie evidence of its validity. The Town

Commission may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the project, upon payment in full of any assessment during the period prior to the time the financing costs are incurred, as specified by the Town Commission.
('71 Code, § 8-15)
(Ord. 79-18, passed 11-7-79)

## § 152.20 ASSESSMENT IN PROPORTION TO BENEFITS.

Special assessments against property deemed to be benefited by local improvements, as provided for in § 152.15 shall be assessed upon the property specially benefited by the improvement in proportion to the benefits to be derived therefrom, the special benefits to be determined and prorated according to the foot frontage of the respective properties specially benefited by the improvement, or by any other method the Town Commission may prescribe.
('71 Code, § 8-9) (Ord. 79-18, passed 11-7-79)

## § 152.21 PAYMENT OF ASSESSMENT; LIEN.

Assessments shall be payable at the time and in the manner stipulated in the resolution providing for the improvements. Special assessments shall remain liens, co-equal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid, and shall bear interest at a rate not to exceed 8% per annum from the date of the acceptance of improvement. Special assessments may, by the resolution aforesaid, be made payable in not more than ten equal yearly installments, to which, if not paid when due, there shall be added a penalty at the rate of 1% per month, until paid; however, the assessments may be paid without interest at any time within 30 days after the improvement is completed, and a resolution accepting this has been adopted by the Town Commission.
('71 Code, § 8-16) (Ord. 79-18, passed 11-7-79)

## § 152.22 FORECLOSURE.

(A) Each special assessment and each annual installment provided for in § 152.21 shall be paid upon the dates specified in the resolution, with interest upon all deferred payments, until the entire amount of the assessment has been paid. On the failure of any property owner to pay any special assessment or any annual installment due, or any part thereof, or any annual interest upon deferred payments, the Town Commission shall cause to be brought the necessary legal proceedings by a complaint to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred, including a reasonable attorney's fee, to be assessed as part of the costs.

(B) In the event of default in the payment of any installment of an assessment, or any accrued interest on the assessment, the whole assessment, with the interest and penalties thereon, shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown, or nonresident defendants, may be had by publication, as now provided by law. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in the proceedings as now provided by law in suits to foreclose mortgages.
('71 Code, § 8-17) (Ord. 79-18, passed 11-7-79)

§ 152.23 ISSUANCE OF BONDS.

(A) After the equalization, approval, and confirmation of the levying of the special assessments for improvements as provided by § 152.19 and as soon as a contract for the improvement has been finally let, the Town Commission may by resolution or ordinance authorize the issuance of bonds, to be designated "Improvement bonds, series No. _____," in an amount not in excess of the aggregate amount of the liens levied for the improvements. The bonds shall be payable from a special and separate fund, to be known as the "Improvement fund, series No. _____," which shall be used solely for the payment of the principal and interest of the "Improvement bonds, series No. ___" and for no other purpose. This fund shall be deposited in a separate bank account; and all the proceeds collected by the town from the principal, interest, and penalties of the liens shall be deposited and held in this fund.

(1) Bonds so issued shall never exceed the amount of liens assessed. The bonds shall mature not later than two years after the maturity of the last installment of the liens. The bonds shall bear certificates signed by the Town Clerk certifying that the amount of liens levied, the proceeds of which are pledged to the payment of the bonds, are equal to the amount of the bonds issued.

(2) The bonds may be delivered to the contractor in payment for his work and may be sold at public or private sale for not less than 95% of par and accrued interest, the proceeds to be used in payment for the cost of the work. The bond shall not be a charge on, or payable out of, the general revenues of the town, but shall be payable solely out of these assessments, installments, interest, and penalties. Any surplus remaining after payment of all bonds and interest thereon shall revert to the town and be used for any municipal purpose.
('71 Code, § 8-18)

(B) All bonds issued under this chapter shall be in the denomination of $100 or some multiple thereof, and shall bear interest at a uniform rate not exceeding 8% per annum, payable annually, or semiannually thereafter until maturity, and 10% per or annum after maturity, and both principal and interest shall be payable at the place or places the Town Commission may determine. The form of the bonds shall be fixed by resolution of the Town

Commission and the bonds shall be signed by the Mayor and the Clerk, under the town seal; the coupons, if any, shall be executed by the facsimile signatures of these officers. The delivery of any bond and coupon so executed at any time thereafter shall be valid, although before the date of delivery the person signing the bond or coupons shall cease to hold office. ('71 Code, § 8-22)

(C) This chapter shall, without reference to the Town Charter or any other state law, be full authority for the issuance and sale of the bonds by this chapter authorized, and shall be construed as an additional and alternative method for the financing of the improvements referred to herein. No election or proceeding in respect of the issuance of any bonds hereunder shall be necessary. No publication of any notice or proceeding relating to the issuance of the bonds provided for by this chapter shall be required, except such as required by this chapter. ('71 Code, § 8-23)

(D) Bonds issued under division (C) above shall have all the qualities of negotiable paper under the law merchant, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. ('71 Code, § 8-24)
(Ord. 79-18, passed 11-7-79)

## § 152.24 SECOND ASSESSMENT.

If any special assessment made under the provisions of this chapter to defray the whole or any part of the expense of any improvement shall be either in whole or in part annulled, vacated, or set aside by the judgment of any court, the Town Commission shall take all necessary steps to cause a new assessment to be made for the whole, or any part of any improvement, or against any property benefited by any improvement, following as nearly as may be the provisions of this chapter. In case the second assessment is annulled, the Town Commission may obtain and make other assessments until a valid assessment is made.
('71 Code, § 8-19) (Ord. 79-18, passed 11-7-79)

## § 152.25 PAYMENTS BY TOWN.

The Town Commission may pay out of its general funds or out of any special fund that may be provided for that purpose, that portion of the cost of any improvement that it may budget and deem proper.
('71 Code, § 8-20) (Ord. 79-18, passed 11-7-79)

## § 152.26 IRREGULARITIES NOT AFFECTING VALIDITY.

Any informality or irregularity in the proceedings in connection with the levy of any special assessment under the provisions of this chapter shall not affect the validity of the assessment where the assessment roll has been confirmed by the Town Commission. The assessment roll as finally approved and confirmed shall be competent and sufficient evidence that the assessment was duly levied, that

the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the assessment roll were duly had, taken, and performed as required by this chapter. No variance from the directions hereunder shall be held material unless it is clearly shown that the party objecting was materially injured thereby.
('71 Code, § 8-21) (Ord. 79-18, passed 11-7-79)

# CHAPTER 153: ELECTRICITY

Section

153.01 Adoption of National Electrical Code
153.02 Amendments to National Electrical Code

## § 153.01 ADOPTION OF NATIONAL ELECTRICAL CODE.

There is hereby adopted by reference "National Electrical Code, 1981 Edition, NFPA 70-1981" by the National Fire Protection Association, three or more copies of which are on file with the Town Auditor and Clerk, identified as official copies and shall be kept available for public use, inspection, and examination.
(Ord. 81-25, passed 7-1-81)

## § 153.02 AMENDMENTS TO NATIONAL ELECTRICAL CODE.

The National Electrical Code of the National Fire Protection Association, 1981 Edition is amended as follows:

(A) Part I - Administrative.

(1) 1-1 There is hereby established the Electrical Inspection Section under the Building Official of the Building Construction Department, who shall appoint a Chief Electrical Inspector and Electrical Inspectors as are required by the work load and as authorized by the County Administrative Authority. (REF: s. 553.22 (1) F.S.).

(2) 1-2 Wherever reference is made to the terms "Administrative Authority" or "Authority having jurisdiction" it shall mean the Chief Electrical Inspector for the Town of Longboat Key (Reference: State Code, Part II, Chapter 553.22(2)).

(3) 1-3 Persons appointed as Electrical Inspectors shall have met at least ten (10) years experience as an Electrical Inspector, Master Electrician, Electrical Engineer, or as a superintendent or foreman in charge of electrical construction or equivalent or a combination of the above totalling at least ten (10) years experience. (REF: s. 553.22(3) F.S.)

(4) 1-4 The work under this Section shall be performed only under the supervision of Master Electricians holding an Operating Certificate issued by Sarasota County or Manatee County.

EXCEPTION: An operating Certificate shall not be required of a property owner who does the actual work her/himself without hired help, on her/his own single

family residence or farm building, in compliance with all Code requirements, and after obtaining the necessary permit.

(5) 1-5 Inspections.

(a) Upon twenty-four (24) hours prior notification the Chief Electrical Inspector shall make or cause to be made such inspections as are necessary to ensure compliance to the provisions of this code. Eight (8) working hours after time ready for inspection.

(b) The following inspections shall be required:

1. Grounding Electrode system prior to pouring slab and/or footer. (Reference: NEC 250-81)

2. Rough-In Inspection - Prior to concealing or covering of any Electrical work. No electrical work shall be covered or concealed until it has been inspected and approved.

3. 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.

4. Final Inspection - Upon completion of work.

5. Services - Temporary poles or underground services shall be inspected prior to authorizing such services to be energized.

(c) Electrical Inspection shall be requested only by the Electrical Contractor that performed the work.

(B) Part 2 - General requirements.

(1) 2-1 All terms used in this section shall be the official National Fire Protection Association definitions, unless otherwise stated herein. (NEC Art. 100)

(2) 2-2 Temporary service for construction purposes may be attached to the new construction work only if underground service. A building permit is a prerequisite to the Temporary Electrical Service

for construction and/or remodeling power. Service will not be approved after framing has been completed (NEC Art. 305-1).

(a) NEC Art. 210-8(b) Exception No. 2 is hereby deleted.

(b) All permanent service panels and equipment shall be installed for the one-family dwelling and two sets shall be installed on a two-family dwelling.

(c) At the side or below one Main Panel and Contractor may install one (1) 60A-230-V single receptacle for construction use only.

(d) Only the Breakers for the items listed in (c) above shall be installed. The 120-V circuits must have GFCI protection.

(e) Panels must be made suitable for the weather conditions involved.

(f) The General Contractor shall order the meter in his name only.

(g) The metered service shall not be changed to an owner/occupant until a certificate of Occupancy is issued.

(3) 2-3 Electrical Metallic Tubing (EMT) shall be permitted only inside of a building and in concrete slabs and walls which are above grade level. (NEC Art. 348-1)

(4) 2-4 Aluminum conduit shall be coated with asphaltum paint or other approved material when installed in earth or concrete. (NEC Art. 346-1(c))

(5) 2-5 Direct buried cables through planting areas shall have a minimum clear cover of forty-eight (48) inches. (NEC Art. 300.5)

(6) 2-6 The use of MC and AC type wiring shall not be permitted. (NEC Art. 324)

(7) 2-7 Combustion type heaters shall have a wall mounted switch outside the heater room to serve as a disconnecting means. (NEC Art. 422-21)

(C) Part 3 - Services.

(1) 3-1 The minimum size service mast shall be two (2) inch rigid galvanized conduit, where it supports service drop. Mast shall be secured by one (1) or more two (2) hole straps. (NEC Art. 230-28)

(2) 3-2 There shall be a single main fused switch or circuit breaker disconnect for each service of 200 amps or under, except as follows:

(a) Alteration work on an existing installation, there shall not be more than two (2) main disconnects.

(b) For combination single phase and three phase delta services a three phase fused switch or circuit breaker disconnect will be permitted in addition to the single phase disconnect. (NEC Art. 230-71)

(3) 3-3 Service disconnects and/or branch circuit panel boards shall not be located in bathrooms (NEC Art. 230-72(c)).

(4) 3-4 In two-family and multi-family dwelling buildings all subpanels shall be wired in a raceway type system. (NEC Art. 300-21)

(5) 3-5 Exception No. 3(b) under Section 230-2 of the Electrical Code may be used only with special permission of the administrative authority.

(D) Part 4 - Residential.

(1) 4-1 Porches shall have a minimum of one receptacle outlet. (NEC Art. 210-25 (b)).

(2) 4-2 Not more than two (2) receptacles in kitchens, laundries, utility rooms, dining rooms, pantries and breakfast rooms shall be installed on a two wire 20 ampere appliance circuit, or not more than four (4) receptacles shall be installed on a three wire 20 ampere circuit. (NEC Art. 210-25(b))
Exception: If dining room is served by its own circuit four (4) receptacle outlets may be installed. No other rooms may be served.

(3) 4-3 The maximum number of current consuming outlets on a two wire circuit including lighting and receptacle outlets shall be ten (10), (NEC Art. 220-2)

(4) 4-4 All fixed or stationary appliances rated at more than 5 amps shall be wired on individual circuits, properly protected and with an approved means of disconnect at the unit. Receptacles when used shall be of the single type and properly grounded. A receptacle outlet shall be required for free-standing ranges. (NEC Art. 422-8 (d))

(5) 4-5 Garbage disposal, regardless of type, shall be controlled through a wall switch above the counter top. A single receptacle shall be installed for the connection of the unit, properly grounded and under the counter. (NEC Art. 422-24)

(6) 4-6 On all stairways of dwelling units, lighting fixtures shall be controlled by 3-way switches.

(7) 4-7 All boxes for receptacles, switches and lighting fixtures shall be installed for the rough-in inspection.

(8) 4-8 All equipment installed in attic spaces, shall be set and connected for rough-in inspection.

(9) 4-9 All circuits which penetrate, pass through, or are concealed within a fire rated wall shall be in a complete metallic raceway system. (NEC Art. 300-21)

(E) Part 5 - Non-Residential.

(1) 5-1 All conductors shall be in raceways. (NEC Art. 300-4)

(2) 5-2 The minimum size conductors shall be #12 copper. Exception: Lighting fixture outlets. (NEC Art. 310-5)

(3) 5-3 All exit and emergency circuits shall be wired per NEC 700. These circuits must be fed from a panel that is connected ahead of the main and have an additional source of power per NEC 700-6 (a), (b), (c), or (e).

(F) Part 6 - Swimming Pools.

(1) Delete Nec Art. 680-8 Exceptions 1 and 2

(2) 6-1 All pool wiring and electrical equipment for the same shall be supervised by Licensed Master Electricians. (NEC Art. 680 and 720)

(3) 6-2 Underwater pool lighting shall be served by an approved isolating transformer not more than 15 volts secondary, installed at least eight (8) inches above the pool maximum water level. Transformers shall be of the two coil type with a

grounding shield between coils and shall be protected from the weather and mechanical injury.

(4) 6-3 All electrical equipment and devices served by line voltage must be grounded to the main system ground using a #12 AWG ground wire and employing the shortest route possible.

(5) 6-4 Electrical conductors not associated with pool and/or pool equipment shall not be installed nearer than ten (10) feet horizontally from the edge of the pool proper.

(G) Part 7 - Elevators and related equipment. (Editor's note: For provisions concerning number and size of elevators per building, as well as installation requirements for such elevators, see § 150.01 (B) (2).

(1) 7-1 Elevator pits shall be equipped with a sump pump operable through a float-type switch.

(2) 7-2 Buildings with more than one elevator, situated remote from each other shall be arranged electrically that any one may be used to comply with intent of the NFPA-101 (Life Safety Code).

(H) Part 8 - Fees. 8-1 Failure to secure a permit before installation of any electrical work shall cause a penalty of a double fee.

(I) Part 9. 9-1 The use of aluminum or copper clad aluminum conductors is prohibited.

(Ord. 81-25, passed 7-1-81)

# CHAPTER 154: FLOOD CONTROL

Section

154.01 Purpose; applicability
154.02 Interpretation
154.03 Definitions
154.04 Compliance required
154.05 Disclaimer of liability
154.06 Town Manager designated administrator
154.07 Flood zones A1-30
154.08 Flood zones V1-30
154.09 Development permits
154.10 Minimum floor elevation
154.11 Floodproofing
154.12 Breakaway walls
154.13 Subdivision proposals
154.14 Utilities
154.15 Variances
154.16 Nonconforming structures

154.99 Penalty

## § 154.01 PURPOSE; APPLICABILITY.

(A) It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to do the following.

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains and natural protective barriers, which are involved in the accommodation of floodwaters.

(4) Control filling and grading which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
('71 Code, § 9C-1)

(B) This chapter shall apply to all lands within the jurisdiction of the town that are depicted on the community's flood insurance rate map as being a flood hazard district. ('71 Code, § 9C-3)
(Ord. 77-9, passed 6-1-77)

## § 154.02 INTERPRETATION.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions; however, where this chapter and other provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.
('71 Code, § 9C-5) (Ord. 77-9, passed 6-1-77)

## § 154.03 DEFINITIONS.

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

"ACCESSORY USE." A use of a nature customarily subordinate or incidental to, and located on the same parcel as, the principal use of any structure or property.

"AREA OF SPECIAL FLOOD HAZARD." That area of and within a community in the "floodplain" which is subject to a 1% chance of flooding annually, that is, the 100-year flood.

"BREAKAWAY WALLS." Includes but shall not be limited to any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters.

"COASTAL HIGH HAZARD AREA (ZONES V1-30)." That portion of the "floodplain" having special flood hazards that are subject to high velocity waters, including hurricane wave wash and tsunamic.

"EXPANSION OF EXISTING MOBILE HOME PARKS." The construction of facilities, including concrete pads, if any, or if no such pads are to be provided, then the installation of utilities and final site grading, started after June 1, 1977, in a mobile home park existing on that date. "EXPANSION OF MOBILE HOME PARKS" shall not include the rental sale, or lease of any mobile home space or site which is ready for use or occupancy on June 1, 1977, and is located within a mobile home park existing on that date.

"FAIR MARKET VALUE." See "SUBSTANTIAL IMPROVEMENT."

"FLOOD OR FLOODING." A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; and the unusual and rapid accumulation or runoff or surface waters from any source.

"FLOOD FRINGE AREA (ZONES A1-30)." That area of the "floodplain" lying outside the "floodway" but still lying within the area of special flood hazard, that is, within the 100-year "floodplain."

"FLOODPLAIN." Any normally dry land area that is susceptible to being inundated by waters of the 1% annual chance flood, that is, the 100-year flood.

"FLOODPROOFING." A combination of structural or nonstructural additions, changes, or adjustments to properties, water and sewer facilities, structures, and contents of buildings.

"FLOODWAY." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

"LOWEST FLOOR (INCLUDING BASEMENT)." Any floor used for living, which includes working, laundry, sleeping, eating, cooking, or recreation facilities, or any combination thereof.

"MEAN SEA LEVEL." The average height of the sea for all stages of the tide.

"MOBILE HOME PARK." A parcel (or contiguous parcels) of land which has been so designated and improved that it contains two or more mobile home lots available to the general public for rent or sale and the placement thereon of mobile homes for occupancy.

"NEW CONSTRUCTION." Those structures the construction or relocation of which begin after June 1, 1977. "NEW CONSTRUCTION," for purposes of this chapter, shall also mean a parcel of land used for mobile homes for which the construction of streets, utilities, and site grading or pads is commenced after June 1, 1977.

"REGULATORY FLOOD." For purposes of this chapter, a flood event having a 1% chance of occurring in any given year, although the flood may occur in any year, that is, the 100-year flood.

"REGULATORY FLOOD ELEVATION." The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

"START OF CONSTRUCTION."

(1) The first placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, or filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(2) For a structure without a basement or poured footings, the "START OF CONSTRUCTION" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than mobile home parks, or the affixing of any prefabricated structure to its permanent site.

(3) For "mobile home parks" which are equipped with concrete pads on which mobile homes are to be placed, "START OF CONSTRUCTION" means the date on which the pouring of the pads has begun. For "mobile home parks" which are not equipped with concrete pads, "START OF CONSTRUCTION" means the date on which installation of utilities and final site grading are completed.

"STRUCTURE." A walled and roofed building, that is principally aboveground and affixed to a permanent site, as well as a mobile home on foundation. The term includes a building while in the course of construction, alteration, or repair but does not include building materials or supplies intended for use in construction, alteration, or repair, unless the materials or supplies are within an enclosed building on the premises. The words "BUILDING" and "STRUCTURE" shall have the same meaning for the purposes of this chapter.

"SUBSTANTIAL IMPROVEMENT." Any repair, reconstruction, improvement, or alteration of a structure, the cost of which equals or exceeds 50% of the "fair market value" of the structure. "SUBSTANTIAL IMPROVEMENT" is considered to have occurred when the first alteration in any wall, ceiling, floor, or other structural part of the building commences. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code requirements which are solely necessary to assure safe living conditions, and the term does not include any repair, reconstruction, improvement, or alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. "SUBSTANTIAL IMPROVEMENTS," for purposes of this chapter, shall also include for existing "mobile home parks" the repair, construction, or improvement of streets, utilities, or pads, the cost of which equals or exceeds 50% of the "fair market value" of the streets, utilities, and pads as determined by the tax assessor before the repair, reconstruction, or improvement has commenced. "FAIR MARKET VALUE" shall be the "FAIR MARKET VALUE" as determined by the property appraiser of the county in which the structure to be repaired, reconstructed, improved, or altered, is located.

"VARIANCE." A grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.
('71 Code, § 9C-2) (Ord. 77-9, passed 6-1-77; Am. Ord. 81-13, passed 4-1-81)

§ 154.04 COMPLIANCE REQUIRED.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
('71 Code, § 9C-4) (Ord. 77-9, passed 6-1-77) Penalty, see § 154.99

§ 154.05 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that areas outside the boundaries of the flood hazard districts or land uses permitted within those districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
('71 Code, § 9C-6) (Ord. 77-9, passed 6-1-77)

§ 154.06 TOWN MANAGER DESIGNATED ADMINISTRATOR.

The Town Commission hereby appoints the Town Manager, who meets the professional qualification of the town, as local administrator. The Town Manager shall be appointed to implement the elevation and floodproofing provisions of this chapter and such other duties as are assigned to him herein, including the following.

(A) Reviewing proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.

(B) Notifying adjacent communities and the Tampa Bay Regional Planning Council prior to any alteration or relocation of a watercourse, and shall submit evidence of notification to the Federal Insurance Administration.
('71 Code, § 9C-7) (Ord. 77-9, passed 6-1-77)

§ 154.07 FLOOD ZONES A1-30.

(A) Applicability. The provisions of this section shall apply to all residential and nonresidential structures in Zones A1-30 on the community's flood insurance rate map.

(B) Requirements for development.

(1) Development permits will be required for all proposed construction, repair, improvement or alteration of a structure within Zones A1-30.

(2) The Public Works Director shall review all building permit applications to determine if the proposed construction is

designed and anchored to prevent flotation, collapse, or lateral movement of the structure.

(3) New or replacement water supply and sanitary sewer systems located within Zones A1-30 must be floodproofed as specified in § 154.11.

(4) New construction or substantial improvement of any residential structure within Zones A1-30 shall have the lowest habitable floor, including basement, elevated to the regulatory flood elevation.

(5) New construction or substantial improvement of any commercial-industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the regulatory flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to the level of the regulatory elevation. All floodproofing shall meet the requirements of § 154.11.

(C) Mobile home requirements.

(1) The construction of a new mobile home park, the expansion of an existing mobile home park, the placement of a new mobile home not in a mobile home park, or the substantial improvement of any of the above in Zones A1-30 shall be allowed only if the following criteria are met.

(a) Ground anchors for tie-downs are provided.

(b) Tie-down requirements. Over-the-top ties are required at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with one additional tie per side for mobile homes more than 50 feet long. Frames ties are required in conjunction with each over-the-top tie. All components of the anchoring must be capable of carrying a force of 4,800 pounds.

(c) Lots or pads are elevated on compacted fill or by any other method approved by the Director of Public Works so that the lowest habitable floor of the mobile home is at or above the regulatory flood level.

(d) Adequate surface drainage and easy access for a mobile home hauler are provided.

(e) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.

(2) In the event that a mobile home location or relocation is not deemed to constitute the expansion of an existing mobile home park as used in division (C) (1) above and as defined in § 154.03,

the location or relocation shall be allowed provided that the following requirements are met.

(a) Any mobile home moved into or relocated within an existing mobile home park shall be anchored in accordance with the provisions in division (C)(1), (a), (b), and (e) above.

(b) Easy access for a mobile home hauler is provided. ('71 Code, § 9C-10) (Ord. 77-9, passed 6-1-77; Am. Ord. 81-13, passed 4-1-81) Penalty, see § 154.99

## § 154.08 FLOOD ZONES V1-30.

(A) Applicability. The provisions of this section shall apply to all residential and nonresidential structures in Zones V1-30 on the community's flood insurance rate map.

(B) Requirements for development.

(1) Development permits will be required for all proposed construction, repair, improvement, or alteration of a structure within Zones V1-30.

(2) Except as otherwise provided herein, all new construction and substantial improvements within a designated Zone V1-30 shall meet the following requirements.

(a) Be located landward of the mean high tide.

(b) Be elevated on adequately anchored piles or columns so that the structural members of the lowest floor are elevated at least to the regulatory flood elevation and securely anchored to the piles or columns; provided, however, construction on property fronting the Gulf of Mexico and west of Gulf of Mexico Drive within 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 Standard Building Code, adopted by reference in § 150.01, or the equivalent thereof approved by the Town Engineer at the expense of the applicant.

(c) Have the space below the lowest floor free of obstruction or constructed with breakaway walls intended to collapse under stress without jeopardizing the structural integrity of the building; all breakaway walls shall meet the requirements of § 154.12. If breakaway walls are utilized, the enclosed space shall not be used for human habitation.

(d) Be designated and constructed so as to minimize the impact and effect of abnormally high tides, wind-driven water, or waves on the building.

(3) The adequacy of provisions contained in division (B)(2),(b) and (d) above shall be certified to by a registered professional engineer or architect.

(4) Fill shall not be used for structural support within Zones V1-30.

(5) Alteration of sand dunes and mangroves which would increase potential flood damage is prohibited.

(C) Mobile home requirements.

(1) No new mobile home parks, expansion of existing mobile home parks, or placement of any mobile home not in a mobile home park shall be allowed within a designated Zone V1-30.

(2) In the event that a mobile home location or relocation is not deemed to constitute the expansion of an existing mobile home park as used in division (c)(1) above and as defined in § 154.03, the location or relocation shall be allowed provided that the following requirements are met.

(a) Any mobile home moved into or relocated within an existing mobile home park shall be anchored in accordance with the provisions in § 154.07 (C)(1), (a), (b), and (d).

(b) Easy access for a mobile home hauler is provided.
('71 Code, § 9C-11) (Ord. 77-9, passed 6-1-77; Am. Ord. 81-13, passed 4-1-81) Penalty, see § 154.99

## § 154.09 DEVELOPMENT PERMITS.

(A) A development permit issued by the Town Manager in conformity with the provisions of this chapter shall be secured prior to the erection, addition, or alteration of any building or structure or portion thereof or other development including, but not limited to, dredging, filing, grading, paving, or excavation within the permitted area prior to the change of use of a building, structure, or land, and prior to the change or extension of a nonconforming use.

(B) Development permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter, and enjoinable or punishable as provided by § 154.99.
('71 Code, § 9C-8) (Ord. 77-9, passed 6-1-77) Penalty see § 154.99

## § 154.10 MINIMUM FLOOR ELEVATION.

The following minimum building floor elevations for construction within the town are hereby established.

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

(B) Minimum floor elevation for construction east of Gulf of Mexico Drive shall be 12 feet above mean sea level.
('71 Code, § 9C-9) (Ord. 77-9, passed 6-1-77) Penalty, see § 154.99

## § 154.11 FLOODPROOFING.

(A) Whenever any of the provisions of this chapter require that a building be floodpoofed or specify that floodproofing may be used as an alternative to elevating a structure above the regulatory flood level, floodproofing shall be deemed to include all of the following.

(1) Wherever possible, the location, construction, and installation of all electrical and gas utility systems in such a manner as to assure the continuing functioning of those systems in the event of a regulatory flood.

(2) The location, construction, and installation of all potable water supply systems in such a manner as to prevent contamination from floodwaters during the regulatory flood.

(3) Approved backflow preventers or devices shall be installed on main water service lines, at water wells, and at all building entry locations to protect the system from backflow or back-siphonage of floodwaters or other contaminants.

(4) Sanitary sewer and storm drainage systems that have openings below the regulatory flood elevation shall be equipped with automatic backwater valves or other automatic backflow devices that are installed in each discharge line passing through a building exterior wall.

(5) A registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact, and uplift forces associated with the regulatory flood at the location of the building and that the walls below the regulatory flood level are substantially impermeable to the passage of water.

(B) Prior to construction, plans for any structure that is required to be floodproofed must be submitted to the Director of Public Works for approval. The Director of Public Works will review the plans for compliance with the provisions of division (A) above and for compliance with any other applicable building codes or regulations. The Director of Public Works shall approve, reject, or recommend modifications of the plans within 30 days from the receipt of the plans.
('71 Code, § 9C-12) (Ord. 77-9, passed 6-1-77) Penalty, see § 154.99

## § 154.12 BREAKAWAY WALLS.

(A) Wherever any of the provisions of this chapter allow for a breakaway wall to be located below the regulatory flood level, the following conditions must be met.

(1) All new construction and substantial improvements within Zones V1-30 shall have the space below the lowest habitable floor free of obstructions; or be constructed with breakaway walls intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure by abnormally high tides or wind-driven water is minimized.

(2) The temporarily enclosed space shall not be used for human habitation.

(B) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Director of Public Works for approval. The Director of Public Works will review the plans for compliance with the provisions of division (A) above. The Director of Public Works shall approve, reject, or recommend modifications of the plans within 30 days from receipt of the plans. ('71 Code, § 9C-13) (Ord. 77-9, passed 6-1-77) Penalty, see § 154.99

## § 154.13 SUBDIVISION PROPOSALS.

The Town Manager shall review subdivision proposals and other proposed new developments to assure that all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards; and all the proposals include flood elevation data. ('71 Code, § 9C-14) (Ord. 77-9, passed 6-1-77)

## § 154.14 UTILITIES.

The Town Manager shall require new or replacement water supply systems or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. ('71 Code, § 9C-15) (Ord. 77-9, passed 6-1-77)

## § 154.15 VARIANCES.

(A) Conditions and restrictions. On the submission of a written application to the Town Commission, a variance from the 12-foot elevation for the lowest floor level may be granted pursuant to the National Flood Insurance Program Regulations, provided the following are met.

(1) A variance may be issued for new construction and substantial improvement of residential structures to be erected on a lot of one-half acre or less in size, provided 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, aesthetic incompatibility or different levels of pedestrian traffic.

(2) A variance may be issued for new construction and substantial improvements of nonresidential structures to be erected on lots exceeding one-half acre (if additional justification is evidenced) contiguous to and surrounded by lots with existing structures constructed below the base flood level.

(3) A variance shall not be issued for any new nonresidential construction and substantial improvements of nonresidential structures to be erected in a V zone, as delineated on a flood insurance rate map.

(4) Variances shall only be issued on a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(5) Variances shall only be issued on a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) The applicant shall be notified in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and such construction below the base flood level increases risks to life and property.

(7) A variance may be granted for a minor addition to an existing structure.

(8) Variances in floor elevation shall not be lower than the following.

(a) Gulf construction ten feet above mean sea level.

(b) East of Gulf of Mexico Drive, 8-1/2 feet above mean sea level.

(c) Floor level of existing building in case of a minor addition.

(B) Procedure. All applications for variances shall be heard by the Town Commission after reference to any committees and administrative officials as may be established for purposes of investigation and recommendation.

(1) Prior to the granting of a variance, the Town Commission must find justification exists in accordance with the terms of this chapter. These findings, together with the grant of a variance, shall be reduced to writing and made a part of municipal

records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance application.

(2) The variance shall be freely transferable with the land and shall not be personal to the applicant.

(3) Unless otherwise provided therein, a variance shall be valid for a period of one year after the date of its issuance. If construction has not commenced pursuant thereto within that time, the variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.

(4) No variance, except as herein specifically permitted, may be granted from the provisions of this chapter. The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

(C) Fee; contents of application. Each written application for a variance shall be accompanied by a fee of $25. Such an application shall reflect the type of structure for which a variance is sought, the size of the structure, the approximate location on the parcel, and the intended use thereof.

(D) Notice. Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the flood-prone area, that the structure will be permitted to be built with a lowest floor elevation up to 3-1/2 feet below the regulatory flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

(E) Records. The town shall maintain a record of all variance actions, including justification for their issuance, and report the variances issued in its annual report to the administrator of the National Flood Insurance Program.
('71 Code, § 9C-16) (Ord. 77-9, passed 6-1-77; Am. Ord. 77-18, passed 7-6-77)

## § 154.16 NONCONFORMING STRUCTURES.

A structure which was lawful before the passage or amendment of this chapter, but which is not in conformity with its provisions may be continued as a nonconforming structure subject to the following conditions.

(A) Any substantial improvement of a nonconforming structure shall be made in compliance with the provisions of this chapter.

(B) If any nonconforming structure is destroyed by any means, including floods, to an extent of 50% or more of its market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
('71 Code, § 9C-17) (Ord. 77-9, passed 6-1-77) Penalty, see § 154.99

## § 154.99 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 fined in a sum not more than $500, with each day of the violation constituting a separate offense.
('71 Code, § 9C-18) (Ord. 77-9, passed 6-1-77)

## CHAPTER 155: PLUMBING CODE

Section

155.01 Adoption of Standard Plumbing Code
155.02 Amendements to Standard Plumbing Code

### § 155.01 ADOPTION OF STANDARD PLUMBING CODE.

There is hereby adopted by reference the Standard Plumbing Code, 1979 Edition, with the modifications contained in § 155.02. Any reference in the Standard Plumbing Code, 1979 Edition, that uses the word "city" shall mean "town."
('71 Code, § 16-1) (Ord. 73-22, passed 9-12-73; Am. Ord. 74-32, passed 11-6-74; Am. Ord. 76-7, passed 4-7-76; Am. Ord. 81-35, passed 10-7-81)

### § 155.02 AMENDMENTS TO STANDARD PLUMBING CODE.

The following modifications, changes, and additions to the Standard Plumbing Code, 1979 Edition, are hereby adopted.

(A) Section 106.3, Schedule of Permit Fees, is amended to read as follows.

"For issuance of each permit..... $10.00
Each plumbing fixture up to and including the first twenty (20) fixtures..... 2.00
Each plumbing fixture in excess of twenty (20) fixtures..... 1.50
Building sewers four (4) inches and not over fifty (50) feet long..... 5.00
Each additional fifty (50) feet or fraction thereof..... 2.00
Larger sewers, each one hundred (100) feet or fraction thereof, per inch of diameter..... 2.00
Trailer connection..... 5.00
For installation, repair or alteration of water piping... 3.00
Repair, alteration of drainage or vent piping..... 3.00
Water service (new construction)..... 5.00
Water service only..... 5.00
Septic tanks, grease traps, oil separators, lint traps, etc., in excess of five hundred (500) gallons..... 7.50
Reinspection, when work is not ready or does not meet code, twenty cents ($0.20) per mile plus..... 5.00

(B) Section 107.1, Inspection Required, is amended to add the following.

"The minimum number of inspections shall be:

1st inspection Under Floor

2nd inspection Under Floor

Sewer Inspection

Final inspection."

(C) Section 302, Building Drains, is amended to change the distance to three (3) feet rather than ten (10) feet.

(D) Section 504.4 Chapter V of the 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 the buildings is prohibited."

(E) 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."

(F) Section 906.1, Public Use, is amended to read as follows.

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

(G) Section 907, Urinals, is amended by adding the following.

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

(H) Section 910.2, Construction, is amended by adding the following 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."

(I) Section 1205.1 is amended by changing in the first line type M to type L and by adding the following.

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

(J) Section 1206 is amended by adding the following new section.

"Section 1206.1(a)

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."

(K) Section 1209.1, Water Supply Control, is amended 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."

(L) Section 1211.1, Water Service Pipe, is amended by adding, the following 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.

(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 the 1213 Sections."

(M) Section 1211.3, Size of Fixture Supply, is amended by adding the following.

"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.

Not more than three 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."

(N) Section 1211.8, Hazard and Noise, is amended by adding the following.

"Air chamber fifteen (15) inches long or equal shall be provided on each lavatory or washbasin."

(O) Section 1213.4, Relief Outlet Wastes, is amended by adding the following.

"All relief valve tail lines shall be 3/8 inch or larger and run to outside of enclosed building in a safe place."

(P) Section 1213.7 is amended by adding the following.

(f) 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 then 3/4 inch."

(Q) Section 1301.3, Aboveground Piping, is amended to read as follows.

"(a) Soil and waste piping for the drainage system shall be cast iron."

(R) 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.

(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 building 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."

(S) Section 1302.1, Separate Trenches, is changed to read as follows.

"The building sewer shall be installed in separate trench from the water service pipe, or separated vertifically by one (1) foot of earth. The sewer shall be of cast-iron."

(T) Section 1304.1, Values for Fixtures, is amended by adding the following.

"All residential type washing machines shall be valued at three (3) fixture units and shall have minimum size trap of two (2) inches."

(U) Section 1307, 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 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."

(V) Section 1408.1, Distance of Trap from Vent, is added to read as follows.

"The distance shown is from trap to vent or drain. All fixture traps to be a minimum of five (5) feet 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" |

(W) Section 1411.6, 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.

(X) Section 1420.4, Fixture Branches, is added to read as follows.

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

(Y) Section 1502.1, Inside Conductors, is 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."
('71 Code, § 16-2) (Ord. 190, passed - - ; Am. Ord. 74-32, passed 11-6-74; Am. Ord. 76-7, passed 4-7-76; Am. Ord. 81-35, passed 10-7-81)

# CHAPTER 156: SIGNS

Section

156.01 Definitions
156.02 Sign permit required; application
156.03 Permit fees
156.04 Exemptions
156.05 Prohibited signs
156.06 Types of signs; regulations
156.07 Area; number of signs permitted
156.08 Construction and safety standards
156.09 Nonconforming signs; removal
156.10 Variances
156.11 Unsafe or unlawful signs
156.12 Enforcement

156.99 Penalty

Cross-reference:
Zoning use regulations, see § 158.037

## § 156.01 DEFINITIONS.

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

"AREA OF A 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. 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 any reasonable and proportionate space as would be required if border or frame were used. Where a single sign structure is used to support two 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.

"BANNER." A sign having letters, illustrations, or ornamentations applied to paper, or fabric of any kind with only that material for a backing. "BANNER" shall include any animated, rotating, or fluttering devices designed to attract attention.

"DIRECTORY SIGNS." Sign structures containing individual plates or panels bearing the names of individuals, organizations, or businesses.

"DOUBLE-FACED SIGN." A device consisting of a single panel with two surfaces, both sides of which are used for advertising or other communication.

"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.

"FLAT SIGN." A sign erected parallel to and extending not more than eight inches from the facade of any building to which it is attached, and supported throughout its entire length by the facade of the building.

"FRONT OF A BUILDING." Those parts of the building which are parallel of nearest to a public road, canal, waterway, or other body of water, and where there is no intervening property between the building and the public road, canal, waterway, or other body of water.

"GROUND SIGN." A sign supported by uprights or braces, permanently placed on or in the ground and wholly independent of any building for support.

"OFF-PREMISES SIGN." A sign on property other than that on which the business or activity advertised is or is to be conducted.

"PAINTED WALL SIGN." A sign painted on any outside wall or roof, or on the glass of any building.

"PENDANT SIGN." An auxiliary or supplementary sign, affixed or hung below another and supplementing the main sign. These signs are used to indicate "vacancy," "air conditioned," "credit-card accepted," and the like.

"POLITICAL SIGN." A sign erected to advocate the candidacy of a party, issues, or an individual for elective office.

"PORTABLE" or "SIDEWALK" or "SANDWICH SIGN." A movable sign not secured or attached to the ground.

"PROJECTING SIGN." A sign other than a flat sign, which extends outward for more than eight inches from the facade of any building and is affixed thereto.

"REAL ESTATE SIGN." A nonilluminated sign of temporary character advertising premises for sale, rent, or lease.

"ROOF SIGN." A sign erected over or on, and dependent on, the roof of any building for support.

"SIGN." A device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

"SINGLE-FACED SIGN." A device consisting of a single panel, only one side of which is used for advertising or other communication.

"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 on which the sign is located.

"VEHICLE ADVERTISING SIGN." A sign which is affixed to a transportation vehicle, for the purpose of advertising.

"WINDOW SIGN." A sign displayed inside a building for commercial purposes and visible to persons off the premises on which the building is located.
('71 Code, § 18-1) (Ord. 73-12, passed 5-24-73)

## § 156.02 SIGN PERMIT REQUIRED; APPLICATION.

(A) Except as may be otherwise provided herein, it shall be unlawful for any person to erect, post, display, or change any sign structure without first having obtained a permit therefor.
('71 Code, § 18-2)

(B) Each person who shall be required by this chapter to obtain a permit to post, display, erect, or change any sign or sign structure shall make application for the permit to the officer of the town as the Town Manager shall direct. Every such application shall contain the following.

(1) Name, address, and phone number of the applicant.

(2) Drawings and specifications necessary to show the location, construction, materials, and manner of illuminating and of securing and fastening of the proposed sign.

(3) Written consent of the owner of the property on which the sign and structure is to be placed.

(C) The following changes in a sign or its location will not require either a new permit or the payment of a new fee.

(1) 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.

(2) Changes in the wording or legend of a sign designed for such changes.

(3) 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.
('71 Code, § 18-3)
(Ord. 73-12, passed 5-24-73) Penalty, see § 156.99

§ 156.03 PERMIT FEES.

(A) Fees, to be paid prior to the issuance of a permit, are as follows.

| | | |
|---|---|---|
| (1) | Real estate signs | $ 5 |
| (2) | Off-premises directional signs | 15 |
| (3) | Flat sign | 20 |
| (4) | Painted wall sign | 20 |
| (5) | Projecting sign | 25 |
| (6) | Ground sign | 25 |
| (7) | Directory sign | 25 |
| (8) | Electrical sign | 30 |

(B) 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.

(C) Any sign or sign structure in which electrical wiring, connections, or fixtures are used shall pay the fee established for an electrical sign.

(D) Permit renewal fees shall be paid annually, on or before the first day of June. The renewal fee for all signs shall be $5. ('71 Code, § 18-4) (Ord. 73-12, passed 5-24-73)

§ 156.04 EXEMPTIONS.

(A) The following signs are exempt from the provisions of this chapter.

(1) Signs not exceeding two square feet in area denoting only the name, street, and number of the occupants of a building.

(2) Professional name plates not exceeding two square feet in area.

(3) 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.

(4) Identification signs at the entrance of private residences, which do not exceed two square feet in area.

(5) Nonadvertising signs located in private property and not exceeding two square feet in area indicating direction, danger,

identification, or similar necessary information ("entrance," "no smoking," "officer," and the like).

(6) One national flag and one flag of the state, and one flag of a foreign state, country, or prominent organization. In no case may more than three flags be flown.

(7) Private navigational aids.

(8) 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, and the like.

(9) Two Chamber of Commerce signs at the north and south entrances to the town on Gulf of Mexico Drive.

(B) 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.

(1) One real estate sign belonging to an owner of real estate and displayed on his own premises, provided the sign does not exceed four square feet in area.

(2) Vehicle identification signs.

(C) 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.

(1) Signs of religious, charitable, or other nonprofit organizations located on the premises of the organizations.

(2) Temporary signs, as permitted in § 156.06(A).

(3) Residential directory signs.

(4) Ornamental subdivision name signs at subdivision entranceways erected after the effective date of this chapter (see § 156.06 (H).)

('71 Code, § 18-5) (Ord. 73-12, passed 5-24-73; Am. Ord. 79-14, passed 8-1-79)

## § 156.05 PROHIBITED SIGNS.

(A) The following signs are prohibited.

(1) Portable, sidewalk, and sandwich signs.

(2) Signs containing intermittent lights or animation.

(3) Roof signs.

(4) Signs on the sides or rear of any building or property (excluding the front of the building) directly facing residentially zoned property.

(5) Signs containing exposed neon tubing.

(6) Stationary or affixed political signs in an R-1A, R-1B, R-1, R-1S, R-2, R-3, or R-C zoning district and on any street, road, highway, or right-of-way.

(7) Signs on mailboxes, other than the name and street number of the establishment or residence. Names shall be in letters, not more than three inches high.

(8) Snipe signs.

(B) The display of merchandise, or the parking of unusual vehicles, or the use of any other unusual device or contrivance on a public or private street or right-of-way, for advertising or commercial purposes, shall be deemed to be prohibited by this chapter.
('71 Code, § 18-6) (Ord. 73-12, passed 5-24-73; Am. Ord. 78-12, passed 10-25-78) Penalty, see § 156.99

## § 156.06 TYPES OF SIGNS; REGULATIONS.

(A) Banner signs. Except as provided in division (I) below, banner signs are prohibited; however, 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 days for any one 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 political car-top sign or 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-1, R-1S, R-2, R-3, or R-C 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. Electrical signs may be erected in R-1A, R-1B, R-1, R-1S, R-2, R-3, or R-C 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.

(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 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 or more applicants 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 12 feet in height aboveground, nor shall its width exceed eight feet (outside dimension). The individual panels or nameplates of the directory sign shall be uniform in size, color and lettering. An individual panel or nameplate may not exceed four square feet in area, and the aggregate area of all panels or nameplates shall not exceed 24 square feet.

(E) Real estate signs. Real estate signs shall have a maximum of four square feet of sign face. Only one real estate sign may be erected per each 250 feet of road frontage, or fraction thereof in the case of properties having less than 250 feet. Similarly, where a ground sign is erected to advertise development of a tract of land, only one such sign may be erected per each 250 feet of road frontage or fraction thereof; each ground sign must conform to the area requirements of § 156.07. Property on opposite sides of a road shall be treated as separate properties, even if in the same ownership.

(F) Illuminated signs. 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.

(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 sign on their waterway frontage, the 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. Residential land development name signs at development entrances, which are in existence on 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 the sign, or require that it be made conforming.

(I) Window signs, merchandise displays. In addition to any sign or signs allowed by § 156.07, commercial establishments shall be entitled to use window signs for the temporary advertisements of special events at their places of business. Window signs may be banner signs, but they may not be electrical signs, nor may more than one window sign be used for each 20 feet or fraction thereof of display window frontage, nor may any such sign exceed six 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.
('71 Code, § 18-7) (Ord. 73-12, passed 5-24-73; Am. Ord. 78-12, passed 10-25-78) Penalty, see § 156.99

## § 156.07 AREA; NUMBER OF SIGNS PERMITTED.

(A) Except for special limitations imposed by this chapter on certain types of signs, no sign shall have an area exceeding 32 square feet for a sign with a single face, and 64 square feet for a sign with a double face.

(B) Each separate commercial establishment or property owner, except as may be otherwise provided by this chapter, shall be entitled to the following. However, 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, it shall be entitled to the same privileges in respect to a sign on each side of the road.

(1) A single sign.

(2) A sign together with pendant signs.

(3) Two or more signs, if supported by the same sign structure.

(C) No sign or sign structure or part thereof shall exceed 12 feet in height above the ground, nor ten feet in width.

(D) 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.
('71 Code, § 18-8) (Ord. 73-12, passed 5-24-73) Penalty, see § 156.99

## § 156.08 CONSTRUCTION AND SAFETY STANDARDS.

Signs may not be located on 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.
('71 Code, § 18-9) (Ord. 73-12, passed 5-24-73) Penalty, see § 156.99

## § 156.09 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 hereafter be termed nonconforming.

(B) Nonconforming signs and sign structures in existence on 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 that one nonconforming on-premises sign with its supporting structure may be retained until June 1, 1976. However, all other signs on the property (except as permitted in § 156.06) 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 the sign and sign structure shall be removed on or before June 1, 1976.

(C) Nonconforming signs permitted to continue under the foregoing provisions may be kept up and maintained; but the signs may not be moved, enlarged, or changed in any manner. Any such change shall be grounds for causing the removal of the sign.
('71 Code, § 18-10) (Ord. 73-12, passed 5-24-73) Penalty, see § 156.99

## § 156.10 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 the chapter relating to the use, construction, or alteration of signs, or where the provisions of the chapter impose an unusual hardship on 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 on the terms 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.
('71 Code, § 18-11) (Ord. 73-12, passed 5-24-73)

## § 156.11 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 48 hours from the time of notification in writing to that effect from the Building Inspector; and if the notice is not complied with within the time specified, the Building Inspector shall cause the 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.
('71 Code, § 18-13) (Ord. 73-12, passed 5-24-73)

## § 156.12 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.
('71 Code, § 18-12) (Ord. 73-12, passed 5-24-73)

## § 156.99 PENALTY.

A person violating any of the provisions of this chapter shall be fined an amount not exceeding $500 or be imprisoned for a period not exceeding 60 days. Each and every day that the violation continues shall be considered a separate and specific violation of this chapter.
('71 Code, § 18-14) (Ord. 73-12, passed 5-24-73)

# CHAPTER 157: SUBDIVISION REGULATIONS

Section


General Provisions

157.01 Title
157.02 Purpose; jurisdiction
157.03 Definitions
157.04 Approval required before utility services permitted
157.05 Approval required before issuance of licenses; permits
157.06 Compliance required for building permit
157.07 Variances
157.08 Amendments
157.09 Conflict with other regulations
157.10 Subdivision application fees

Plat Specifications

157.15 Preapplication plans and data
157.16 Preliminary plat specifications
157.17 Final plat specifications
157.18 Plat certificates

Plat Approval

157.25 Submission of plat required; right to appeal
157.26 Approval required before starting construction
157.27 Certification by land surveyor
157.28 Dedication of streets and easements
157.29 Preapplication procedure
157.30 Preliminary plat approval
157.31 Final plat approval

Design Standards

157.40 Suitability of land
157.41 Street access required
157.42 Conformance to other regulations
157.43 Dedication of land to public use
157.44 Blocks
157.45 Lots
157.46 Streets

Required Improvements

157.55 Minimum improvements
157.56 Construction plans and specifications
157.57 Elevation and land filling
157.58 Streets
157.59 Drainage
157.60 Utilities
157.61 Monuments

157.99 Penalty

## GENERAL PROVISIONS

### § 157.01 TITLE.

This chapter shall be known and may be cited as the Town of Longboat Key Subdivision Regulations.
('71 Code, Appendix A, § 1.10)

### § 157.02 PURPOSE; JURISDICTION.

(A) The procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, adopted and prescribed by this chapter, are hereby found by the town to be necessary and appropriate to do the following.

(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 comformance 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.
('71 Code, Appendix A, § 1.20)

(B) This chapter 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 the town. ('71 Code, Appendix A, § 9.30)

(C) This chapter shall govern the subdivision of any and all lands located within the incorporated limits of the town. ('71 Code, Appendix A, § 2.10)

### § 157.03 DEFINITIONS.

(A) Except as specifically defined in division (B) below, all words used in this chapter 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; "BUILDING" includes "STRUCTURE"; "SHALL" is mandatory and not directory; "MAY" is permissive. ('71 Code, Appendix A, § 3.10)

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

"ALLEY." A facility which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

"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.

"BUILDABLE LOT AREA." Land located within the required front, rear, and side building setback lines as established by the applicable zoning regulations on which a structure may be positioned.

"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.

"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 on 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.

"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.

"CUL-DE-SAC." A street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

"EASEMENT." A grant by the subdivider for the use by the public, a corporation, or persons, of a strip of land for public utilities, drainage, and other public purposes.

"HEALTH AGENCIES." The Manatee or Sarasota County Health Department, as applicable, and the Department of Environmental Regulations, as applicable, and in accordance with state law and the town ordinances and regulations.

"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, or for separate use of another, or for

development conforming to this code and the zoning code and requiring no varinace in order to construct an improvement.

(a) "CORNER LOT." A lot abutting on two or more streets at their intersection.

(b) "DOUBLE FRONTAGE LOT" or "THROUGH LOT." An interior lot having frontage on two streets, other than a corner lot.

(c) "INTERIOR LOT." A lot other than a corner lot having frontage on one street.

"MEAN HIGH WATER LIN ." 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 the laws of Florida.

"PLANNING AND ZONING BOARD." The town Planning and Zoning Board, the legally constituted membership of the "PLANNING AND ZONING BOARD" of the town, as referenced in this chapter.

"PLAT." A map indicating the subdivision or resubdivision of land intended to be filed for record, or developed as regulated elsewhere herein.

(a) "FINAL PLAT." A finished drawing of a subdivision showing completely and accurately all legal and surveying information and certifications necessary for recording.

(b) "PRELIMINARY PLAT." 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.

"REGISTERED ENGINEERS." A professional engineer registered under F.S.A. Ch. 471, and in good standing with the Florida Board of Engineering Examiners.

"REGISTERED LAND SURVEYOR." A professional land surveyor registered under F.S. Ch. 472, and in good standing with the Florida Board of Engineering Examiners.

"RIGHT-OF-WAY." A strip of ground dedicated or deeded by the owner for public use.

"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.

"STREET." 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) "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.

(b) "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.

(c) "HIGHWAYS." Those traffic routes officially designated as federal or state highway routes, also referred to as state primary and secondary roads.

(d) "MARGINAL ACCESS STREET" or "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 side only.

(e) "MINOR STREETS" 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.

(f) "WIDTH OF STREET." The shortest distance between the parallel lines delineating the right-of-way of a street.

"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 defined below.

"SUBDIVISION." Includes all divisions of a tract or parcel of land into two or more lots for the purposes of building development or recording a plat thereof in the public records of Manatee or Sarasota Counties, or any subdivisions of land involving the dedication of a new street or other public way or a change in existing streets or alleys or any division of land. However, public acquisition of land for streets or highway purposes shall not be deemed a subdivision. "SUBDIVISION" includes resubdivision of an existing plat and when appropriate to the context shall relate to the process of subdividing.

"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 the state, 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.
('71 Code, Appendix A, § 3.20) (Ord. 81-37, passed 11-4-81)

## § 157.04 APPROVAL REQUIRED BEFORE UTILITY SERVICES PERMITTED.

(A) No public utility services shall be provided for any lot or building in a new subdivision until the subdivision is approved by the town. ('71 Code, Appendix A, § 11.10)

(B) No private utility service, including electricity, gas, telephone, or water, shall be provided for any lot or building in a new subdivision until the subdivision is approved by the town. ('71 Code, Appendix A, § 11.20)
Penalty, see § 157.99

## § 157.05 APPROVAL REQUIRED BEFORE ISSUANCE OF LICENSES; PERMITS.

No building, electrical, plumbing, or any other permits or licenses as may be required by the town for any construction shall be issued for any building on any lot in a subdivision, until the subdivision is approved by the town. The limitations under this section and § 157.04 are not intended to restrict installation of temporary buildings or utility services to serve as construction offices.
('71 Code, Appendix A, § 11.30)

## § 157.06 COMPLIANCE REQUIRED FOR BUILDING PERMIT.

No building permit shall be issued for, and no building or other structure shall be erected on, any lot, tract, or parcel of real estate unless the lot, tract, or parcel has been subdivided according to the provisions of this chapter. However, any lot, tract, or parcel conveyed and with the deed recorded in the public records prior to the effective date of this chapter (November 6, 1974) is exempted from this provision.
('71 Code, Appendix A, § 4.60) (Ord. 81-37, passed 11-4-81)

## § 157.07 VARIANCES.

(A) 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 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 of the proposed subdivision on traffic conditions in the vicinity.

(B) No variance shall be granted unless the Town Commission finds that all of the following conditions exist.

(1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
('71 Code, Appendix A, § 10.10)

## § 157.08 AMENDMENTS.

This chapter may be amended from time to time as deemed necessary. All amendments shall first be reviewed and acted on 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 chapter shall become effective until after a public hearing on each amendment shall be held by the Town Commission.
('71 Code, Appendix A, § 9.10)

## § 157.09 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 in this chapter, the laws, ordinances, covenants, or agreements shall control.
('71 Code, Appendix A, § 9.40)

## § 157.10 SUBDIVISION APPLICATION FEES.

(A) Fees for application for subdivision approval shall be as follows.

| | |
|---|---|
| Preliminary plan | $ 75 |
| plus filing fee | 200 |
| plus $25 per acre or fraction thereof and cost of planning consultant. | |
| (B) Final plat | $100 |
| plus cost of review of construction plans | |

(C) When the application for a subdivision approval involves values of insignificant costs, the Town Manager may reduce the fee set out in division (A) above to an amount not less than the cost incurred by the town in processing the application.
('71 Code, § 15B-2) (Ord. 76-6, passed 3-17-76)

## PLAT SPECIFICATIONS

### § 157.15 PREAPPLICATION PLANS AND DATA.

(A) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in division (B) and (C) 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.

(B) The location map shall show the relationship of areas immediately surrounding the proposed subdivision, and shall include the development name and location, title, north arrow, and date.

(C) The sketch plan shall show in simple but relatively accurate sketch form the proposed land usage and arterial and collector street configurations.
('71 Code, Appendix A, § 6.10)

### § 157.16 PRELIMINARY PLAT SPECIFICATIONS.

(A) The submittal for preliminary plat approval shall consist of 15 copies of black- or blue-line prints on white background, and any other documents in sufficient number to meet the requirements of this chapter.

(B) The preliminary plat shall be clearly and legibly drawn to the specifications herein required.

(C) Every subdivision shall be given a name by which it shall be legally known. The 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 so 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," and the like. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

(D) The preliminary plat shall be drawn to a scale and on a sheet size as required for final plat submission and shall contain the following information.

(1) Proposed name of subdivision.

(2) Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates.

(3) Location, size of subdivision in acres, and number of lots.

(4) Location sketch locating the subdivision in relation to the immediately surrounding area with regard to well-known landmarks such as major highways, waterways, or other landmarks.

(5) Name and delineation of former subdivision, if any or all of the area encompassed by the preliminary plat had been previously subdivided.

(6) Preliminary boundary lines of the entire tract to be subdivided eventually.

(7) Contour lines at six-inch intervals or as necessary based on 1929 sea level datum and referenced to established benchmarks.

(8) Natural features within the proposed subdivision and in an area within at least 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.

(9) Cultural features within the proposed subdivision and in an area within at least 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.

(10) 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.

(11) Preliminary layout for all utilities including but not limited to sites, easements, or other provisions for water supply and waste water collection.

(12) Drainage plan, with preliminary computations.

(13) Proposed unit division of stage development, if any, as proposed by the subdivider.

(14) All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn on 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.

(15) 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.

(16) 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.

(17) Streetlighting plan.

(18) The town bulkhead line whenever applicable.
('71 Code, Appendix A, § 6.20)

## § 157.17 FINAL PLAT SPECIFICATIONS.

(A) Every final plat of a subdivision within the town shall be submitted in a manner and form in conformance with F.S.A. Ch. 177, and the requirements of Manatee or Sarasota County, as applicable.

(B) After approval of the final plat, with proper certifications and signatures attached, the subdivider shall furnish the following prints when recording.

(1) Original on tracing cloth or stable base film.

(2) One black-line print.

(C) The final plat shall conform to the approved preliminary plat in all significant respects. It may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at any one time, provided that the portion represents a reasonable staging procedure acceptable to the town. The final plat shall contain the information as required by F.S.A. Ch. 177. In addition the following information shall be considered necessary for all plats within the town.

(1) Name of subdivision and all street names.

(2) Name of owner or owners of record.

(3) Name of subdivider.

(4) 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 corners and permanent

reference markers at all angles in boundary and accurate dimensions and bearings.

(5) Location of tract, acres, number of lots, and area of each lot (in square feet).

(6) Name and delineation of former subdivision if any or all of the final plat had been previously subdivided.

(7) Location sketch.

(8) 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 boundary of the section.

(9) 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.

(10) Municipal, county, or government lot lines are to be shown from information available from the appropriate public agency.

(11) 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.

(12) Street centerlines showing bearings, radii, length of arcs, chords and chord bearings, and central angles of curves.

(13) Lot lines with distances to the nearest .01 foot, line bearing, necessary internal angles, arcs, central angles, chords and chord bearings, and radii of rounded corners.

(14) All contiguous properties shall be identified by subdivision title, plat book and page or, if unplatted, land shall be so designated.

(15) All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn on 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.

(16) Lots or sites numbered in numerical order and blocks, if any, lettered alphabetically.

(17) Natural and cultural features to be retained in the proposed subdivision, as itemized in § 157.16 (D)(8) and (9).

(18) 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.

(19) Permanent reference monuments shall be placed at each corner or change in direction on the boundary of the lands being platted.

(20) Place for certificates, easements, and other legal statements.

(D) The final plat shall be accompanied by a title opinion by an attorney-at-law, licensed in the state, 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.
('71 Code, Appendix A, § 6.30)

## § 157.18 PLAT CERTIFICATES.

Each final plat submitted to the town for approval shall carry the certificates as required by Sarasota or Manatee County as applicable. 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)
Registered Land Surveyor
Florida Certificate No. _____

Date of Survey: _____

(B) Certificate of ownership and dedication for corporations.

STATE OF FLORIDA )
)SS
COUNTY OF SARASOTA )

_____ 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 parks 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, 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 )
)SS
COUNTY OF SARASOTA )

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 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 )
)SS
COUNTY OF SARASOTA )

_____ and _____, husband and wife, certify that we are the owners of the property described hereon, 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 )
)SS
COUNTY OF SARASOTA )

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

Approved by the Longboat Key Town Commission this ____ day of _____, A.D. 19 _____.

_____
Mayor

_____
Town Clerk

_____
Town Attorney

Accepted for files and recorded this _____ day of _____, A.D. 19 ____, in Plat Book _____, Page _____.

_____ Clerk of the Circuit Court
_____ County, Florida.

(E) Consent to dedication (corporate).

STATE OF FLORIDA )
)ss
COUNTY OF SARASOTA )

_____, 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 )
)ss
COUNTY OF SARASOTA )

Before me, the undersigned Notary Public, personally appeared _____, President, and _____, Secretary of _____, a _____corporation, 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, as such officers, for and in behalf of said Corporation.

WITNESS my hand and official seal at Sarasota County, Florida, this day of _____, 19 _____.

_____
Notary Public, State of Florida at Large

My Commission Expires: _____

('71 Code, Appendix A, § 6.40) (Ord. 76-2, passed 2-4-76)

## PLAT APPROVAL

### § 157.25 SUBMISSION OF PLAT REQUIRED; RIGHT TO APPEAL.

(A) Any person proposing to subdivide land within the town shall submit to the Town Manager plats of the proposed subdivision which shall conform to all the requirements set forth in this chapter and the required fee as set forth in § 157.10.

(B) Any person aggrieved by the enforcement of this subchapter by any administrative official, may file within 30 days after the aggrievement a petition to have his survey or plat reviewed by the Town Commission.
('71 Code, Appendix A, § 4.10) (Ord. 76-28, passed 9-15-76; Am. Ord. 81-37, passed 11-4-81) Penalty, see § 157.99

## § 157.26 APPROVAL REQUIRED BEFORE STARTING CONSTRUCTION.

(A) No subdivider shall proceed with any construction work or clearing of land whatsoever on a proposed subdivision or development before obtaining preliminary plat and construction plans approvals from the Town Commission as certified thereon. ('71 Code, Appendix A, § 4.20) (Ord. 81-37, passed 11-4-81)

(B) No subdivision of lands as defined in § 157.03 within the town shall be made without prior approval of a plat thereof by the town, and no plat shall be considered finally approved until it has been submitted and approved by Manatee or Sarasota County, for recording purposes, and dedication of public streets, parks, easements, and places have been accepted by the town. ('71 Code, Appendix A, § 4.50)
Penalty, see § 157.99

## § 157.27 CERTIFICATION BY LAND SURVEYOR.

Every subdivision of lands made within the provisions of this chapter 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.
('71 Code, Appendix A, § 5.11)

## § 157.28 DEDICATION OF STREETS AND EASEMENTS.

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 chapter, all streets, alleys, easements, rights-of-way, and public areas shown on the 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 the dedicated areas except where the obligation is voluntarily and specifically assumed by the Town Commission.
('71 Code, Appendix A, § 5.12) (Ord. 81-37, passed 11-4-81)
Penalty, see § 157.99

## § 157.29 PREAPPLICATION PROCEDURE.

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.
('71 Code, Appendix A, § 5.21)

## § 157.30 PRELIMINARY PLAT APPROVAL.

(A) Following the preapplication conference on the proposed subdivision the applicant shall submit preliminary plat materials which have been prepared in accordance with § 157.16, with a processing fee payable to the town as provided in § 157.10. 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 Environmental Regulations and the Florida Department of Transportation.

(B) The Planning and Zoning Board shall review the preliminary plat, and shall make a recommendation to the Town Commission within 60 days after receipt of the preliminary plat by the town, provided, 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.

(C) The Town Commission shall review the preliminary plat and supporting data along with agency comments and the Planning and Zoning Board recommendations and within 30 days of the receipt of the Planning and Zoning Board's recommendations shall either approve the preliminary plat; conditionally approve the prelimary plat subject to any necessary modifications, the nature of which shall be indicated on the preliminary plat or attached to it in writing; or disapprove the preliminary plat or any portion thereof, stating the reasons for disapproval in written form. The Town Manager shall notify the applicant of the Town Commission's action in writing within five days.

(D) 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 the final plat or plans. The approval of the preliminary plat shall be for one year within which time subdivider shall submit a final plat for all or a part thereof in accordance with the procedures and requirements of § 157.31 and other applicable provisions, provided, 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, the preliminary plat is null and void and the subdivider shall reapply according to the provisions and requirements of this chapter if he desires to reobtain preliminary plat approval.

(E) 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. The construction plans and specifications shall be in a form as specified by the town.
('71 Code, Appendix A, § 5.30) (Ord. 81-37, passed 11-4-81)
Penalty, see § 157.99

## § 157.31 FINAL PLAT APPROVAL.

(A) Whenever the provisions of this chapter 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 that portion of the approved preliminary plat which he proposes to record or develop at the time, provided, that the portion conforms to all requirements of these regulations. 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.

(B) 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.

(1) Deliver to the town a satisfactory performance bond issued by a recognized surety company licensed to do business in the state, or other security satisfactory to the Town Commission. The surety shall have provisions and meet requirements as set forth below.

(a) 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.

(b) The bond or surety shall be in the penal sum of 125% of the estimated cost of construction. The 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.

(c) The bond or surety shall guarantee the performance required in the applicable provisions of this chapter within one year of the date thereof, provided that, the Town Commission, on request, may extend the period of performance to two years from the date thereof.

(d) The bond or surety shall cover all improvements for a period of one year after completion and acceptance of the improvements by the town, provided that if the surety is cash or other liquid security, the town may release a sum equal to 75% of the cost of those improvements completed and accepted by the town after receipt of "as-built" plans for the improvements.

(2) Have constructed the required improvements and performed all required actions as set forth in this chapter and delivered to the town a satisfactory maintenance bond issued by a recognized surety company licensed to do business in the state, or other security satisfactory to the Town Commission. The surety shall have provisions and meet requirements as set forth below.

(a) The bond or surety shall be for a period of one year after acceptance of the improvements by the town and guarantee the repair or replacement of any improvements to the condition required by these regulations and other applicable requirements of the town because of defective materials, engineering, or workmanship.

(b) The bond or surety shall be in the penal sum of 25% of the cost of the improvements as determined by a registered engineer and approved by the town, provided that the Town Commission, upon request, may reduce the amount.

(C) 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 the following.

(1) 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 division (B) (2) above and "as-built" construction plans for all required improvements have been filed with the town.

(2) A surety has been provided by the subdivider or developer to satisfy the requirements herein as set forth in division (B) above.

(D) Approval by the Town Commission shall appear on the original tracing. Upon final approval by the Town Commission, the applicant shall submit the original and one copy of the approved final 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 30 days the town shall submit the final plat to the applicable county for approval and recording in the official records.

(E) 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 the plat on behalf of the public, unless otherwise provided.
('71 Code, Appendix A, § 5.40) (Ord. 81-37, passed 11-4-81)
Penalty, see § 157.99

## DESIGN STANDARDS

### § 157.40 SUITABILITY OF LAND.

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 the 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.
('71 Code, Appendix A, § 7.11) Penalty see § 157.99

### § 157.41 STREET ACCESS REQUIRED.

(A) No building permit shall be issued for, and no building or other structure shall be erected on, any lot within the town, unless the 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. ('71 Code, Appendix A, § 4.40)

(B) Every subdivision and every lot within it shall have legal access to a public street or private street constructed in accordance with these regulations. 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. ('71 Code Appendix A, § 7.20)
Penalty, see § 157.99

### § 157.42 CONFORMANCE TO OTHER REGULATIONS.

(A) All proposed subdivisions shall conform to the comprehensive plan and development policies in effect at the time of submission. ('71 Code, Appendix A, § 7.31)

(B) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning code, building 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 code, the zoning of the platted area proposed for platting must be changed to conform before the plat is filed. ('71 Code, Appendix A, § 7.41)
Penalty, see § 157.99

## § 157.43 DEDICATION OF LAND TO PUBLIC USE.

Whenever the plat proposes the dedication of land to public use and the appropriate agency finds that the land is not required or suitable for public use, the town may either refuse to approve the plat or it may require the rearrangement of lots to include the land. ('71 Code, Appendix A, § 7.32)

## § 157.44 BLOCKS.

(A) The lengths, widths, and shapes of blocks shall be determined with due regard to the following.

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated.

(3) Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic.

(4) Limitations and opportunities of topography and other natural features.

(B) In general, residential blocks should not be greater than 1,400 feet in length, depending on land configuration. Residential blocks shall be wide enough to provide two 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 or approve a single tier of lots of minimum depth.
('71 Code, Appendix A, § 7.50) Penalty, see § 157.99

## § 157.45 LOTS.

(A) Insofar as practicable, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut on a dedicated public or private street and conform to this code and the zoning code. Every residential lot shall conform to at least the minimum dimension and area requirement of the zoning code.

(B) 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 specific disadvantages of topography, orientation, and property size. A planting screen reservation of at least ten feet in width and across which there shall be no right of access, may be required along the line of lots abutting a traffic artery or other disadvantageous use. This reservation shall be in addition to other setback requirements.

(C) Corner lots shall have an extra width at least 15% greater than the required minimum to permit appropriate building setback from and orientation to both streets.

(D) Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. The remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

(E) 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 that individual lots, except in unusual circumstances, shall not front on an arterial street as defined in § 157.03.
('71 Code, Appendix A, § 7.60) (Ord. 81-37, passed 11-4-81)
Penalty, see § 157.99

§ 157.46 STREETS.

(A) 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 the streets. Where streets are not shown in the comprehensive plan for the town, the arrangement of streets in a subdivision shall do one of the following.

(1) 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.

(2) 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.

(B) Minor or local streets shall be so laid out that their use by through traffic will be discouraged.

(C) Cul-de-sacs shall be required for dead-end streets.

(D) 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 any other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(E) Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than 60 degrees. Detailed designs of intersections may be required. Street jogs with centerline off-sets of less than 125 feet shall not be permitted unless the town determines their necessity.

(F) Curb line radius at street intersections shall be at least 30 feet and where the angle of street intersection is less than 90 degrees, the town may require a greater radius.

(G) Cul-de-sac streets shall be designed with a circular turnaround to have a minimum right-of-way radius of 50 feet and a minimum pavement radius of 35 feet.

(H) All streets, public or private, shall have a right-of-way width of at least 50 feet and a pavement width of 22 feet. The following minimum right-of-way and pavement widths shall apply to the following classification of streets as defined. Pavement shall generally be centered within the right-of-way.

| Type | Right-of-way | Pavement (Excluding Curb or Gutter) |
|---|---|---|
| Highways | 100 feet | 48 feet total, divided or undivided |
| Arterial streets | 100 feet with divided lanes<br>80 feet with undivided lanes | 48 feet total, divided or undivided |
| Collector streets | 80 feet | 36 feet |
| Minor or local | 60 feet, unless 50 feet permitted | 22 feet |
| Marginal access streets | 50 feet | 22 feet |

(I) 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 30 feet and improvements shall meet the construction specifications of the town.
('71 Code, Appendix A, § 7.70)

(J) Half streets shall be prohibited. Streets on the boundary of a subdivision shall be of full width.

(K) 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. ('71 Code, Appendix A, § 7.80)

(L) Street names shall be designated by the subdivider for all streets. No two streets shall have the same name, nor shall any new street have the same name as an existing street in the town. 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. ('71 Code, Appendix A, § 7.90) Penalty, see § 157.99

## REQUIRED IMPROVEMENTS

### § 157.55 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 of this chapter, certain improvements as specified in this subchapter.
('71 Code, Appendix A, § 8.10) Penalty, see § 157.99

### § 157.56 CONSTRUCTION PLANS AND SPECIFICATIONS.

The plans and specifications for the required improvements described in this subchapter 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, the practices being oriented to the special condition of the town. Allowance shall be made for the Gulf setback requirements established by the town. The required engineer or engineers responsible for the approved plans shall supervise the construction of the improvements and shall provide certified "as-built" drawings on mylar to the town upon completion.
('71 Code, Appendix A, § 8.20) Penalty, see § 157.99

### § 157.57 ELEVATION AND LAND FILLING.

Filling, dredging, 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.
('71 Code, Appendix A, § 8.30) Penalty, see § 157.99

§ 157.58 STREETS.

(A) 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, and no streets shall be maintained by the town unless accepted by the Town Commission for maintenance. ('71 Code, Appendix A, § 4.30)

(B) All streets shall be laid out and designed in accordance with § 157.46 and other applicable ordinances and regulations of the town. All streets, public or private, shall be constructed to the standards of the town and shall 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.

(C) When curbs are provided at the option of the town, they shall conform to the street construction specifications of the town.

(D) At the discretion of the town and dependent upon potential pedestrian 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.

(E) 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.
('71 Code, Appendix A, § 8.40)
Penalty, see § 157.99

§ 157.59 DRAINAGE.

(A) 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 those relating to pollution control. Concentrated point discharge directly to the Gulf shall be prohibited.

(B) 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.

(C) 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.
('71 Code, Appendix A, § 8.50) Penalty, see § 157.99

## § 157.60 UTILITIES.

(A) 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.

(B) 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 tne town and on file in the office of the Town Clerk.

(C) All waste water collection and pumping systems shall be designed and 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.

(D) 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.
('71 Code, Appendix A, § 8.60) Penalty, see § 157.99

## § 157.61 MONUMENTS.

Permanent reference monuments as required by F.S.A. Ch. 177, shall be located and constructed. All points of curvature or tangency shall be clearly marked.
('71 Code, Appendix A, § 8.70)

## § 157.99 PENALTY.

Any person, persons, firms, or corporations convicted of violating the provisions of this chapter or any part hereof shall be punished by a fine of not more than $500 or imprisoned for a period not to exceed 60 days, and each day that the violation continues shall constitute a separate offense.
('71 Code, Appendix A, § 11.40)

## CHAPTER 158: ZONING CODE

Section


General Provisions

158.001 Title
158.002 Purpose
158.003 Interpretation
158.004 Application
158.005 Definitions
158.006 Zoning map adopted; interpretation
158.007 Establishment of districts
158.008 Zoning fees
158.009 Temporary use permit for development projects

Comprehensive Plan

158.015 Elements
158.016 Implementation
158.017 Open Space Master Plan
158.018 Transfer of living units
158.019 Amendments

Use Regulations

158.025 Schedule of use regulations
158.026 Special exception uses
158.027 Accessory use or building
158.028 Off-street parking
158.029 Off-street loading
158.030 Service stations
158.031 Drive-in facilities
158.032 Residential uses
158.033 Mobile home parks
158.034 Churches and private clubs
158.035 Home occupations
158.036 Signs
158.037 Proposed land uses; density
158.038 Nonconforming uses
158.039 Tourism

Lot, Yard, and Bulk Regulations

158.045 Schedule of lot, yard, and bulk regulations
158.046 Existing lots of record
158.047 Lot dimensions; reduction prohibited
158.048 Intersection visibility
158.049 Maximum coverage by buildings
158.050 Yard regulations
158.051 Minimum yard regulations for accessory structures
158.052 Walls, fences, and hedges
158.053 Height regulations
158.054 Screening regulations

Section

Lot, Yard, And Bulk Regulations (Cont'd)

158.055 Structures over water
158.056 Lot excavation, grades, and frontage

Planned Unit Development

158.065 Purpose
158.066 Preapplication conference
158.067 Review and approval procedure
158.068 Minimum area
158.069 Open space
158.070 Residential density
158.071 Proposed land uses

Construction, Alteration, Changes In Use

158.080 Application for building permit; permit types
158.081 Issuance of building permit
158.082 Permit fees
158.083 Denial of permit
158.084 Expiration of permit
158.085 Revocation of permit
158.086 Certificates of occupancy
158.087 Statement of zoning compliance
158.088 Special exception uses
158.089 Water supply and sewage disposal
158.090 Records

Site Development Plans

158.095 Required for certain permitted use applications
158.096 Consultants may be retained by town
158.097 Application for site plan approval
158.098 Submission procedure
158.099 Public hearings
158.100 Review standards for site plans
158.101 Grant or denial; findings of fact and conclusions

Administration and Enforcement

158.110 Planning and Zoning Official
158.111 Zoning Board of Adjustment
158.112 Appeals
158.113 Applications for special exception uses
158.114 Variances
158.115 Zoning amendments; review of Planning and Zoning Board
158.116 Right to judicial review

158.999 Penalty
Appendix: Land use charts and illustrations

Cross-reference:
Planning and Zoning Board as Local Planning Agency, see §§ 32.01 through 32.06

## GENERAL PROVISIONS

### § 158.001 TITLE.

This chapter shall be known and cited as the Town of Longboat Key Zoning Code.
('71 Code, App. B, Art. 1, § 1.10) (Ord. 74-15, passed 8-7-74)

### § 158.002 PURPOSE.

(A) The purpose of this chapter is to establish comprehensive controls for the development of land in the town 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, morals, and general welfare of the people.

(B) The objectives of this chapter 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.

(C) 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 chapter, and within these districts may regulate, determine, and establish the following.

(1) Height, number of stories, size, bulk, location, erection, contruction, repair, reconstruction, alteration, and use of buildings and other structures, for trade, industry, residence, and other purposes.

(2) Use of land and water for trade, profession, residence, and other purposes.

(3) Size of yards, and other open spaces.

(4) Percentage of lot that may be occupied.

(5) Density.

(6) Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of nonconforming uses.

(7) Use and types and sizes of structures in those areas subject to seasonal or periodic flooding so that danger to life and property in those areas will be minimized.

(8) Performance standards for use of property and location of structures thereon.

(D) 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.
('71 Code, App. B, Art. I, § 1.20) (Ord. 74-15, passed 8-7-74)

## § 158.003 INTERPRETATION.

In interpreting and applying the provisions of this chapter, 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 chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. However, where this chapter imposes a greater restriction on the use of buildings or premises, or on 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 chapter 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 the property shall be R-1 unless changed by amendment to the zoning map or by subsequent zoning ordinances.
('71 Code, App. B, Art. II, § 11.10) (Ord. 74-15, passed 8-7-74)

## § 158.004 APPLICATION.

Except as otherwise provided, the following restrictions shall apply.

(A) 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 the building or land is located.

(B) No building shall be erected, reconstructed, or structurally altered to exceed in height the limit herein designated for the district in which the building is located, nor be less than the minimum floor areas herein designated for the district in which the building is located.

(C) 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 on or reduced in any manner, except in conformity to the yard, lot area, and building location regulations herein designated for the district in which the building or open space is located.

(D) No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter 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.
('71 Code, App. B, Art. 4, § 4.20) (Ord. 74-15, passed 8-7-74)

## § 158.005 DEFINITIONS.

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

"ACCESSORY USE OR BUILDING." A subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

"ALLEY." A facility which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

"ARTS AND CRAFTS." The making of artifacts in a single-family dwelling as a home occupation and in compliance with § 158.035.

"AUTO RENTAL LOT." A lot or parcel of land on which passenger automobiles for active rental purposes only, are stored or parked.

"AWNING." An accessory structure either temporary or permanent which is supported by an open framework and is covered by cloth material.

"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.

"BOARD OF ADJUSTMENT." The Board of Adjustment of the town as provided for in this chapter.

"BUILDING." See "structure."

"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, occupying at least 75% of the area under the building, whichever is higher, to the highest point of any portion of the building.

"BUILDING LINE." The line, established by law, beyond which any part of a building shall not extend, except as specifically provided by law.

"BULK." Height and percentage of land coverage of a building.

"BUNGALOW COURTS." A group of two or more detached single- or two-family dwellings under a common ownership interest and single management located on one 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.

"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 or bar facilities including storage facilities, but no sleeping rooms.

"CLUB, PRIVATE." Buildings 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.

"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 on 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.

"DENSITY, MAXIMUM." The density allowable in a given zoning district not otherwise limited by other applicable requirements of the zoning ordinance.

"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.

"DRIVEWAY." A private drive connecting a dwelling unit or other building and its adjacent parking area with the street.

"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.

(1) "MOBILE HOME DWELLING." A vehicle or movable dwelling structure which is designed to be used as a dwelling unit for one 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.

(2) "MULTIPLE OR MULTIFAMILY DWELLING." Buildings, a building, or portion thereof, used or designed as a residence for three or more families living independently of each other, within individual dwelling units.

(3) "SINGLE-FAMILY DWELLING." A detached building designed for or occupied exclusively by one family.

(4) "TWO-FAMILY DWELLING." A building designed for, or occupied exclusively by, two families living independently of each other.

(5) "TOWNHOUSE DWELLING." A building designed for or occupied exclusively by one family and attached to two or more other buildings of similar design and separated by one or more party walls. The attached townhouses as defined constitute a building group.

"DWELLING UNIT (DU)." 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 family.

"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 or police stations.

"FAMILY." An individual, or two or more persons related by legal adoption, blood, or a licit marriage, or a group of not more than four persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

"FLOOR AREA."

(1) "MINIMUM FLOOR AREA." Minimum floor area as respects residential use means minimum living area of the habitable floors, not including garage. In computing minimum living area, any roofed lanai or porch on the habitable floors may be computed up to 50% of its area.

(2) "TOTAL FLOOR AREA." 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 or supporting columns.

"FRONTAGE." All the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

"GARAGE."

(1) "PRIVATE GARAGE." 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.

(2) "GARAGE, PUBLIC." Any building or premises, other than a private garage, used exclusively for the temporary parking or storage of motor vehicles.

"HOME OCCUPATION." A nonresidential use or business conducted within a residence and complying with the provisions of § 158.035.

"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. A hotel or motel, 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.

"LANDSCAPING, REQUIRED." Required landcaping shall consist of those plantings required by this chapter 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.

"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 chapter. For the purpose of this chapter 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. Includes "plot" and "tract."

(1) "CORNER LOT." A lot abutting upon two or more streets at their intersection (see § 1 of the appendix following this chapter).

(2) "INTERIOR LOT." A lot other than a corner lot having frontage on one street (see § 1 of the appendix following this chapter).

(3) "THROUGH LOT." An interior lot having frontage on two streets, other than a corner lot (see § 1 of the appendix following this chapter).

"LOT COVERAGE." That percentage of the lot area covered or occupied by the buildings or any part of the buildings.

"LOT DEPTH." The depth of a lot is the distance measured in the mean direction of the side line of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

"LOT LINES." The lines bounding a lot, as herein defined, as established by ownership, except that where a lot line lies within a public or private street or waterway the edge of the street right-of-way shall be considered to be the lot line for the purposes of calculating density, lot, yard, and bulk requirements. In respect to density calculations, however, any navigable waterway or boat basin excavated or to be excavated within the parcel of land shall be excluded to the extent that the waterway or boat basin exceeds 15% of the area of the parcel; this provision shall not apply to PD or GPD districts.

"LOT OF RECORD." A parcel of land as originally subdivided or subsequently resubdivided and properly recorded as a lot within a subdivision or plat.

"LOT WIDTH." The width of a lot is the distance measured along the front building line between the side lot lines of a lot.

"MEDICAL CLINIC." A building designed or used to house the offices of one or more practitioners of the healing arts where patients are treated on an outpatient basis.

"MOBILE HOME PARK." Any parcel of land which is designed for or contains two or more mobile home dwellings.

"NONCONFORMING LOT." A lot which does not conform to the schedule of lot regulations of this chapter pertaining to the district in which it is located.

"NONCONFORMING BUILDING OR STRUCTURE." A building or structure which does not conform to the yard or bulk regulations of this chapter pertaining to the district in which it is situated.

"NONCONFORMING USE." A use that does not conform to the regulations of the district in which it is situated.

"PARKING LOT." An open area or plot of land used exclusively for the parking of motor vehicles including aisles, either for profit or gratis, for commercial or residential uses.

"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 chapter.

"PLANNING AND ZONING OFFICIAL." The official designated by the town as the individual responsible for the administration and enforcement of these regulations.

"PRINCIPAL USE OR BUILDING." A use or building in which is conducted the predominant or primary function or activity of the lot on which it is located.

"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 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.

"RENTAL UNIT." One 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 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.

"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 bodywork or painting are rendered.

"SPECIAL EXCEPTION." A use which may be allowed within a zoning district subject to the provisions of this chapter and in accordance with the procedures as set forth in this chapter.

"STATEMENT OF ZONING COMPLIANCE." A statement issued by the Planning 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 chapter.

"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 is no floor above it, then the space between the floor and the ceiling next above it.

"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 lines).

"STREET LINE." The line between the street and abutting property; also referred to as right-of-way line.

"STRUCTURAL ALTERATIONS." Any change, except the repair or replacement, in the supporting members of a building, such as

walls, columns, beams, or girders or the rearrangement of any interior partitions affecting more than 5% of the floor area of the building.

"STRUCTURE." Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having permanent location on the land. Includes "building".

"STRUCTURE, HEIGHT OF." Any structure other than buildings shall be measured from grade. "Grade" is a reference plane representing the average of finised ground level adjoining the structure at all exterior walls.

"TIME-SHARING." The use of any dwelling unit under which the exclusive right of use or occupancy of the unit circulates among various occupants in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by the schedule.

"TOWN COMMISSION." The Commission, as legally constituted, of the Town of Longboat Key.

"TRAVEL TRAILER" or "RECREATIONAL VEHICLE." A vehicle less than 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.

"USED FOR." Includes "designed for".

"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.

"VARIANCE." A modification from the literal interpretation of the provisions of this chapter for legal yard and bulk requirements.

"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.

(1) "FRONT YARD." 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 § 1 of the appendix following this chapter.)

(2) "REAR YARD." 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 § 1 of the appendix following this chapter).

(3) "SIDE YARD." 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 § 1 of the appendix following this chapter).

(4) "WATERFRONT YARD." A yard on lots abutting a waterfront measured from the mean high waterline or retaining wall, whichever is closer, and the closest building line.
('71 Code, App. B, Art. 2, § 2.10) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-1, passed 2-1-78; Am. Ord. 78-19, passed 1-23-79; Am. Ord. 81-18, passed 6-15-81)

## § 158.006 ZONING MAP ADOPTED; INTERPRETATION.

(A) The official zoning map of the town is hereby divided into zones or districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the seal of the town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance No. 81-18 of the Town of Longboat Key, Florida" together with the date of the adoption of this chapter. The districts are bounded as shown on the map entitled "Town of Longboat Key Zoning Map," as amended by Ordinance No. 81-18 adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this chapter. The original map, properly attested, is and shall remain on file in the office of the Town Clerk. ('71 Code, App. B, Art. 3, § 3.20) (Ord. 74-15, passed 8-7-74; Am. Ord. 81-18, passed 6-15-81)

(B) 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 the zoning map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated. In case of uncertainty as to the true location of a district boundary line in particular instance, the Planning and Zoning 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. ('71 Code, App. B, Art. 3, §§ 3.31, 3.32) (Ord. 74-15, passed 8-7-74)

## § 158.007 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.

C-1-Neighborhood Commercial District

C-2-Community Commercial District

GPD-Gulf Planned Development

IS-Island Sanctuary District

M-1-Marine Commercial District

N-P-D-Negotiated Planned Development District

O-I-Office-Institutional District

PD-Planned Development District

R-1A-Single-Family Estate District

R-1B-Single-Family Low Density District

R-1-Single-Family Moderate Density Dostrict

R-1S-Single-Family Medium Density District

R-2-Low Density Multi-Family District

R-3-Moderate Density Multi-Family District

R-C-Medium Density Residential-Commercial District

T-1-Tourism Moderate Density, Multi-Family District

T-2-Tourism Medium Density Residential-Commercial District

('71 Code, App. B, Art. 3, § 3.10) (Ord. 74-15, passed 8-7-74; Am. Ord. 81-1, passed 3-6-81; Am. Ord. 81-18, passed 6-15-81)

Cross-reference:
Flood districts, see §§ 154.07, 154.08

## § 158.008 ZONING FEES.

(A) The town shall collect from each applicant, the following fees.

| | |
|---|---|
| (1) Application for certificate of occupancy or temporary certificate of occupancy, per unit | $ 5 |
| (2) Statement of zoning compliance | 25 |
| (3) Appeal of a decision of the Planning and Zoning Official | 50 |
| (4) Application for variance Plus cost of planning consultant | 200 |
| (5) Application for special exception use Plus cost of planning consultant | 200 |

| | | |
|---|---|---|
| (6) | Application for rezoning<br>Plus cost of planning consultant | 500 |
| (7) | Application for site plan review, filing fee<br>Plus $10.00 per unit and cost of planning consultant | 100 |
| (8) | Application for commercial site plan review<br>And cost of planning consultant | 300 |
| (9) | Application for PD outline development plan review, filing fee<br>Plus $10.00 per unit, maximum $5,000.00, and cost of planning consultant | 100 |
| (10) | Temporary use permits | |
| | (a) Model homes or apartments | 50 |
| | (b) Real estate offices limited to the sales of dwelling units on those premises | 50 |
| | (c) Construction material and equipment storage | 10 |

(B) Where the matter under consideration by the Board of Adjustment 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 all divisions above to not less than the cost to the town in processing the application. ('71 Code, § 15B-2) (Ord. 76-6, passed 3-17-76)

## § 158.009 TEMPORARY USE PERMIT FOR DEVELOPMENT PROJECTS.

(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 on completion of the project. The following activities may be permitted under such a temporary use permit on the real estate being developed, for a period not in excess of six months, provided all setback requirements of the zoning code are met.

(1) Model homes or apartments. Fee, $50.

(2) Real estate sales offices limited to the sales of dwelling units on those premises. Fee, $50.

(3) Construction material and equipment storage. Fee, $10.

(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 this code and subject to the penalties provided for in § 158.999.
('71 Code, § 15B-1) (Ord. 76-8, passed 4-7-76) Penalty, see § 158.999

## COMPREHENSIVE PLAN

### § 158.015 ELEMENTS.

The Comprehensive Plan 1978, including the following elements: Section 1 Future Land Use Element; Section 2 Traffic Circulation Element; Section 3 Open Space and Recreation Element; Section 4 Policies for Provision of Sanitary Sewer, Solid Waste, Drainage, and Potable Water; Section 5 Utilities Element; Section 6 Housing Element; Section 7 Intergovernmental Co-ordination Element; Section 8 Environmental Assessment; Natural Resources Conservation and Coastal Zone Protection Elements, as supplemented by Supplement for Comprehensive Plan 1978 and Natural Ecosystems Map prepared by Adley Associates marked Exhibit A, in accordance with the Local Government Comprehensive Planning Act of 1975, is adopted by the town as the Comprehensive Plan 1978.
('71 Code, App. B, Art. 4, § 4.40(a)) (Ord. 79-10, passed 6-27-79)

### § 158.016 IMPLEMENTATION.

F.S.A. §§ 163.3167(c) and 163.3177(5) provide for implementation of the plan and its elements. The fragile beach, dune, and wetlands areas referred to in Element Section 1, Future Land Use Element; the fragile beach, dune, and wetlands areas referred to in Element Section 3, Open Space and Recreation Element; and the fragile beach, dune, and wetlands areas referred to in the Natural Resources Conservation and Coastal Zone Protection Element are hereby implemented. The remaining recommendations contained in the Comprehensive Plan 1978 shall not be effective prior to the adoption of an ordinance or ordinances implementing these other recommendations.
('71 Code, App. B, Art. 4, § 4.40(b)) (Ord. 79-10, passed 6-27-79)

### § 158.017 OPEN SPACE MASTER PLAN.

(A) For the purpose of this section the following definitions

shall apply unless the context clearly indicates or requires a different meaning.

(1) "DEVELOPER." Any person, partnership, corporation, or trustee, undertaking any development as defined in this section

(2) "DEVELOPMENT." Any subdivision, whether or not the recording of a plat is required; any land on which a multiple-family dwelling unit, residential building, or grouping of the buildings or villas is to be built, including but not limited to rental cooperative or condominium units and including land to be used for commercial condominiums, hotels and motels, or individual dwellings, the latter including the construction of a single-family residence on a single-family lot or lots. The term includes any Planned Unit Development or District and Gulf Planned Unit Development or District, or part thereof.

(B) This section is enacted to ensure that future land development within the town preserves or provides land in its natural state for parks and open space required by the Longboat Key 1978 Comprehensive Plan, including Section 3 thereof entitled "Open Space and Recreation Element" and in the Capital Improvement Program of that plan and are more particularly set forth in the "Open Space Master Plan" concurrently adopted in division (C) below. Developers and landowners, including builders of residences on single family lots, must provide for parks and open space. The scope of this section is further to set forth certain regulations pertaining to land development and construction within the town, providing for parks and open space, which regulations shall be in addition to all other applicable building, subdivision, zoning and other regulations established by the town ordinances. This section shall apply to and be enforced in all areas of the town, and no persons shall develop land, nor construct any single-family residence, anywhere in the town except in conformity with this section, and other applicable regulations of the code of ordinances and amendments thereto.

(C) The map entitled "Open Space Master Plan" is made a part of this chapter and hereby adopted. This map properly attested shall be on file in the office of the Town Clerk inventorying land recommended for acquisition by the town.

(D) As a condition precedent to the grant of any permits following approval of final development plans, site plans, subdivision plats, or issuance of a building permit, the developer shall deed land to the town, pay a money fee in lieu thereof, or provide a combination of the above, at the option of the Town Commission, to be used for parks and open space specified in this section and according to the standards and formula set forth in this section.

(1) General standard; formula.

(a) It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that five

acres of land or equivalent money value be deeded or paid to the town for each $1,000 persons residing in the town to be devoted for the park and open space purposes of this section.

(b) To determine the amount of land for parks and open space to be conveyed in accordance with the general standard of five cumulative acres per 1,000 persons, the following shall be used.

Average number of persons per dwelling unit divided by (1,000) population, divided by acres of land required, equals acreage requirement per dwelling unit.
Example for single dwelling unit:
2.01 divided by $\frac{1,000}{5}$ = .010 acre per dwelling unit

(c) The following basis is to be followed in determining the amount of land to be included.

| Dwelling Type | Acreage Requirement/D.U. |
|---|---|
| Single-Family | .01 |
| Duplex | .01 |
| Multi-family | .01 |

(d) For land zoned multi-family, the land dedication basis shall be applied to the number of dwelling units included in the final development plan.

(e) The land to be conveyed to the town may be located either within or outside of the boundaries of the property proposed for development.

(2) Formula for fees in lieu of land conveyance.

(a) If it is determined that the proposed development does not include any land designated by the Open Space Master Plan as open space, to serve the immediate and future needs of the town residents and the developer is unwilling or unable to deed to the town lands outside the proposed development that are so designated, then the developer shall, in lieu of conveying land, pay a fee to the town equal to the value of the land acreage that would otherwise have been required to be conveyed as determined by the formula herein, and in an amount determined in accordance with the provisions set out below, the fee to be used by the town for acquisition of land and parks and open space which is intended to exclusively serve the residents of the town.

(b) The provisions of this division shall automatically apply to all developments of 25 dwelling units or less.

(E) In any development of over 25 dwelling units, the developer may be required to convey land and pay a fee in accordance with the following formula.

(1) When only a portion of the land which the developer is required to convey for parks and open space is to be conveyed, that portion shall be conveyed for parks or local open space and a fee computed pursuant to the provisions set out herein shall be paid to the town for any additional land that the developer would otherwise have been required to convey hereunder.

(2) When most of the land designated as parks and open space in the vicinity of the proposed development has already been acquired by the town and only a small remaining portion of the land in the proposed development is needed to complete the site, that remaining portion shall be conveyed by the developer and a fee shall be paid by the developer in lieu of conveying the additional land which would otherwise have been required to be conveyed. The fees shall be in an amount equal to the value of the additional land which the developer would otherwise be required to convey and the fees shall be used for the improvement of the existing town parks and open space land or for the improvement of other town parks and open space land in the area serving the development.

(F) If the developer objects to the fair market value determination, he may submit an MAI appraisal showing the fair market value of the lands required to be donated and final determination of the market value per acre of the land shall be made by the Town Commission based upon such information submitted by the developer. Should the developer's MAI appraisal not be acceptable to the town, the town shall appoint another MAI appraiser. The town's MAI appraiser and the developer's MAI appraiser shall select a third MAI appraiser and the fair market value of the lands required to be conveyed, as determined by the three appraisers, shall be binding upon the developer and the town. The cost of an appraisal shall be a credit against any fees.

(G) The Town Commission shall determine whether to accept land or require payment of the fee in lieu thereof, after consideration of the following.

(1) Topography, geology, access, and location of land in the development available for dedication.

(2) Size and shape of the development and land available.

(3) The feasibility of conveyance.

(4) Availability of previously acquired parks and open space property.

(5) Whether the developer owns or controls other land designated in the "Open Space Master Plan" or other lands.

(H) Where private or public open space is provided in a proposed or existing planned unit development or district in excess of the then requirement of § 158.069, or any amendment thereof, of the zoning code, partial credit, not to exceed 50% of the amount of

land required to be conveyed, may be given against the requirements of land to be conveyed or payment of fees in lieu thereof if the Town Commission finds it is in the public interest to do so. Such space does not include required yards, parking, court areas, setbacks, and other open areas required by zoning and building ordinances.

(I) In the case of a subdivision for which a plat is required to be recorded, as a condition of preliminary plat approval, the developer shall agree in writing to convey land for parks and open space, pay a fee in lieu thereof, or both, at the option of the Town Commission at the time and according to the standards and formula in this section after a recommendation from the Town Manager and approved by the Town Commission at the time of approval of the subdivision preliminary plat. At the time of approval of the final subdivision plat, the developer shall convey the land and pay the fees as previously determined by the Town Commission, but not later than issuance of a building permit.

(1) In the case of a planned unit development for which a condominium plat is required to be recorded, as a condition of site approval, the developer shall convey land for parks and open space, pay a fee in lieu thereof, or both, at the option of the Town Commission and according to the standards and formula in this section after a recommendation from the Town Manager and approved by the Town Commission at the time of approval of the site plan, but not later than issuance of a building permit.

(2) In all other cases, at the time of final approval of the final development plan or site plan, or on application for a building permit, the developer shall convey land, pay a fee in lieu thereof, or both, at the option of the town as determined by the Town Commission in accordance with this section.

(J) The fees collected under this section shall be paid to the town at town hall, 501 Bay Isles Road, Longboat Key, Florida. All such fees shall be placed in a reserve account in trust within the general fund and shall be known as the reserve for lands for parks and open space. Monies within the reserve account shall be used and expended solely for the acquisition, improvement, expansion of town parks and open space land.
('71 Code, App. B, Art. 9, § 9.35) (Ord. 74-15, passed 8-7-74; Am. Ord. 80-1, passed 4-20-80; Am. Ord. 80-9, passed 1-21-81; Am. Ord. 81-27, passed 9-2-81) Penalty, see § 158.999

## § 158.018 TRANSFER OF LIVING UNITS.

(A) Notwithstanding other code or ordinance provisions, if a developer owns or controls land that is located in whole or in part within an area designated in the Open Space Master Plan as open space or land for specified town purposes, and the developer also owns other land that is not located in such a designated area, then the developer may apply to the Town Commission for the opportunity for the transfer of living units from the land located within such

designated area of the Open Space Master Plan to other land owned or controlled by the developer.

(B) The Town Commission may consider the application, and during their deliberations and in making their decision, shall be governed by the following criteria.

(1) The Town Commission shall refer the application to the Planning and Zoning Board for a public hearing in accordance with § 158.100.

(2) The Town Commission shall hold necessary public hearings as required by this code and the laws of the state.

(3) The topography, geology, access, and location of the land designated as open space or land for specified town purposes by the Open Space Master Plan.

(4) The proposed transfer of living units to property not included within the Open Space Master Plan is compatible with existing conditions including the following.

(a) The proposed transfer will not adversely and materially affect existing zoning and development patterns;

(b) The proposed transfer is generally compatible with the existing densities, building land coverage, or intensity of development on adjacent parcels.

(5) The proposed transfer does not overload any of the following: wastewater collection or treatment facilities, fire and police protection, water supply, streets and thoroughfares.

(6) The proposed transfer will not adversely affect local natural resources or areas identified as environmentally sensitive.

(7) The proposed transfer would not adversely or materially affect the quality of community life.

(C) Providing the application of the developer meets the approval of the Town Commission, then the developer may proceed with the filing of development plans as provided under other applicable provisions of the town code, and other ordinances, with the understanding that a final decision on the proposed transfer of living units would be made by the Town Commission during final site plan, development plan, development plan approval under PUD, or plat approval and this action would be set forth in the resolution of approval of the final site plan, development plan, or subdivision plat.
('71 Code, App. B, Art. 4, § 4.30) (Ord. 74-15, passed 8-7-74; Am. Ord. 79-7, passed 8-1-79; Am. Ord. 80-3, passed 4-2-80; Am. Ord. 80-8, passed 11-19-80)

§ 158.019 AMENDMENTS.

(A) The Natural Resources Management Element of the Town of Longboat Key Comprehensive Plan, on Page 43 under Framework for Land Uses, is amended to add after the sentence "Additionally, the development standards for land uses found in the Natural Resources Management Plan are applicable also." The following:

"the transfer of density, used as a natural resources and land use management device, while not affecting town gross density, may result in localized densities that are higher than contemplated in the Comprehensive Plan's residential framework."

(Ord. 81-1, passed 3-6-81)

(B) The Land Use Element of the Town of Longboat Key Comprehensive Plan, on Page 39 under "Goal/Objective Framework" is amended to read as follows:

"Goal: To create a "sense of community" with a strong visual image and to preserve and enhance the residential character of the island.

Objective: Create distinct residence and resort oriented areas.

Time: 0 - 5 years

Programs and Activities: Amend Zoning Ordinance to separate residence and resort uses into individual zoning classifications."

(C) The Land Use Element of the Comprehensive Plan on Page 43 and the chart on Page 45 under "Framework for Land Uses" is amended to read as follows:

"Activities that directly serve the traveling and visiting public--hotels, motels, and other types of habitation occupied by different occupants for periods of less than a month, restaurants, gas stations, commercial amusement, marinas, charter boat docks."

(Ord. 81-18, passed 6-15-81)

## USE REGULATIONS

§ 158.025 SCHEDULE OF USE REGULATIONS.

The restrictions and controls intended to regulate development in each district are set forth in the schedule below and in the schedule in § 158.045, which are supplemented by other sections of this chapter.

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 specious character together with the associated accessory uses. | 1. Single-family dwellings | None | 1. Private swimming pools or cabanas<br>2. Private docks<br>3. Private garages<br>4. Other accessory uses customarily incident to a permitted or special exception uses, not involving the conduct of business | 1. Home occupations<br>2. Essential services<br>3. Servants' quarters |
| 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 §§ 158.065 through 158.071) | 1. Private swimming pools or cabanas<br>2. Private docks<br>3. Private garages<br>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<br>2. Essential services<br>3. Servants' quarters |
| 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 §§ 158.065 through 158.071) | 1. Private swimming pools or cabanas<br>2. Private docks<br>3. Private garages<br>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<br>2. Essential services<br>3. Servants' quarters<br>4. Municipal service buildings |

SCHEDULE OF USE REGULATIONS (Continued)

| DISTRICT | PURPOSE | PERMITTED USES | PERMITTED USES WITH SITE PLAN REVIEW | ACCESSORY USES | SPECIAL EXCEPTION USES |
|---|---|---|---|---|---|
| R-1S 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 §§ 158.065 through 158.071) | 1. Private swimming pools or cabanas<br>2. Private docks<br>3. Private garages<br>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<br>2. Essential services<br>3. Nonprofit cultural centers<br>4. Servants' quarters<br>5. Municipal service buildings |
| R-2 Low Density Multi-Family District | The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for multi-family development of a low density character together with the associated accessory uses. | 1. Single-family dwellings<br>2. Two-family dwellings<br>3. Townhouse dwellings with less than ten dwelling units<br>4. Multi-family dwellings with less than ten dwelling units<br>5. Essential services | 1. Planned unit development<br>2. Townhouse dwellings with ten or more dwelling units<br>3. Multi-family dwellings with ten or more dwelling units<br>4. Bungalow courts | 1. Private swimming pools or cabanas<br>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<br>3. Private docks<br>4. Off-street parking<br>5. 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<br>2. Churches, synagogues or other houses of worship<br>3. Servants' quarters<br>4. Municipal service buildings |

SCHEDULE OF USE REGULATIONS (Continued)

| DISTRICT | PURPOSE | PERMITTED USES | PERMITTED USES WITH SITE PLAN REVIEW | ACCESSORY USES | SPECIAL EXCEPTION USES |
|---|---|---|---|---|---|
| R-3 Moderate Density Multi-Family District | The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for multi-family development and accessory commercial uses of a moderate density character together with the associated accessory uses. | 1. Single-family dwellings<br>2. Two-family dwellings<br>3. Townhouse dwellings with less than ten dwelling units<br>4. Multi-family dwellings with less than ten dwelling units<br>5. Bungalow courts<br>6. Essential services | 1. Planned unit development<br>2. Townhouse dwellings with ten or more dwelling units<br>3. Multi-family dwelling units with ten or more dwelling units | 1. Private swimming pools or cabanas<br>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<br>3. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only<br>4. Off-street parking<br>5. 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<br>2. Churches, synagogues, or other houses of worship<br>3. Private clubs<br>4. Mobile home parks<br>5. Servants' quarters<br>6. Municipal service buildings |
| 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 accessory uses. | 1. Single-family dwellings<br>2. Two-family dwellings<br>3. Townhouse dwellings with less than ten dwelling units | 1. Planned unit development<br>2. Townhouse dwellings with ten or more dwelling units<br>3. Multi-family dwellings with ten or more dwelling units<br>4. Hotels or motels | 1. Private swimming pools or cabanas<br>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<br>2. Private clubs<br>3. Servants' quarters<br>4. Municipal service buildings |

SCHEDULE OF USE REGULATIONS Continued)

| DISTRICT | PURPOSE | PERMITTED USES | PERMITTED USES WITH SITE PLAN REVIEW | ACCESSORY USES | SPECIAL EXCEPTION USES |
|---|---|---|---|---|---|
| | | 4. Multi-family dwellings with less than ten dwelling units<br>5. Bungalow court<br>6. Home occupations<br>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<br>4. Off-street parking<br>5. Commercial uses accessory to an approved permitted with site plan review hotel or motel use<br>6. Other accessory uses customarily incident to a permitted, permitted with site plan review, or special exception uses, not involving the conduct of business | |
| O-I 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<br>2. Private clubs | 1. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only<br>2. Off-street parking and loading<br>3. Other accessory customarily incident to permitted with site plan review uses, not involving the conduct of business | 1. Municipal service buildings<br>2. Professional offices, including medical and dental clinics<br>3. Photography, art, or music studios |
| 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<br>2. One dwelling unit for use by owner or lessee which shall be attached to the principal structure | 1. Service stations<br>2. Church, synagogues, and other houses of worship<br>3. Day nurseries<br>4. Municipal service buildings |

SCHEDULE OF USE REGULATIONS (Continued)

| DISTRICT | PURPOSE | PERMITTED USES | PERMITTED USES WITH SITE PLAN REVIEW | ACCESSORY USES | SPECIAL EXCEPTION USES |
|---|---|---|---|---|---|
| | | | cleaning pickup stations, repair and service establishments such as shoe repair, small appliance repair, and watch or clock repair<br>Business and professional offices<br>Photography, art, or music studios<br>Restaurants or lounges<br>Branch or drive-in banking facilities<br>Private clubs<br>Medical or dental clinics | 3. Other accessory uses customarily incident to a permitted, permitted with site plan review, or special exception uses, not involving the conduct of business | |
| C-2 Community Commercial 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<br>Business and professional offices<br>Banks and financial institutions<br>Department stores<br>Photography, art or music studios<br>Churches, synagogues or other houses of worship<br>Nonprofit cultural centers<br>Governmental offices<br>Private clubs<br>Service stations<br>Restaurants and lounges | 1. Off-street parking and loading<br>2. Public garages<br>3. Other accessory uses customarily incident to a permitted, permitted with site plan review, or special exception uses, not involving the conduct of business | 1. Commercial amusement facilities<br>2. Marinas<br>3. Municipal service buildings |

SCHEDULE OF USE REGULATIONS (Continued)

| 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:<br>Rental of wet storage, sale of marine fuels, boat or motor rental or maintenance, sale of bait and fishing equipment<br>Convenience commercial food and sundries stores | 1. Off-street parking and loading<br>2. Storage or drydocking of boats<br>3. Other accessory uses customarily incident to a permitted, permitted with site plan review, or special exception uses, not involving the conduct of business<br>4. One dwelling unit for use by owner or lessee which shall be located on the same lot | 1. Restaurant or lounge<br>2. Boat or marine engine sales and repair<br>3. Charter fishing docks<br>4. Municipal service buildings |
| 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 | 1. Municipal service buildings |
| I-S Island Sanctuary District | The purpose of this district is to delineate publicly owned islands. | 1. Bird and wildlife sanctuaries<br>2. Public open areas | None | 1. Accessory uses customarily incident to a permitted use not involving the conduct of business | None |
| G-P-D Gulf 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 | 1. Municipal service buildings |

SCHEDULE OF USE REGULATIONS (Continued)

| DISTRICT | PURPOSE | PERMITTED USES | PERMITTED USES WITH SITE PLAN REVIEW | ACCESSORY USES | SPECIAL EXCEPTION USES |
|---|---|---|---|---|---|
| N-P-D Negotiated 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 and a negotiated transfer of density. | None | Planned unit development | Other accessory uses customarily incident to a permitted, permitted with site plan review, or special exception uses, not involving the conduct of business | 1. Municipal service buildings |
| T-1 Tourism-Moderate Density Multi-Family District | The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for tourism, multi-family development and accessory commercial uses of a moderate density character together with the associated accessory uses. | 1. Single-family dwellings<br>2. Two-family dwellings<br>3. Townhouse dwellings with less than ten dwelling units<br>4. Multi-family dwellings with less than ten dwelling units<br>5. Bungalow courts<br>6. Essential services | 1. Planned unit development<br>2. Townhouse dwellings with ten or more dwelling units<br>3. Multi-family dwelling with ten or more dwelling units<br>4. Motels and motels<br>5. Time sharing | 1. Private swimming pools or cabanas<br>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. Home occupations in single-family dwellings<br>2. Churches, synagogues, or other houses of worship<br>3. Private clubs<br>4. Mobile home parks<br>5. Servants' quarters |

SCHEDULE OF USE REGULATIONS (Continued)

| DISTRICT | PURPOSE | PERMITTED USES | PERMITTED USES WITH SITE PLAN REVIEW | ACCESSORY USES | SPECIAL EXCEPTION USES |
|---|---|---|---|---|---|
| | | | | 3. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only<br>4. Off-street parking<br>5. Commercial uses accessory to an approved permitted with site plan review hotel or motel use<br>6. Other accessory uses customarily incident to a permitted, permitted with site plan review, or special exception uses, not involving the conduct of business | 6. Municipal service buildings |
| T-2 Tourism-Medium Density Residential-Commercial District | The purpose of this district is to delineate those areas, as defined within the comprehensive plan, suitable for tourism, residential, and accessory commercial uses of a medium density character together with the associated accessory uses. | 1. Single-family dwellings<br>2. Two-family dwellings<br>3. Townhouse dwellings with less than ten dwelling units<br>4. Multi-family dwellings with less than ten dwelling units<br>5. Bungalow court<br>6. Home occupations<br>7. Essential services | 1. Planned unit development<br>2. Townhouse dwellings with ten or more dwelling units<br>3. Multi-family dwellings with ten or more dwelling units<br>4. Hotels or motels<br>5. Time sharing | 1. Private swimming pools or cabanas<br>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<br>3. Private docks including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only<br>4. Off-street parking<br>5. Commercial uses accessory to an approved permitted with site plan review hotel or motel use<br>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. Churches, synagogues, or other houses of worship<br>2. Private club<br>3. Servants' quarters<br>4. Municipal service buildings |

(Code, App. B, Art. 4, § 4.18) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-31-79; Am. Ord. 81-1, passed 3-6-81; Am. Ord. 81-18, passed 6-15-81)

## § 158.026 SPECIAL EXCEPTION USES.

Special exception uses, as enumerated in the schedule in § 158.025 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 §§ 158.111 through 158.114. Special exceptions granted by the Zoning Board of Adjustment shall require site plan review in accordance with §§ 158.095 through 158.101.

(A) That the use is a permitted special use as set forth in the schedule in § 158.025.

(B) That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.

(C) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(D) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.

(E) That adequate landscaping and screening is provided as required herein, or otherwise required.

(F) 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.

(G) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for planned unit developments.
('71 Code, App. B, Art. 6, § 6.10) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79) Penalty, see § 158.999

## § 158.027 ACCESSORY USE OR BUILDING.

(A) 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 § 158.051(D). No permit shall be issued for any accessory use or building, excluding piers or wharfs, until the principal use or building has been established or constructed. This provision shall not be applicable to seawalls or other duly authorized erosion control structures. Where a principal use within an R district is other than a hotel or motel no commercial accessory uses will be permitted. ('71 Code, App. B, Art. 6, § 6.21) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-1, passed 2-1-78; Am. Ord. 78-19 passed 1-23-79)

(B) 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 chapter. However, no part of the pool structure may protrude more than six inches above finished ground level and the pool walls shall be at least eight feet from the lot lines. Swimming pools within waterfront yards shall not be located within 150 feet of the mean high waterline on a gulfside waterfront yard, 20 feet of the mean high waterline within a bayside waterfront yard and 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 the computation. ('71 Code, App. B, Art. 6, § 6.22) (Ord. 74-15, passed 8-7-74)

(C) Accessory commercial uses in motels or hotels. Commercial services developed or used in connection with either motels or hotels, including cigar or newsstands, personal service shops, restaurants, cocktail lounges where food or drink are served, and similar uses, may be permitted provided the following conditions are fulfilled.

(1) At least 25 dwelling units shall be contained within the building group, however, a hotel or motel with less than 25 units may provide up to 200 square feet for such accessory uses.

(2) Not more than 10% of the total floor area within the buildings shall be so used.

(3) 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.

(4) All required parking is provided as set forth in § 158.028.

(5) Such accessory commercial uses are only permitted in conection with the principal use and may not be operated or advertised as an independent commercial use.
('71 Code, App. B, Art. 6, § 6.23) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

(D) 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 chapter. Any walls or fences shall conform with § 158.052. 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 the computation. Private recreational facilities

within a structure shall conform with all pertinent yard requirements as set forth in § 158.051. ('71 Code, App. B, Art. 6, § 6.24) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)

(E) Tennis courts.

(1) Tennis courts shall not be permitted within the required yard area unless the Board of Adjustment grants a special exception, and in no event shall the tennis courts be located as follows.

(a) Within 20 feet of a street.

(b) Within 20 feet of residential property, including hotel and motel uses.

(c) Within ten feet of any commercial property.

(d) Within any required gulfside yard.

(2) In required yards, only an open-wire-mesh fence (without canvas or other cover) shall be permitted not exceeding a height of 12 feet. No tennis court lights shall be permitted in an R-1 or R-1S District. In other districts the Planning and Zoning Official, upon application made and payment of a fee as prescribed, may authorize the installation and use of tennis court lighting of such a type, intensity, frequency and design as will not interfere with the public safety or with neighboring uses. In determining the maximum coverage of a lot by a building, open tennis courts (tennis courts without roofs) shall not be counted in the computation. ('71 Code, App. B, Art. 6, § 6.25) (Ord. 74-15, passed 8-7-74; Am. Ord. 77-10, passed 5-18-77) Penalty, see § 158.999

## § 158.028 OFF-STREET PARKING.

(A) Size and access. An off-street parking space shall consist of a parking space having minimum dimensions of ten feet in width by 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 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 § 2 of the appendix following this chapter and hereby made a part of this chapter. 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 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 12 feet for a one-way drive and 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 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 divisions (A) and (B) of this section and the schedule of off-street parking requirements, as prescribed below.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

| Use | | Spaces Required per Unit |
|---|---|---|
| (1) | Single- and two-family dwellings and townhouse | Two per dwelling unit. |
| (2) | Multi-family dwellings | One and one half per dwelling unit plus one per each five units or portion thereof. |
| (3) | Churches or other places of worship | One per seven permanent seats in the main auditorium. |
| (4) | Social, swimming, golf, tennis, and yacht clubs | One per 500 square feet of floor area plus four per each court, one per each 100 square feet of pool area, six per each hole of golf, one per each ten boat slips except for a restaurant which shall be the same as (9) below and one per five linear feet of beach. |
| (5) | General business, commercial, and personal service establishments or office buildings | One per 300 square feet of total floor area plus one for each regular employee, to be determined at the time of site plan review. |
| (6) | Hotels, motels, and motor inns | One and one-tenth per dwelling unit plus one per 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 per 500 square feet. |

| Use | Spaces Required per Unit |
|---|---|
| (8) Medical and dental offices or clinics | Seven for each doctor or dentist or one per 200 square feet of floor space whichever is greater. |
| (9) Restaurants, nightclubs, or other eating places | One per three seats as established by the latest adopted standards of the Standard Building Code or one per 200 square feet of floor area, whichever is greater. |
| (10) Theaters, auditoriums, or other places of public assembly | One per each four seats. |
| (11) Accessory commercial uses in motels and hotels | One per 500 square feet except for a restaurant which shall be the same as (9) above. |
| (12) Marinas | One per ten slips whether wet or dry plus the standard requirements for floor space. |

(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 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 the facilities, provided that the total of the 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 that

purpose except as limited herein. A maximum of 30% of a required or nonrequired front yard may be used for off-street parking except in the event of approved special exception use for churches, synagogues, or other houses of worship, when a maximum of 70% of a required or nonrequired front yard may be so used, provided that in either case a minimum front setback of 20 feet is maintained and the parking area is screened from the adjacent street with landscaping in accordance with § 158.054(A)(2). Any off-street parking located within any other yards shall also be screened with walls or landscaping from the adjacent street or uses in accordance with § 158.054(A). Each parking space shall have an adequate and substantial wheel stop located at least eight feet from any abutting side or rear property line. Parking area surfaces shall not extend closer than six feet from any abutting side or rear property line.

(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 70% 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 feet from any abutting front, side, or rear property line. Parking area surfaces shall not extend closer than five feet from any abutting front, side, or rear property line or twenty feet from any street.

(4) Each parking space shall be marked by one of the following methods: if paved, by wheel stop and striping; if upaved, by wheel stop.

(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 parking areas.

(1) At least 10% of the total interior area shall be suitably landscaped.

(2) This landscaping shall include the placement of a mature shade tree at intervals of approximately each five parking spaces.

(3) Interior portions of the parking area shall be broken up by the provision of landscaped islands.

(4) A maximum of 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 chapter 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 50% solidity for the total areas between deck levels, the sight blockage to be determined by elevation. A solid wall for 50% 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 division (3) above. The definition for height of building in § 158.005 shall be applied in respect to feet, not stories, and be measured to the top of the sight block as set forth in division (3) above.

(5) Carports shall be computed in the total percentage of lot coverage.
('71 Code, App. B, Art. 6, § 6.31) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 77-10, passed 5-18-77; Am. Ord. 78-19, passed 1-23-79)
Penalty, see § 158.999

## § 158.029 OFF-STREET LOADING.

(A) In any district, in connection with every building, or building group or part thereof thereafter erected and having a gross floor area of 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 the building, off-street loading berths or unloading berths as follows.

| | |
|---|---|
| 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 |

(B) The loading berths required in each instance shall be not less than 12 feet in width, 30 feet in length, and 14 feet in height, and may occupy all or any part of any required yard except for a required front yard or required waterfront yard. The loading berths shall be screened from the street or public way.
('71 Code, App. B, Art. 6, § 6.32) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79) Penalty, see § 158.999

§ 158.030 SERVICE STATIONS.

(A) Entrances and exits for vehicles to and from gasoline service stations shall not be closer than 70 feet to any intersection.

(B) Gasoline service stations shall be located on a lot not less than 15,000 square feet and have a minimum frontage of 100 feet.

(C) All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than 50 feet to any abutting residential district lot line and no closer than 25 feet to any other lot line.

(D) All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than 50 feet to any abutting residential district lot line and no closer than 25 feet to any other lot line.

(E) Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least 30 feet from any lot line.

(F) No storage of vehicles shall be permitted.

(G) When adjoining a residential district or use, screening shall be provided in accordance with § 158.054(A).
('71 Code, App. B, Art. 6, § 6.33) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)
Penalty, see § 158.999

§ 158.031 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) No drive-in accessory use shall have an entrance or exit for vehicles which is located closer than 70 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 for off-street parking access contained within § 158.028.

(B) No drive-in accessory use shall project into any front yard or, if applicable, street side yard further than the principal building. A maximum of six 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.
('71 Code, App. B, Art. 6, § 6.34) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## § 158.032 RESIDENTIAL USES.

(A) 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 § 3 of the appendix following this chapter for an illustration of the application of the general standards.)

(1) The overall density shall not exceed the maximum permitted in the district as set forth in the schedule of lot, yard, and bulk regulations in § 158.045.

(2) The minimum individual lot width, if applicable, shall be 20 feet and the maximum coverage for an individual lot, if applicable, shall be 40%.

(3) No less than three townhouses shall be located within a building group and no interconnection or overlapping between individual dwelling units shall be permitted. No part of any portion of any building group shall be nearer than 20 feet to any other building group nor nearer than ten feet to any side lot line of the overall lot.

(4) Each building group shall have provided on the overall lot, a 20-foot access to the interior or rear of the block with at least one such access for each 15 townhouses or portion thereof.

(5) Each interior individual townhouse lot not having a street front access shall have a minimum access easement of 12 feet provided along the rear property line of the lot.

(6) Townhouse developments, in addition to complying with all applicable sections of this chapter, shall comply with one of the following methods of land transfer and ownership.

(a) The subdivision of the whole tract into individual parcels in accordance with this chapter, together with the platting of the property for record in accordance with the state plat law and Chapter 157.

(b) Providing for the development of the entire tract in accordance with this chapter, 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.

(c) Providing for the development of the entire tract in accordance with this chapter, 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 the tract shall not be eligible for further subdivision.
('71 Code, App. B. Art. 6, § 6.41) (Ord. 74-15, passed 8-7-74)

(B) Conversions. All conversions of single-family dwellings in the R-2, R-3, or R-C Districts shall comply with § 158.029 regarding off-street parking requirements and each dwelling unit shall have adequate light, air, heating, and plumbing facilities. All density, lot area, and minimum floor area requirements for the converted structure within the district in which it is located shall be complied with. ('71 Code, App. B, Art. 6, § 6.42) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79) Penalty, see § 158.999

## § 158.033 MOBILE HOME PARKS.

(A) Application for special exception use. 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 chapter and other appropriate ordinances of the town, comply with the following provisions.

(1) 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.

(2) All applications for permits shall be submitted to the Planning 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 names and addresses 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 sets of engineering or architectural plans and specifications of the proposed park showing the following.

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.

4. The location of service buildings and any other proposed structures.

5. The plans and specifications as required by Chapter 157 of all proposed improvements.

(3) Mobile home parks operating prior to the effective date of this chapter, 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 any mobile home spaces as are shown on the permit and may make any improvements desired on any new or existing mobile home or on the 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 division (A) (2) above.
('71 Code, App. B, Art. 6, § 6.51)

(B) Size and density.

(1) Every mobile home park shall be located on a lot of at least 15 acres of land.

(2) Every mobile home park shall have at least 50 mobile home lots of a size and shape as set forth in division (C) below.

(3) Every mobile home park shall have a density not exceeding five mobile homes per acre of total park area.
('71 Code, App. B, Art. 6, § 6.52)

(C) Site improvement requirements. 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 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. All streets, water supply, storm drainage, sanitary sewage collection, and other utilities shall be designed and constructed in accordance with Chapter 157.

(1) 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.

(2) Nonresidential uses. No part of any park shall be used for nonresidential purposes except as permitted by this chapter. Nothing contained in this chapter shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(3) Separation between mobile homes.

(a) Mobile homes shall be separated from each other and from other buildings and structures by at least 30 feet. Mobile homes placed end to end may have a clearance of 20 feet where opposing rear walls are staggered.

(b) An accessory structure which has a horizontal area exceeding 25 square feet, is attached to a mobile home or located within ten 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.

(4) Mobile home lots. Each mobile home lot shall consist of usable area of not less than 4,000 square feet exclusive of all roadways, common recreation areas, or common parking areas. Each mobile home lot shall have not less than 40 feet of frontage on a park street.

(5) Recreation areas. In all mobile home parks there shall be one or more recreation areas which shall be easily acessible to all park residents. The size of the recreation areas shall be based on a minimum of 150 square feet for each mobile home lot. No outdoor recreation area shall contain less than 12,000 square feet. Recreation areas shall be so located as to be free of traffic hazards and should, where possible, be centrally located.

(6) Setbacks, buffer strips, and screening.

(a) All mobile homes shall be located at least 40 feet from any park property boundary line abutting on a street or highway and at least 20 feet from other park property boundary lines.

(b) There shall be a minimum distance of 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 § 158.050(C), waterfront yard requirements.

(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.

(7) Off-street parking.

(a) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. These areas shall comply with § 158.028 and the multi-family dwellings requirement as set forth in the schedule of off-street parking requirements in that section.

(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 200 feet from the mobile home that it is intended to serve.
('71 Code, App. B, Art. 6, § 6.53)

(D) 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 50 feet where feasible. ('71 Code, App. B, Art. 6, § 6.54)

(E) Mobile home stands. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure agains 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 shall be provided with anchors and tie-downs such as cast-in-place concrete deadmen, eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
('71 Code, App B, Art. 6, § 6.55)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

## § 158.034 CHURCHES AND PRIVATE CLUBS.

Churches and private clubs shall be subject to site plan review, have a minimum lot size of 30,000 square feet and minimum lot width of 150 feet.
('71 Code, App. B, Art. 6, § 6.60) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## § 158.035 HOME OCCUPATIONS.

Permitted home occupations operated in any dwelling unit may be operated only if they comply with all of the following conditions.

(A) Home occupations may be operated 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.

(B) No evidence of the home occupation shall be displayed or created outside of the building.

(C) Not more than one of the following uses shall be permitted, provided that the uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes.

(1) Arts and crafts.

(2) Custom dressmaking, tailoring, seamstress, or milliner.

(3) Artist or musician.

(4) Tutoring for not more than one student at a time.
('71 Code, App. B, Art. 6, § 6.62) (Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

§ 158.036 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 code and other applicable ordinances.
('71 Code, App. B Art. 6, § 6.63) (Ord. 74-15, passed 8-7-74)

Cross-reference:
Signs, see Chapter 156

§ 158.037 PROPOSED LAND USES; DENSITY.

(A) 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. ('71 Code, App. B, Art. 6, § 6.81)

(B) 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.

| Land Use Type | Unit of Measurement | Equivalence to One Dwelling Unit |
|---|---|---|
| Hotels, motels and similar places of transient occupancy | Number of rental units | One |
| Accessory commercial uses | Floor area | 1,250 square feet |

('71 Code, App. B, Art. 6, § 6.80)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

§ 158.038 NONCONFORMING USES.

(A) 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 chapter but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or future amendments. It is the intent of this chapter to permit those 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, except as provided hereafter. ('71 Code, App. B, Art. 6, § 6.91) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)

(B) 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 chapter 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 located, and if residential; shall be subject to the provisions of § 158.046. ('71 Code, App. B, Art. 6, § 6.92) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)

(C) Nonconforming buildings or structures. Where a building or structure exists lawfully that could not be built under this chapter 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, the building or structure may be continued so long as it remains otherwise lawful, provided that the building or structure is not enlarged or altered in any way which is nonconforming, but any building or structure may be altered to decrease its nonconformity; and provided further that any conforming enlargement or alteration of a nonconforming building or structure, 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 the alteration or enlargement. ('71 Code, App. B, Art. 6, § 6.93) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 81-18, passed 6-15-81)

(D) Nonconforming use. Where at the effective date of this chapter or any amendments thereto lawful use of buildings or structures exists the use may be continued subject to the provisions of this chapter. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the effective date of this chapter or any amendments thereto. Any nonconforming use which occupied a portion of a building not originally designed or intended for such a use shall not be extended to any other part of the building. ('71 Code, App. B, Art. 6, § 6.94) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)

(E) 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 §§ 158.095 through 158.101.

(2) The noncomformities 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 the 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 the casualty.
('71 Code, App. B, Art. 6, § 6.95)

(F) 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, however, no structural alterations shall be made which woul increase the number of dwelling units. ('71 Code, App. B, Art. 6, § 6.96)

(G) Off-street parking. Subject to approval by the Town Commission, additional off-street parking may be permitted on contiguous property. ('71 Code, App. B, Art. 6, § 6.97) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)

(H) Termination of nonconforming uses and structures.

(1) Abandonment. A nonconforming use not used for a period of one year or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof and the nonconforming use shall not thereafter be revived.

(2) Removal of nonconformance; extension of time to comply. A nonconforming building or structure not used or occupied in a lawful manner or vacant for a period of one year or more shall be considered an abandonment and the nonconforming building or structure shall be removed or made conforming. However, should the period of nonuse or vacancy be caused by legal restraints upon the owner or lessee, upon petition to the Town Commision, by the owner or lessee, and served on the Town Manager, the time may be extended by the Town Commission solely within the discretion of the Town Commission. The Town Commission may require the petitioner to decrease the nonconformity of the building or structure in one or more aspects of its nonconformity as outlined in division (3) above.

(3) Special extension for continuance. The Town Commission may grant a special extension for the continuance of an abandoned nonconforming building or structure for a period not to exceed five years to provide for the removal of the nonconforming building or structure, or the making of the building or structure conforming, on or before the end of the period approved. The property owner shall have furnished the town with a good and sufficient surety bond or other security in an amount to be approved by the Town Commission, to require compliance with this chapter. ('71 Code, App. B, Art. 6 § 6.98) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 77-10, passed 5-18-77; Am. Ord. 78-19, passed 1-23-79) Penalty, see § 158.999

## § 158.039 TOURISM.

Activities that directly serve the traveling and visiting public, such as hotels, motels, and other types of habitation occupied by different occupants for periods of less than a month, restaurants, gas stations, commercial amusement, and marinas and charter boat docks are restricted to the Tourism District. (Ord. 81-18, passed 6-15-81)

## LOT, YARD, AND BULK REGULATIONS

### § 158.045 SCHEDULE OF LOT, YARD, AND BULK REGULATIONS.

The restrictions and controls intended to regulate development in each district are set forth in the schedule below and in § 158.025, which are supplemented by other sections of this chapter.

| DISTRICT/USE | LOT | | | YARD | | | BULK | | | PARKING |
|---|---|---|---|---|---|---|---|---|---|---|
| | Minimum Area (sq. ft.) | Minimum Width (feet) | Minimum Depth (feet) | Front (feet) | Side Yard (both yards/ one yard) (feet) | Rear (feet) | Minimum Floor Area[1][e] (sq. ft.) | Maximum Height (stories/ feet) | Maximum Coverage (per-cent) | |
| R-1A | 30,000 | 100 | 100 | 30 | 25/10 | 30 | 2,000 | 2/30 | 20 | |
| R-1B | 15,000 | 100 | 100 | 25 | 25/10 | 25 | 1,600 | 2/30 | 25 | |
| R-1 | 10,000[1][d] | 100 | 100 | 20 | 20/8 | 20 | 1,350 | 2/30 | 30 | |
| R-1S | 7,000 | 60 | 90 | 20 | 20/8 | 15 | 1,000 | 2/30 | 30 | |
| R-2: | | | | | | | | | | |
| Single-family | 10,000 | 100 | 100 | 20 | 20/8 | 20 | 1,600 | 2/30 | 30 | |
| Two-family | 15,000 | 100 | 100 | 20 | 20/8 | 20 | 1,000 per D.U. | 2/30 | 25 | |
| Townhouses[1][b] | 25,000 | 125 | 150 | 20 | 25/10 | 20 | 1,200 per D.U. | 2/30 | 25 | |
| Multi-family | 25,000 | 100 | 125 | 25 | 35/15 | 25 | 750 per one bedroom D.U. +250 for each additional bedroom | 2/30 | 20 | |
| Bungalow courts | 20,000 | 100 | 100 | 25 | 30/12 | 25 | 1,000 per D.U. | 2/30 | 35 | |
| R-3: | | | | | | | | | | |
| Single-family | 10,000 | 100 | 100 | 20 | 20/8 | 20 | 1,600 | 2/30 | 30 | |
| Two-family | 15,000 | 100 | 100 | 20 | 20/8 | 20 | 1,000 per D.U. | 2/30 | 25 | |
| Townhouses[1][b] | 25,000 | 125 | 100 | 30 | 25/10 | 30 | 1,200 per D.U. | 2/30 | 25 | |
| Multi-family | 25,000 | 100 | 125 | 25 | 35/15 | 25 | 750 per one bedroom D.U. +250 for each additional bedroom | 2/35 | 30 | |
| Bungalow courts | 20,000 | 100 | 100 | 25 | 30/12 | 25 | 1,000 per D.U. | 2/30 | 35 | |
| R-4: | | | | | | | | | | |
| Single-family | 10,000 | 100 | 100 | 20 | 20/8 | 20 | 1,600 | 2/30 | 30 | |
| Two-family | 15,000 | 125 | 100 | 20 | 20/8 | 20 | 1,000 per D.U. | 2/30 | 25 | |
| Townhouses[1][b] | 20,000 | 125 | 100 | 20 | 25/10 | 20 | 1,200 per D.U. | 2/30 | 25 | |
| Multi-family | 30,000 | 150 | 150 | 30 | 50/20 | 30 | 750 per one bedroom D.U. +250 for each additional bedroom | 4/50 | 30 | |
| Bungalow courts | 20,000 | 125 | 100 | 25 | 30/12 | 25 | 1,000 per D.U. | 2/30 | 35 | |
| Hotels or motels | 30,000 | 150 | 150 | 30 | 50/20 | 30 | 100 per unit | 4/50 | 30 | |
| Hotel or motel guestrooms | ------ | --- | --- | -- | --- | -- | 650 per one bedroom D.U. +170 for each additional bedroom | ---- | -- | |

| DISTRICT/USE | Maximum Density (D.U.'s/ acre) |
|---|---|
| R-1A | *(a) |
| R-1B | *(a) |
| R-1 | *(a) |
| R-1S | *(a) |
| R-2: | |
| Single-family | 4 |
| Two-family | 5 |
| Townhouses[1][b] | 6 |
| Multi-family | 8 |
| Bungalow courts | 8 |
| R-3: | |
| Single-family | 4 |
| Two-family | 5 |
| Townhouses[1][b] | 6 |
| Multi-family | 8 |
| Bungalow courts | 8 |
| R-4: | |
| Single-family | 4 |
| Two-family | 5 |
| Townhouses[1][b] | 8 |
| Multi-family | 11 |
| Bungalow courts | 11 |
| Hotels or motels | 11 |
| Hotel or motel guestrooms | --- |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| N.A. | 45 | 40/15 | 20 | ----- | | 2/30 | 30 | | | |
| N.A. | 45 | 15/15*(c) | 20 | ----- | | 2/30 | 60 | | | |
| N.A. | 35 | 50/20 | 15 | ----- | | 3/40 | 40 | | | |
| N.A. | 45 | 40/15 | 20 | ----- | | 2/30 | 60 | | | |
| 4 | See §§ 158.065 through 158.071 for standards | | | According to use herein provided | | 10/100 | 30 | | | |
| *(a) | N.A. | N.A. | N.A. | ----- | | N.A. | N.A. | | | |
| 6 | See §§ 158.065 through 158.071 for standards | | | According to use herein provided | | 10/100 | 30*(f) | | | |
| 14 | | | | According to use herein provided | | 10 resi-dential stories (excluding the glass level)/130 | 30 | 1.7 spaces per unit, with a clear width of 9 feet or 1.5 spaces per unit with a clear width of 10 feet, or a combination thereof acceptable to the Town Commission | | |
| 8 | 40 | 35/15 | 25 | 650 per unit per one bedroom, +120 for each additional bedroom | | 3/40 | 30 | | | |
| 11 | 50 | 60/30 | 30 | 650 per unit per one bedroom, +120 for each additional bedroom | | 4/50 | 30 | | | |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| O-1 | | | 20,000 | 100 | 150 | | | | | |
| C-1 | | | 5,000 | 50 | 125 | | | | | |
| C-2 | | | 40,000 | 150 | 200 | | | | | |
| M-1 | | | 20,000 | 100 | 150 | | | | | |
| PB | | | See §§ 158.065 through 158.071 for standards | | | | | | | |
| | IS | | N.A. | N.A. | N.A. | | | | | |
| | GPO | | See §§ 158.065 through 158.071 for standards | | | | | | | |
| | MPO | | See §§ 158.065 through 158.071 for standards | | | | | | | |
| T-1 | | | 25,000 | 100 | 125 | | | | | |
| T-2 | | | 30,000 | 150 | 150 | | | | | |

*(a) Density expressed in terms of dwelling units per acre is fractional and dependent upon lot sizes.

*(b) See § 158.032(A) for regulations regarding individual townhouses.

*(c) If commercial use adjoins another commercial use or district no side yard setback is required, however, if one is provided it shall be 15 feet.

*(d) In B-1 districts all lots which existed on October 15, 1969, shall contain a minimum of 9,500 square feet of area with an average width between front and rear lines to be at least 80 feet with at least 40 feet fronting on the street.

*(e) Minimum floor area with respect to residential (hotel), or motel use means minimum living area of the first habitable floor, not including garage. In computing minimum living area, any covered open area may be computed up to 50% of its area.

*(f) Buildings six stories and above shall have a maximum coverage of 15%.

('71 Code, App. B, Art. 4, § 4.10, Schedule 2) (Ord. 74-12, passed 8-7-74; Am. Ord. 70-19, passed 1-23-79; Am. Ord. 81-1, passed 1-6-81; Am. Ord. 81-18, passed 6-15-81)

§ 158.046 EXISTING LOTS OF RECORD.

A single-family structure may be constructed on any nonconforming lot in any R district if the 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 the lot owns any adjoining vacant land which would create a conforming lot if the 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 feet, or a minimum side yard of 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 the lot is located.
('71 Code, App. B, Art. 5, § 5.11) (Ord. 74-15, passed 8-7-74)

§ 158.047 LOT DIMENSIONS; REDUCTION PROHIBITED.

(A) 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. ('71 Code, App. B, Art. 5, § 5.12)

(B) 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. ('71 Code, App. B, Art. 5, § 5.13)

(C) 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 chapter except as provided in this chapter; and, if already less than the minimum required by this chapter, the area or dimension may be continued but shall not be further reduced. ('71 Code, App. B, Art. 5, § 5.15)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

§ 158.048 INTERSECTION VISIBILITY.

At all street intersections no obstruction to vision (other than an existing building, post, column, or tree) exceeding 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 the lot and a line drawn between the points along the street lot lines 30 feet distant from their point of intersection
('71 Code, App. B, Art. 5, § 5.14) (Ord. 74-15, passed 8-7-74)

## § 158.049 MAXIMUM COVERAGE BY BUILDINGS.

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 in § 158.045, where the principal and accessory buildings are located.
('71 Code, App. B, Art. 5, § 5.20) (Ord. 74-15, passed 8-7-74)

## § 158.050 YARD REGULATIONS.

(A) 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 inches from the building wall except as otherwise provided for in this chapter. This restriction shall include boats, motors, vehicles, bicycles, carts, recreational items, sundries, and items of a similar nature offered for sale, display, rental, or hire. ('71 Code, App. B, Art. 5, § 5.30) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

(B) 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 20 feet. ('71 Code, App. B, Art. 5, § 5.31) (Ord. 74-15, passed 8-7-74)

(C) Transition yard requirements. 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 multi-family residential district, there shall be provided in the nonresidential or multi-family residential district along the abutting line, 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 25 feet. At least ten feet abutting the residential district shall be landscaped as a visual screen and be exclusively used for buffering. ('71 Code, App. B, Art. 5, § 5.32) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

(D) Waterfront yard requirements.

(1) Gulfside yard. Every lot which abuts the Gulf of Mexico or an established erosion control line shall have, on the gulf side, a gulfside waterfront yard. The gulfside waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the yard from which the depth shall be measured shall be the mean high waterline; except that, where an erosion control line has been established, the depth shall be measured from that line.

(a) Where the state coastal construction control line for Manatee County and the original proposed construction control line for Sarasota County on file in the Town Hall lies more than 150

feet upland from the mean high waterline or erosion control line, the state coastal construction setback line shall be the landward edge of the gulfside waterfront yard.

(b) No structures, buildings, swimming pools, drives, vehicular parking, walls, and fences may be built within the required gulfside waterfront yard except for beach shelters as defined in § 158.005, dune walkover structures, accessory decks, or marine structures as authorized in Chapter 151. No variance shall be granted from these requirements; however, a variance for a single-family dwelling may be permitted by the Board of Adjustment where the setback requirement cannot be applied, but can never be less than 50 feet from the mean high waterline or erosion control line, whichever is landward.

(2) Bayside yard: Every lot which abuts Sarasota Bay or the passes thereto shall have, on the bay side, a bayside waterfront yard. The 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. The bayside waterfront yard shall not be less than 50 feet measured from the bulkhead, bulkhead line, or mean high waterline whichever is most landward except that a single-family residence may not be located closer than 20 feet to the bulkhead, bulkhead line, or mean high waterline.

(3) 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. The 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. The canalside waterfront yard shall not be less than 30 feet measured from the mean high water line, bulkhead, or bulkhead line whichever is most landward except that a single-family residence may not be located closer than 20 feet to the mean high water line, bulkhead, or bulkhead line, whichever is most landward.
('71 Code, App. B, Art. 5, § 5.33) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-1, passed 2-1-78; Am. Ord. 78-19, passed 1-23-79; Am. Ord. 80-8, passed 11-19-80)
Penalty, see § 158.999

## § 158.051 MINIMUM YARD REGULATIONS FOR ACCESSORY STRUCTURES.

(A) 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 chapter. 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. ('71 Code, App. B, Art. 5, § 5.50)

(B) Unattached accessory structures in R Districts. Accessory structures without kitchen facilities which are located no closer than ten feet to a principal structure are defined as unattached and may be erected in accordance with the following requirements.

(1) An accessory building may occupy not more than 10% of a required rear yard.

(2) Any accessory structure located within a side or rear yard may not exceed eight feet in height and in no case be located closer than ten feet to the side or rear lot lines.

(3) 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 the accessory structure may be located.

(4) For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.

(5) No accessory structure shall be located within a waterfront yard except for davits as provided herein. Davits located within a waterfront yard shall not be located closer than ten feet to a side lot line nor exceed ten and one-half feet in height measured from ground livel.
('71 Code, App. B, Art. 5, § 5.51) (Ord. 78-1, passed 2-1-78)

(C) Attached accessory structures in R Districts. When an accessory structure is located within ten 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 chapter 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, that the equipment shall not be closer than ten feet to any lot line. ('71 Code, App. B, Art. 5, § 5.52)

(D) 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 feet; however, no accessory structures shall be located within a waterfront yard. ('71 Code, Appp. B, Art. 5, § 5.53)

(E) Accessory structures on waterfront and noncontiguous lots. A beach shelter may be located on a waterfront or noncontiguous lot as an accessory use. The accessory beach shelter shall not exceed 300 square feet in area, exceed 12 feet in height, and shall have at least a 50-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. ('71 Code, App. B, Art. 5, § 5.54) (Ord. 76-26, passed 7-21-76)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

## § 158.052 WALLS, FENCES, AND HEDGES.

All walls, fences, or hedges 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 chapter. ('71 Code, App. B, Art. 5, § 5.40)

(A) Front yard. All walls and fences within the required front yard shall not exceed three feet in height. ('71 Code, App. B, Art. 5, § 5.41)

(B) Side and rear yards. All walls, fences, or hedges within the required side or rear yards shall not exceed six 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. Walls and fences within nonrequired yards shall not exceed eight feet in height. ('71 Code, App. B, Art. 5, § 5.42) (Ord. 77-10, passed 5-18-77)

(C) Waterfront yard. All walls, fences, or hedges within a waterfront yard shall not exceed three feet in height. ('71 Code, App. B, Art. 5, § 5.43)

(D) Restrictions. The wall, fence, or hedge shall conform with § 158.048. ('71 Code, App. B, Art. 5, § 5.44)

(E) Retaining wall. A retaining wall is that wall which is required in order to maintain the required four to one slope. When a retaining wall is combined with a wall, fence, or other structure, the resultant height shall be the measurement producing the highest dimension. Height of retaining walls is not applicable in commercial districts. The height shall be determined during a site plan review. ('71 Code, App. B, Art. 5, § 5.45)
(Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)
Penalty, see § 158.999

## § 158.053 HEIGHT REGULATIONS.

(A) 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 the building or structure is located, except as noted in section the district in which the building or structure is located, except as noted in division (B) below. ('71 Code, App. B, Art. 5, § 5.61)

(B) No exceptions to the height regulations shall be permitted except as specifically provided for below.

(1) One television antenna per principal structure and one or more mechanical equipment rooms not exceeding 10% of roof area and not exceeding the height regulations by more than ten feet of the district in which it is located; however, the mechanical equipment rooms, their location and visibility from adjoining streets or properties should be the subject of site plan review considerations.

(2) A church spire or tower may exceed the height regulations of the district within which it is located.

(3) No sign, nameplate, display, or advertising device of any kind whatsoever shall be inscribed on or attached to any antenna, tower, or other structure which extends above the roof of the principal structure or height regulations.

(4) A planned unit development shall conform to the height regulations of the district within which it is located.

(5) In instances where buildings are included in a site plan review under §§ 158.095 through 158.101, 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. The extension shall be obtained prior to site plan review application.
('71 Code, App. B, Art. 5, § 5.62) (Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

## § 158.054 SCREENING REGULATIONS.

(A) Subject to the requirements of § 158.052, where any nonresidential use directly abuts a single-family residential zone or where a nonresidential use within a multi-family 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.

(1) By a fence or wall at least five feet but not more than six feet in height of at least 60% solidity measured perpendicularly. The fence or wall shall be located completely within the limits of the nonresidential lot and shall have equal architectural treatment on both sides.

(2) 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. The landscaping shall be by berm or 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.
('71 Code, App. B, Art. 5, § 5.71) (Ord. 77-10, passed 5-18-77)

(B) 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 landscaping shall be considered a violation of this chapter. ('71 Code, App. B, Art. 5, § 5.73)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

§ 158.055 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. No pier or wharf or other structure projecting into the water beyond the mean high waterline shall be constructed, reconstructed, or structurally altered if any of the following conditions exist.

(B) The structure has any superstructure, building, equipment, or facility erected, placed, located, or maintained thereon which is more than three feet in height above the pier or wharf.

(C) The structure is constructed so as to interfere with the riparian rights of other property owners.

(D) The structure extends beyond the mean high waterline in excess of 30 feet, except this limitation may be modified where the Zoning Board of Adjustment grants a variance in a manner prescribed by law.

(E) The structure comes closer than 15 feet to an extension of the side lot lines projected into the water, except this limitation may be modified where the Zoning Board of Adjustment grants a variance in the manner prescribed by law.
('71 Code, App. B, Art. 5, § 5.81) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-1, passed 2-1-78) Penalty, see § 158.999

§ 158.056 LOT EXCAVATION, GRADES, AND FRONTAGE.

(A) 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 the premises and excavation or grading incidental thereto. ('71 Code, App. B, Art. 5, § 5.82)

(B) No natural grades of the upland or Gulf bottoms within 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. ('71 Code, App. B, Art. 5, § 5.83)

(C) Every lot in every district shall have a minimum frontage of 40 feet on a public or approved private street. ('71 Code, App. B, Art. 5, § 5.84)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

## PLANNED UNIT DEVELOPMENT

§ 158.065 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.
('71 Code, App. B, Art. 7, § 7.10) (Ord. 74-15, passed 8-7-74)

## § 158.066 PREAPPLICATION CONFERENCE.

In order to expedite the review of a planned unit development, coordinate its local review in respect to the provisions of this chapter 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 the Town Manager is required. The preapplication conference, 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 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 § 158.067.

(D) To enable the applicant to inform the town of the requirements, procedure, and status of the various county, state, and federal agency reviews.
('71 Code, App. B, Art. 7, § 7.30) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## § 158.067 REVIEW AND APPROVAL PROCEDURE.

(A) 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 § 158.100 and other applicable sections of this chapter, and to make recommendations thereon. ('71 Code, App. B, Art. 7, § 7.20) (Ord. 74-15, passed 8-7-74)

(B) In order to provide an expeditious method for processing a plan for a planned unit development, under the terms of this chapter, 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.

(1) An application for an outline development for a planned unit development shall be filed by or on behalf of the landowner with the Planning 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 on the town. The following information shall be submitted with the application.

(a) The location and size of the site including its legal description.

(b) The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.

(c) 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.

(d) The density or intensity of land use to be located 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 any street to the other side thereof, except with the consent of the Town Commission.

(e) The location, size, and character of any common open space and common owned facilities, and the form of organization proposed to own and maintain any common open space and common owned facilities.

(f) The use and type of buildings, that is, single-family detached, townhouses, garden apartments, or medium rise or high rise, proposed for each portion of the area included within the outline development plan.

(g) 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 Chapter 157.

(h) The substance of covenants, grants, or easements or other restrictions proposed to be imposed on the use of the land, buildings, and structures including proposed easements or grants for public utilities.

(i) The provisions for the parking of vehicles and the function and location of vehicular and pedestrian system facilities.

(j) The provisions for the disposition of open space including its development or nondevelopment character and function.

(k) 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.

(l) Any additional data, plans, or specifications as the applicant or the town may believe are pertinent to the proposed planned unit development.

(m) 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.

(2) The application for an outline development plan of a planned unit development shall be filed with the Planning and Zoning Official. Upon receipt of the application the Planning and Zoning Official shall review the application to determine its appropriateness and completeness and accept or reject it within 15 working days of its submission. Upon acceptance of the application, the town's administrative staff shall review the application and within 30 days of the application's acceptance submit the application, together with all supporting documentation and their recommendations thereof, to the Planning and Zoning Board. The Planning and Zoning Board shall report on the proposed planned unit development not less than 60 days of the original acceptance date by the town and forward their recommendations to the Town Commission. (Ord. 76-26, passed 7-21-76)

(C) A public hearing on the planned unit development application shall be held by the Town Commission within 90 days after acceptance of the application, public notice of which shall be given in accordance with the provisions of the Charter and this chapter, provided, the Town Commission may unilaterally extend the time for a period not to exceed 30 days. A transcript of the hearing may be caused to be made by the Town Commission at the cost of the applicant, 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 the consultants shall be borne by the applicant in the manner set forth in § 158.008. (Ord. 76-26, passed 7-21-76)

(D) The Town Commission shall, within 30 days following the conclusion of the public hearing, by written resolution either grant approval of the plan as submitted, grant approval subject to specified conditions not included in the plan as submitted, or deny approval to the plan. Failure of the Town Commission to so act within the stated period shall be deemed to be a grant of approval of the plan as submitted.

(1) 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.

(2) In the event approval is granted subject to conditions, the applicant shall, within 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 the conditions. In the event the applicant refuses to accept all the conditions or fails to reply within 45 days, the Town Commission shall be deemed to have denied approval of the plan. Nothin contained herein shall prevent the Town Commission and the applicant from mutually agreeing to a change in the 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 conditions.

(3) 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 the resolution shall set forth with particularity in what respects the plan 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 statement of objectives of the planned unit development and the town's development plan.

(b) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property.

(c) 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.

(d) The physical design of the plan and the manner in which the 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.

(e) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

(f) 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.

(4) 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 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 not be less than six months. However, nothing herein contained shall be construed to limit an applicant from the presentation of any application for final approval earlier than the time period herein set forth.
(Ord. 78-19, passed 1-23-79)

(E) Within seven days after the adoption of the written resolution provided for in division (D) above, 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; however, an applicant may apply for a revision to the 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 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.

(F) 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 any 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 and required by § 157.31(B). 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 §§ 158.095 through 158.101. (Ord. 78-19, passed 1-23-79)

(G) 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 do the following.

(1) Vary the proposed residential density or intensity of use by more than 10%.

(2) Involve a reduction of the area set aside for common open space nor the substantial relocation of the area.

(3) Increase by more than 10% the floor area proposed for nonresidential use.

(4) Increase by more than 5% the total ground areas covered by buildings nor involve a substantial change in the height of buildings.

(H) The procedure for reviewing an outline development plan shall not be held on an application for final approval of a plan when the plan as submitted for final approval is in substantial compliance with the outline development plan. The burden shall nevertheless be on 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 the 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 §§ 158.095 through 158.101 are complied with.

(I) 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 Chapter 157 before any development whatsoever shall take place in accordance therewith. Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the 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.

(J) In the event that a plan, or a section thereof, is given final approval and thereafter the applicant shall abandon the 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 12 months, the final approval shall terminate and be deemed null and void unless the time period is extended by the town upon written request of the applicant.
(Ord. 78-19, passed 1-23-79)
('71 Code, App. B, Art. 7, § 7.40)

(K) The Town Commission shall approve the planned unit development only if it finds that the planned unit development satisfies all of the requirements as set forth in §§ 158.095 through 158.101 and the following standards.

(1) The planned unit development shall be consistent in all respects with the regulations governing planned unit developments as set forth within this chapter.

(2) The planned unit development plan shall be consistent in all respects with the regulations governing planned unit developments as set forth within this chapter.

(3) 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.

(4) The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

(L) The planned unit development shall conform with Chapter 157 and all 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.
('71 Code, App. B, Art. 7, § 7.60) (Ord. 78-19, passed 1-23-79)
(Ord. 74-15, passed 8-7-74)

## § 158.068 MINIMUM AREA.

(A) A planned unit development shall include not less than the following minimum sizes of contiguous land.

| Districts | Minimum PUD Size |
|---|---|
| Single-family districts | 5 acres |
| R-2 | 5 acres |
| R-3 | 5 acres |
| RC | 5 acres |
| T-1 | 5 acres |
| T-2 | 5 acres |

(B) The minimum size of a planned unit development for the PUD, GPD, or NPD Districts is not applicable as an 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 chapter, a planned unit development which may vary in minimum PUD size by not greater than 50%, provided there is no increases in density.
('71 Code, App. B, Art. 7, § 7.51) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79; Am. Ord. 81-1, passed 3-6-81; Am. Ord. 81-18, passed 6-15-81) Penalty, see § 158.999

## § 158.069 OPEN SPACE.

A minimum of 20% 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.
('71 Code, App. B, Art. 7, § 7.52) (Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

## § 158.070 RESIDENTIAL DENSITY.

(A) Planned unit developments shall have densities no greater than that permitted for a PUD within the district in which it is located as shown below.

| Districts | Maximum PUD Density |
|---|---|
| R-1B | 2 dwelling units/acre |
| R-1 | 3 dwelling units/acre |
| R-1S | 4 dwelling units/acre |
| R-2 | 6 dwelling units/acre |
| R-3 | 8 dwelling units/acre |
| RC | 11 dwelling units/acre |
| PD | 4 dwelling units/acre |
| GPD | 6 dwelling units/acre |
| NPD | 14 dwelling units/acre |
| T-1 | 8 dwelling units/acre |
| T-2 | 11 dwelling units/acre |

(B) 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.
('71 Code, App. B, Art. 7, § 7.53) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79; Am. Ord. 81-1, passed 3-6-81; Am. Ord. 81-18, passed 6-15-81) Penalty, see § 158.999

## § 158.071 PROPOSED LAND USES.

Proposed land uses shall not adversely affect surrounding development and shall be consistent with the town's development plan. In no case, however, where mixed uses, residential and

nonresidential, are proposed, shall commercial development occupy more than 5% of the gross area of the planned unit development. Mixed uses are not permitted unless they are an allowable use within the zoning district.
('71 Code, App. B, Art. 7, § 7.54) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## CONSTRUCTION, ALTERATION, CHANGES IN USE

### § 158.080 APPLICATION FOR BUILDING PERMIT; PERMIT TYPES.

(A) All persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Planning 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 Planning 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 Planning 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. ('71 Code, App. B, Art. 9, § 9.11)

(B) There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built on, 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 150. ('71 Code, App. B, Art. 9, § 9.31)

(C) One copy of the layout or plot plan shall be returned when approved by the Planning and Zoning Official together with the permit to the applicant upon the payment of a fee as required by ordinance. The second copy, with a copy, with a copy of each application with accompanying plan, shall become a public record after a permit is issued or denied. ('71 Code, App. B, Art. 9, § 9.32)

(D) Under the terms of this chapter, the following classes of building permits may be issued.

(1) Permitted use. A building permit for a permitted use may be issued by the Planning and Zoning Official on his own authority as provided for in other sections of this chapter.

(2) Permitted uses with site plan review. A building permit for a permitted use with site plan review may be issued by the Planning and Zoning Official upon approval of the Town Commission after their review in accordance with the provisions of this chapter.

(3) Special exception uses. A building permit for a special exception use may be issued by the Planning and Zoning Official upon the order of the Board of Adjustment after the procedures and provisions of § 158.113 are complied with.

(4) Building permit after an appeal or a request for a variance. A building permit may be issued by the Planning and Zoning Official upon the order of the Board of Adjustment after the procedures and provisions of § 158.114 are complied with.
('71 Code, App. B, Art. 9, § 9.12)
(Ord. 74-15, passed 8-7-74)

(E) 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; and no permit for clearing of land shall be issued until application therefor has been made to and approved by the town. ('71 Code, App. B, Art. 9, § 9.45) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)
Penalty, see § 158.999

Cross-reference:
Building permit fees, see § 150.06
Subdivision application fees, § 157.10
Zoning application fees, see § 158.008

## § 158.081 ISSUANCE OF BUILDING PERMIT.

(A) 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 Planning and Zoning Official. Except upon a written order of the Board of Adjustment, no building permit, certificate of occupancy, or statement of zoning compliance shall be issued for any building where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this chapter. ('71 Code, App. B, Art. 9, § 9.30)

(B) It shall be the duty of the Planning 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 chapter, and that all other reviews and actions, if any, called for in this chapter have been complied with, and all necessary approvals secured therefor. All building permits shall be issued in duplicate and one 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 the operation is displayed as required by this chapter nor shall they perform building operations of any kind after notification of the revocation of the building permit. ('71 Code, App. B, Art. 9, § 9.34)
(Ord. 74-15, passed 8-7-74) Penalty, see § 158.999

## § 158.082 PERMIT FEES.

Permit fees shall be as established in § 158.008.
('71 Code, App. B, Art. 9, § 9.35(1)) (Ord. 74-15, passed 8-7-74)

Cross-reference:
Building permit fees, see § 150.06

## § 158.083 DENIAL OF PERMIT.

When the Planning and Zoning Official is not satisfied that the applicant's proposed development will meet the requirements of this chapter, he shall refuse to issue a building permit. The applicant may appeal to the Board of Adjustment for a reversal of the Planning and Zoning Official's decision.
('71 Code, App. B, Art. 9, § 9.36) (Ord. 74-15, passed 8-7-74)

## § 158.084 EXPIRATION OF 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 § 150.40.
('71 Code, App. B, Art. 9, § 9.37) (Ord. 74-15, passed 8-7-74)

## § 158.085 REVOCATION OF PERMIT.

If it shall appear, at any time, to the Planning and Zoning Official that the application or accompanying plat is in any material respect false or misleading, or that work is being done on the premises differing materially from that called for in the application for a building permit 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 permit to surrender it and all copies thereof to the Planning and Zoning Official. After the building permit has been revoked, the Planning and Zoning Official, in his discretion, and before issuing the new building permit, may require the applicant to file an indemnity bond in favor of the town with sufficient surety conditioned for compliance with this chapter and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.
('71 Code, App. B, Art. 9, § 9.38) (Ord. 74-15, passed 8-7-74)

## § 158.086 CERTIFICATES OF OCCUPANCY.

(A) 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 Planning and Zoning Official, stating that the building or proposed use thereof complies with the provisions of this chapter. In all cases where development plan approval is required by the Town Commission under other ordinances now or hereater 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) The Town Commission may authorize a temporary certificate of occupancy for the time stated therein and a variance from the provisions of this section where there are practical difficulties or peculiar hardships 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 125% of the estimated cost of construction.
('71 Code, App. B, Art. 9, § 9.41)

(C) All certificates of occupancy shall be applied for coincident with the application for a building permit. The certificate shall be issued within ten days after completion of the erection or alteration and after it shall have been approved as complying with all provisions of this chapter. ('71 Code, App. B, Art. 9, § 9.42)
(Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## § 158.087 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 is in accordance with all provisions of this chapter, 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.
('71 Code, App. B, Art. 9, § 9.43) (Ord. 74-15, passed 8-7-74)

## § 158.088 SPECIAL EXCEPTION USES.

All applications for building permits shall be accompanied by plans and any other information as may be required in this chapter.
('71 Code, App. B, Art. 9, § 9.39) (Ord. 74-15, passed 8-7-74)

Cross-reference:
Procedure for special exception uses, see § 158.113

## § 158.089 WATER SUPPLY AND SEWAGE DISPOSAL.

All water supply and sewage disposal installations 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 Planning and Zoning Official in any zone unless the conformity is

certified on the plan. Drainage affecting adjacent properties shall be considered by the Planning and Zoning Official before issuing a building permit, including possible runoffs to adjacent properties.
('71 Code, App. B, Art. 9, § 9.33) (Ord. 74-15, passed 8-7-74)

§ 158.090 RECORDS.

The Planning 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.
('71 Code, App. B, Art. 9, § 9.44) (Ord. 74-15, passed 8-7-74)

## SITE DEVELOPMENT PLANS

§ 158.095 REQUIRED FOR CERTAIN PERMITTED USE APPLICATIONS.

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 subchapter. No certificate of occupancy shall be issued for any building unless all facilities included in the approved site plan have been provided in accordance with Chapter 150 and § 158.086. The Town Commission may, prior to approving a certificate of occupancy, require evidence of the filing of a record of documents establishing the form of organization owning or maintaining any common open space and may also require evidence of the filing of a record of covenants, grants of easement, or other restrictions imposed on the use of the land.
('71 Code, App. B, Art. 6, § 6.71) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)

§ 158.096 CONSULTANTS MAY BE RETAINED BY TOWN.

The town 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 the consultants shall be borne by the applicant in the manner set forth in § 158.008.
('71 Code, App. B, Art. 6, § 6.72) (Ord. 74-15, passed 8-7-74)

§ 158.097 APPLICATION FOR SITE PLAN APPROVAL.

Any application for site plan approval shall include the following information.

(A) The location and size of the site including its legal description, and a current certified survey.

(B) The recorded ownership interests, including liens, title certification, and encumbrances, and the nature of the developer's interest if the developer is not the owner.

(C) 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.

(D) 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 itemized by use and density. Density shall not be transferred from one side of any street to the other side thereof except with the consent of the Town Commission.

(E) The location, size, and character of any common open space and commonly owned facilities, and the form of organization which will own and maintain any common open space and facilities.

(F) The use and the maximum height, bulk, and location of all buildings and other structures.

(G) The requirements for preliminary plat submission or application as set forth in Chapter 157, including the necessary documentation for providing required improvements such as streets, parking, water supply, storm drainage, and sewage collection, as well as the provisions for all other appropriate public and private services such as security protection, fire protection, and refuse collection.

(H) 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.

(I) Adequate 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.

(J) The provisions for the disposition of open space, including tree protection, landscaping provisions, and buffering requirements.

(K) 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.

(L) Any additional data, plans, or specifications which the applicant or town believes is pertinent and will assist in clarifying his application.

(M) Architectural renderings, elevations, and representative floor plans in preliminary form.
('71 Code, App. A, Art. 6, § 6.76) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)

## § 158.098 SUBMISSION PROCEDURE.

(A) An application for a site plan review shall be made to the Planning 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 otherwise 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.

(1) At his discretion the Planning and Zoning Official may waive this requirement in part or in whole to allow the processing of permit applications at various other levels of government to proceed coincidentally with the site plan review. This permission must be obtained in writing from the Planning and Zoning Official and shall not prejudice the town's decisions in any way with regard to the standards of acceptance of the site plan review.

(2) On request of the applicant, opportunities for preapplication conferences with the town site plan review staff will be provided. The objective of these conferences will be to orient the applicant to the site plan review procedures and standards and to encourage the early discussion of innovative design concepts.

(B) Upon receipt of a site plan application the Planning and Zoning Official shall have five working days to determine the appropriateness and completeness of the information presented in the submission and accept or reject the application. This decision shall not be taken as approval or disapproval of the site plan itself. Within 25 working days after the receipt of the application for review, the Planning and Zoning Official shall refer the application, together with all supporting documentation and staff recommendations, to the Planning and Zoning Board for their review and recommendations.

(C) Upon receipt of the application, the Planning and Zoning Board shall, within 60 working days of the original acceptance date by the town, review the site plan and make recommendation to the Town Commission together with their findings in respect to the proposed development as set forth in § 158.101. The Board shall either approve the application as submitted, approve the application with changes or special conditions, or disapprove the application. Failure of the Planning and Zoning Board to act within this specified time shall be interpreted as a recommendation of approval as submitted.

(D) The Town Commission shall, within 90 days of the original acceptance date by the town, review the site plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. The action taken by the Town Commission shall be in resolution form and shall include the town's findings in respect to the proposed development as set forth in § 158.101. The town may unilaterally extend the time for a period not to exceed 30 days.

(E) The applicant may elect to revise his site plan submission at any time in the review process. He shall submit a letter of intent to revise to the Planning and Zoning Official who, upon receipt of the letter, will halt the normal review processing. Within 15 days after receiving the revised documents, the town

Planning and Zoning Official will review the revisions and forward his comments and recommendations to either the Planning and Zoning Board or the Town Commission, whichever is appropriate.

(1) If the revision is received before the Planning and Zoning Board has acted on the original submission, the comments and recommendations of the Planning and Zoning Official will be forwarded to that Board. If the revision is received after the Planning and Zoning Board has acted on the original submission, the comments and recommendations of the Planning and Zoning Official will be forwarded to the Town Commission.

(2) The Planning and Zoning Board or the Town Commission shall review and act on the revised site plan with the same objectives, power, and limitations as set forth in divisions (C) and (D) above and each in turn shall have, similarly, 30 working days to act on the revised site plan.

(F) Upon the granting of approval, either as submitted or with changes or special conditions, the Planning and Zoning Official shall, upon application, issue a building permit for a portion or all of the proposed development after he finds that the application is in compliance with Chapter 157 and all other town, county, state, and federal requirements. If, within 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 the period of approval.

(G) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this chapter.
('71 Code, App. B, Art. 6, § 6.73) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)

## § 158.099 PUBLIC HEARINGS.

A public hearing either before the Planning and Zoning Board or the Town Commission is not required. However, the Town Commission may call a public hearing at their discretion and any public hearing required by other provisions of this chapter or any ordinances of the town shall be held prior to the submission of a site plan review and building permit application.
('71 Code, App. B, Art. 6, § 6.74) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## § 158.100 REVIEW STANDARDS FOR SITE PLANS.

The following standards shall be used by the town in reviewing any site plan.

(A) 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.

(B) Circulation and parking.

(1) There shall be an adequate, safe, and convenient arrangement of roadways, driveways, off-street parking, loading space, and pedestrian circulation facilities.

(2) 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.

(3) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

(4) 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.

(5) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, and the like, shall be of good appearance, easily maintained, and indicative of their function.

(6) Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.

(7) Pedestrian connections between areas and buildings shall be via special pedestrian walkways or elevators.

(8) 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.

(9) Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

(C) Maximum floor area ratio.

(1) The total square footage of floor area permitted in any zone shall be determined as a ratio to the total square footage of the land area of the site. The ratio in residential uses shall be determined from the table shown in division (C) (2) below, and shall be based on the allowable density of the site. Residential floor area shall be the sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access. Commercial space and nonresidential space such as open terraces, garages, common use areas, and nonhabitable basement spaces are noncountable.

(2) For the purpose of the table below, the following definitions shall apply.

"OPEN SPACE RATIO." A minimum square footage of lot area not covered by buildings (excluding parking structures) required for each square foot of floor area.

"LIVING SPACE RATIO." The minimum square footage of non-vehicular outdoor space required for each square foot of floor area.

"RECREATION SPACE RATIO." The minimum square footage of active recreation space required for each square foot of floor area. Active recreation space shall be measured as the area contained within the limits of physical recreation facilities such as swimming pools and decks, tennis courts, shuffleboard courts, and the like.

Land Use Intensity Table

| Units per acre | 4 | 5 | 6 | 8 | 11 | 14 |
|---|---|---|---|---|---|---|
| Floor area ratio | 0.22 | 0.27 | 0.32 | 0.44 | 0.59 | 0.76 |
| Open space ratio | 3.2 | 2.7 | 2.2 | 1.6 | 1.2 | 1.2 |
| Living space ratio | 2.2 | 1.7 | 1.5 | 0.90 | 0.65 | 0.65 |
| Recreation space ratio | 0.17 | 0.16 | 0.15 | 0.13 | 0.11 | 0.11 |

(D) Disposal of usable open space. In accordance with the spirit and intent of this chapter, wherever possible, usable open space shall be disposed of in such a way as to ensure the safety and welfare of residents and guests. Minimum standards for the disposal of open space shall be calculated on the basis of allowable density in accordance with the table in division (C)(2) above.

(E) Design and arrangement of buildings.

(1) Adequate provision shall be made for light, air, access, and privacy in the arrangement of the buildings to each other. Each living space shall have sufficient exterior exposures. Adequate laundry facilities including space 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.

(2) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses.

(3) Individual buildings shall be related to each other in design, masses, materials, placement, and connections to provide a visually and physically integrated development.

(4) Treatment of the sides and rear of all buildings within the development shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.

(5) The design of buildings and the parking facilities shall take advantage of the natural features and topography of the project site, where appropriate.

(6) All building walls shall be so oriented as to insure adequate light and air exposures to the room within.

(7) 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.

(8) All buildings shall be arranged so as to be accessible to emergency vehicles.

(F) Landscaping. The proposed site shall be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. As provided elsewhere in this chapter, proper screening and buffer zones may be required. Landscape treatment for plazas, roads, paths, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

(1) 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.

(2) Native vegetation shall be used where practicable and landscaping plans submitted for review shall identify which plants are native species.

(3) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

(4) All streets bordering the project area shall be planted at appropriate intervals with street trees.

(G) Supplemental controls. In reviewing the proposed site plan for one or more multi-family or motel structures, the town shall be guided by the following controls. These controls shall be taken as mandatory requirements except that the Town Commission may waive one or several of these requirements in part or whole where it deems a hardship or a benefit in quality of site planning to exist, notwithstanding any other provisions of this code.

(1) Setback angle. No building or part thereof shall exceed in height one-half of the distance measured perpendicular to any front lot line from that lot line to the nearest surface of the building.

(2) Distance between buildings. No building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings, nor shall any structure be located closer to a side lot line than a distance equal to one-half of the building height. In addition, the front or rear of any building may be no closer to the front or rear of any

other building than 40 feet. The side of any building should be no closer to the side, front, or rear of any other building than 30 feet.

(3) Maximum length. No portion of any individual building shall extend beyond a line drawn from the front lot line 30 degrees either side of a line centered on the building and perpendicular to the front lot line.

(4) Distance between buildings and driveways. No driveway or parking lot should be closer than 25 feet to the front of any building or ten 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.

(5) Off-street parking spaces. There shall be provided on the site of the development an area devoted to the parking of automobiles. The number and their provision shall be provided for as required by § 158.028.
('71 Code, App. B, Art. 6, § 6.77) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-1, passed 2-1-78; Am. Ord. 78-19, passed 1-23-79; Am. Ord. 81-1, passed 3-6-81)

## § 158.101 GRANT OR DENIAL; FINDINGS OF FACT AND CONCLUSIONS.

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 or special conditions, or for the disapproval. The 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, Chapter 157, and all other applicable town requirements including the design, adequacy, and construction of streets, drainage, 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 and use of open space, provision of screening or buffering, and preservation of existing natural features including trees; size and apparent bulk of structures; and 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.
('71 Code, App. B, Art. 6, § 6.75) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

## ADMINISTRATION AND ENFORCEMENT

### § 158.110 PLANNING AND ZONING OFFICIAL.

This chapter shall be enforced by the Planning and Zoning Official of the town. No building permit, certificate of occupancy, or statement of zoning compliance shall be issued by him except where all the provisions of this chapter have been complied with.
('71 Code, App. B, Art. 9, § 9.20) (Ord. 74-15, passed 8-7-74)

### § 158.111 ZONING BOARD OF ADJUSTMENT.

(A) There is hereby established a Zoning Board of Adjustment, hereinafter referred to as a Board of Adjustment. The Board of Adjustment shall consist of seven 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. The term of office shall be for three years and shall be staggered so that not more than three terms expire within any one year. 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. Appointments to fill vacancies shall be for the unexpired term of the member whose term becomes vacant. The appointments to fill vacancies shall be made in the same manner as the original appointment and shall be made within 30 days or as soon thereafter as possible, not to exceed 90 days.
('71 Code, App. B, Art. 8, § 8.10) (Ord. 78-1, passed 2-1-78)

(B) 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 chapter. ('71 Code, App. B, Art. 8, § 8.21)

(C) The Board of Adjustment shall elect a chairman, a vice-chairman, and a secretary from among its members. The chairman shall be the presiding member of the Board and the vice-chairman shall be the presiding member in the chairman's absence or disqualification. The Board of Adjustment may elect other officers as they deem necessary. The terms of all officers shall be for one year, with eligibility for reelection. ('71 Code, App. B, Art. 8, § 8.22) (Ord. 78-1, passed 1-23-79)

(D) The Board of Adjustment shall meet at the call of the chairman, at the written request of three or more regular members, or within 30 days after receipt of a matter to be acted upon by the Board. Four 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 determinations shall be made, which shall be a public record on file in the office of the Town Clerk. ('71 Code, App. B, Art. 8, § 8.23)

(E) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Planning and Zoning Official or to decide in favor of the appellant in respect to any matter on which it is required to pass under the terms of this chapter or to effect any variations of this chapter. Should a petition to the Board of Adjustment receive a vote of less than four members, but affirmative votes of enough when added to the absent members to make four, the petition shall be rescheduled from meeting to meeting until the matter can be decided by a concurring vote of four or more members of the Board. ('71 Code, App. B, Art. 8, § 8.24) (Ord. 76-26, passed 7-21-76; Am. Ord. 77-10, passed 5-18-77)

(F) 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 chapter.

(2) To hear and decide special exceptions to the terms of this chapter on which the Board is required to pass as required in this section.

(3) To authorize upon appeal in specific cases and where not otherwise prohibited by the terms of this chapter a variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. As used in this chapter a variance can be authorized only for legal yard and bulk requirements; but in no event may a variance be granted by the Board of Adjustment that would allow an increase in density.

(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 chapter.
('71 Code, App. B, Art. 8, § 8.30) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)

## § 158.112 APPEALS.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, board, or commission of the town affected by any decision of the administrative official under any provision of this chapter.

(A) 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 this 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.

(B) Any person appealing any decision of an administrative official shall make the appeal within 30 days after rendition of the order, requirement, decision, or determination appealed from in writing to the Board of Adjustment and file the appeal, and ten copies of supporting facts and data, with the Planning 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 chapter.

(C) Upon receipt of the appeal, the Planning and Zoning Official shall forthwith examine the appeal or request application and endorse his recommendation thereon together with all documents, plans, papers, or other materials constituting the record on which the action appealed was taken and transmit it to the Board of Adjustment. Concurrently, the Planning and Zoning Official shall transmit a copy of the 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 items, as to whether the appeal is in fact an appeal and within the jurisdiction of the Board of Adjustment; and the merits of the appeal proper if requested by the Board.

(D) Before rendering a decision on 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 the reasonable neighborhood area as the Board may deem appropriate considering the scope of the matter involved but not to exceed a distance of 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. At 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 the 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. However, in the discretion of the Zoning Board of Adjustment, notice may be required to be given to each condominium owner or cooperative unit owner.
('71 Code, App. B, Art. 8, § 8.31) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 78-19, passed 1-23-79)

## § 158.113 APPLICATIONS FOR SPECIAL EXCEPTION USES.

(A) The Board of Adjustment shall hear and decide applications for special exceptions; decide questions that 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 chapter.

(B) In granting any special exception, the Board of Adjustment shall find that the grant will not adversely affect the public interest. The 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 § 158.112(D). Failure of the Planning and Zoning Board to submit a written report within 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.

(C) In granting any special exception, the Board of Adjustment, in addition to the standards enumerated in § 158.026, may prescribe appropriate conditions and safeguards in conformity with the provisions of this chapter. Violation of the conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. 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.
('71 Code, App. B, Art. 8, § 8.32) (Ord. 74-15, passed 8-7-74)

## § 158.114 VARIANCES.

(A) The Board of Adjustment may authorize upon appeal a variance from the terms of this chapter as will not be contrary to the public interest and as set forth in § 158.111(F), where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Board of Adjustment must and shall find the following.

(1) The variance is in fact a variance as set forth within this chapter and within the jurisdiction of the Board based upon the opinion of the Town Attorney.

(2) Special conditions and circumstances exist which are perculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

(3) The special conditions and circumstances do not result from the actions of the applicant.

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district.

(5) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(6) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(B) An applicant for a variance shall have the burden of establishing both that a literal enforcement of the provisions of this chapter will result in unnecessary hardship, as that term is defined by law, including court decisions; and that allowance of the variance sill not be contrary to the public interest.

(C) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. The Board of Adjustment may 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 chapter 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.
('71 Code, App. B, Art. 8, § 8.33) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76; Am. Ord. 77-10, passed 5-18-77; Am. Ord. 78-19, passed 1-23-79)

## § 158.115 ZONING AMENDMENTS; REVIEW OF PLANNING AND ZONING BOARD.

(A) The Town Commission may, from time to time, amend, supplement, or repeal the regulations and provisions of this chapter after public notice and hearings as provided by the Charter and upon initiation by one of the following ways.

(1) On its own motion.

(2) On petition from the owners of 51% or more of the area involved in the proposed change.

(3) On recommendation of the Planning and Zoning Board.
('71 Code, App. B, Art. 10, § 10.10)

(B) The Planning and Zoning Board, regardless of the source of the proposed change, shall hold a public hearing 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 Charter and this code. ('71 Code, App. B, Art. 10, § 10.20) (Ord. 76-26, passed 7-21-76)

(C) 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 chapter, 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; the written application to be signed by the owner or his agent. The application shall be accompanied by any necessary information or documentation supporting the request and shall be reviewed in accordance with the provisions of this chapter and the Charter. ('71 Code, App. B, Art. 10, § 10.30) (Ord. 76-26, passed 7-21-76)
(Ord. 74-15, passed 8-7-74)

Cross-reference:
Planning and Zoning Board, see §§ 33.20 through 33.25

## § 158.116 RIGHT TO JUDICIAL REVIEW.

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 30 days after rendition of the decision by the Board of Adjustment.
('71 Code, App. B, Art. 8, § 8.34) (Ord. 76-26, passed 7-21-76)

## § 158.999 PENALTY.

Any person, firms, or corporations violating the provisions of this chapter or any part hereof, upon conviction in the applicable court for the town shall be fined not more than $500 or imprisoned for a period not to exceed 60 days, and each day that the violation continues shall constitute a separate offense.
('71 Code, App. B, Art. 12, § 12.10) (Ord. 74-15, passed 8-7-74)

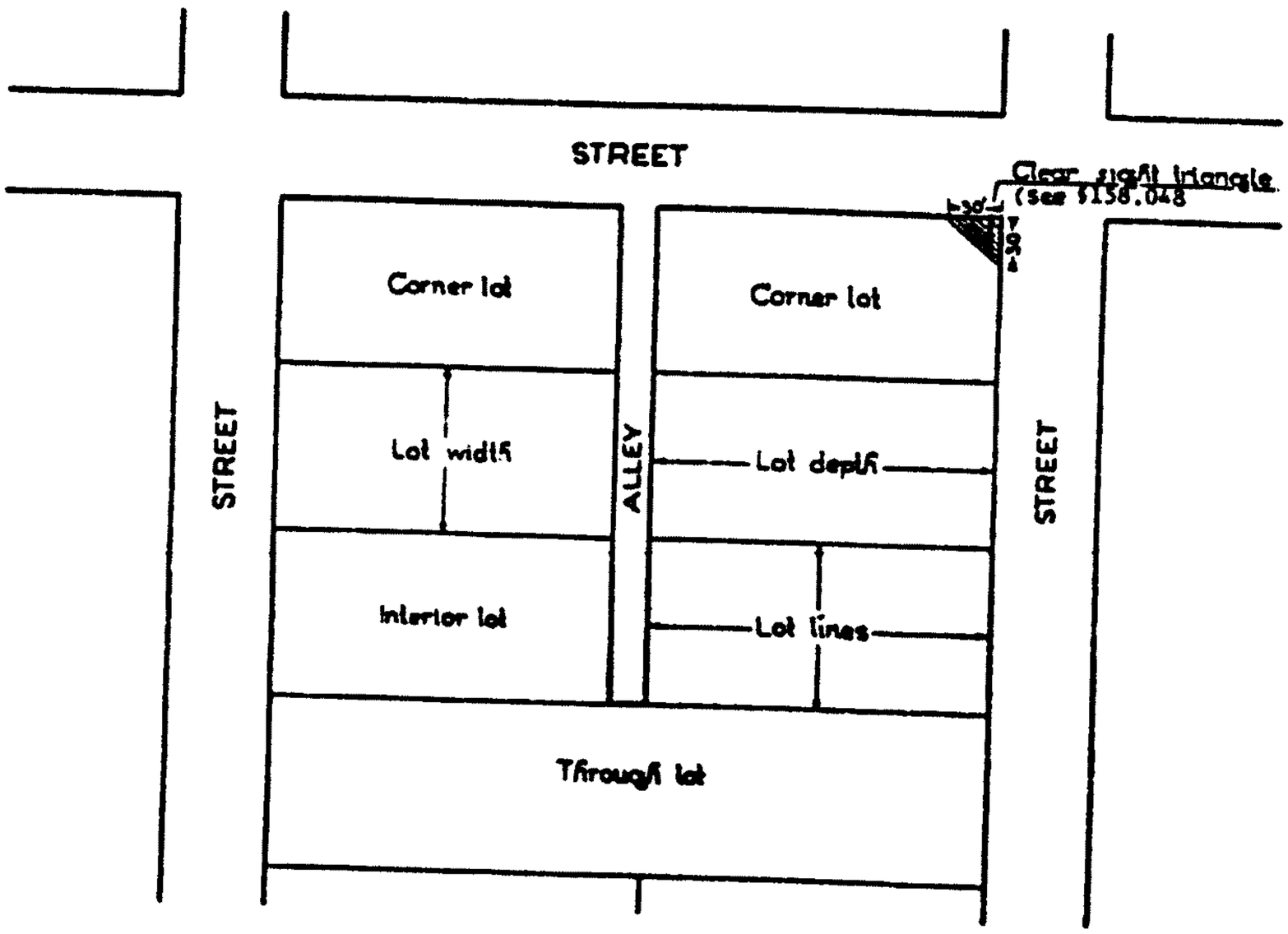
## APPENDIX: LAND USE CHARTS AND ILLUSTRATIONS

Section

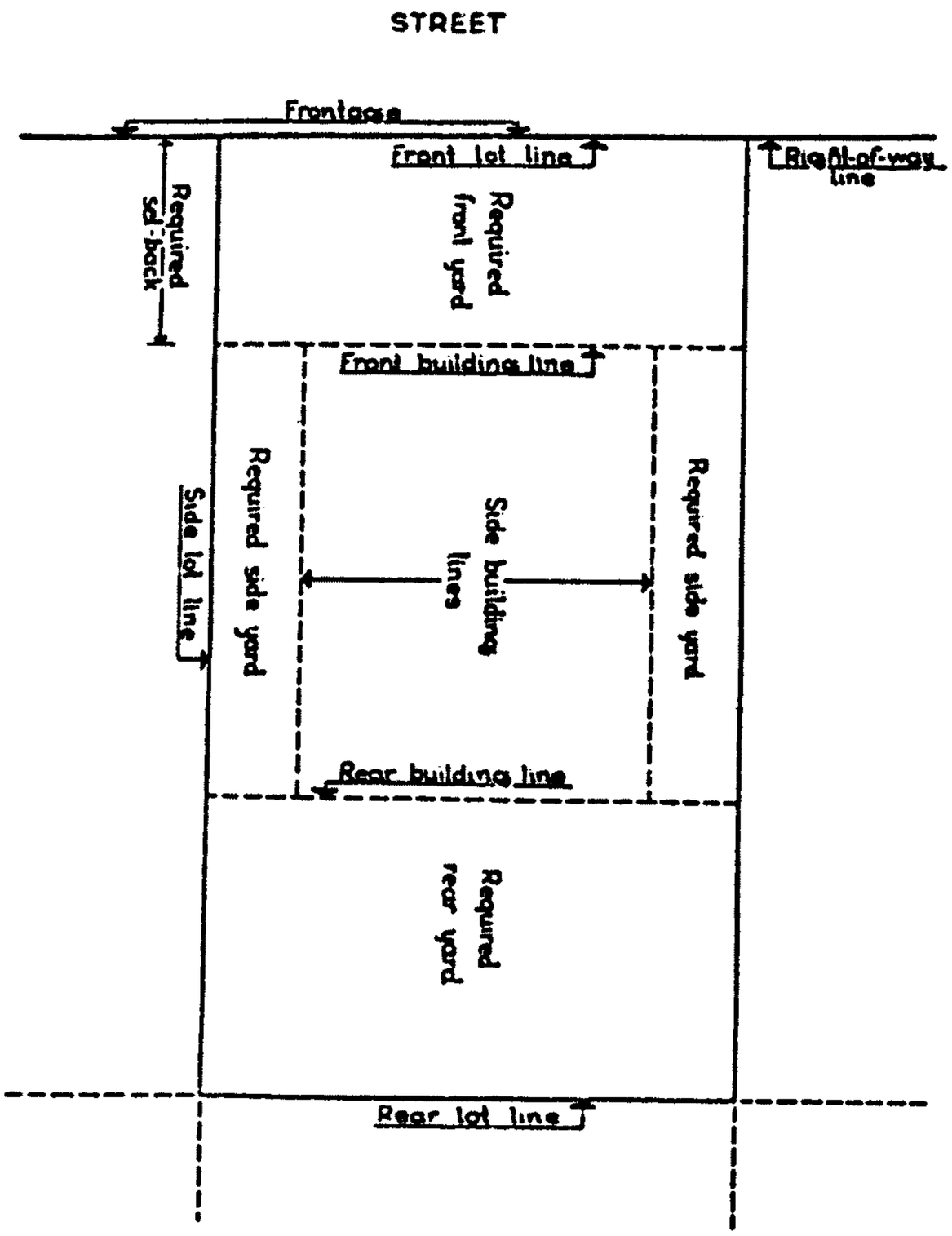
1. Lot illustrations
2. Parking area illustrations
3. Townhouse illustrations
4. Site plan review procedure chart
5. Planned unit development procedure chart

### § 1 LOT ILLUSTRATIONS.

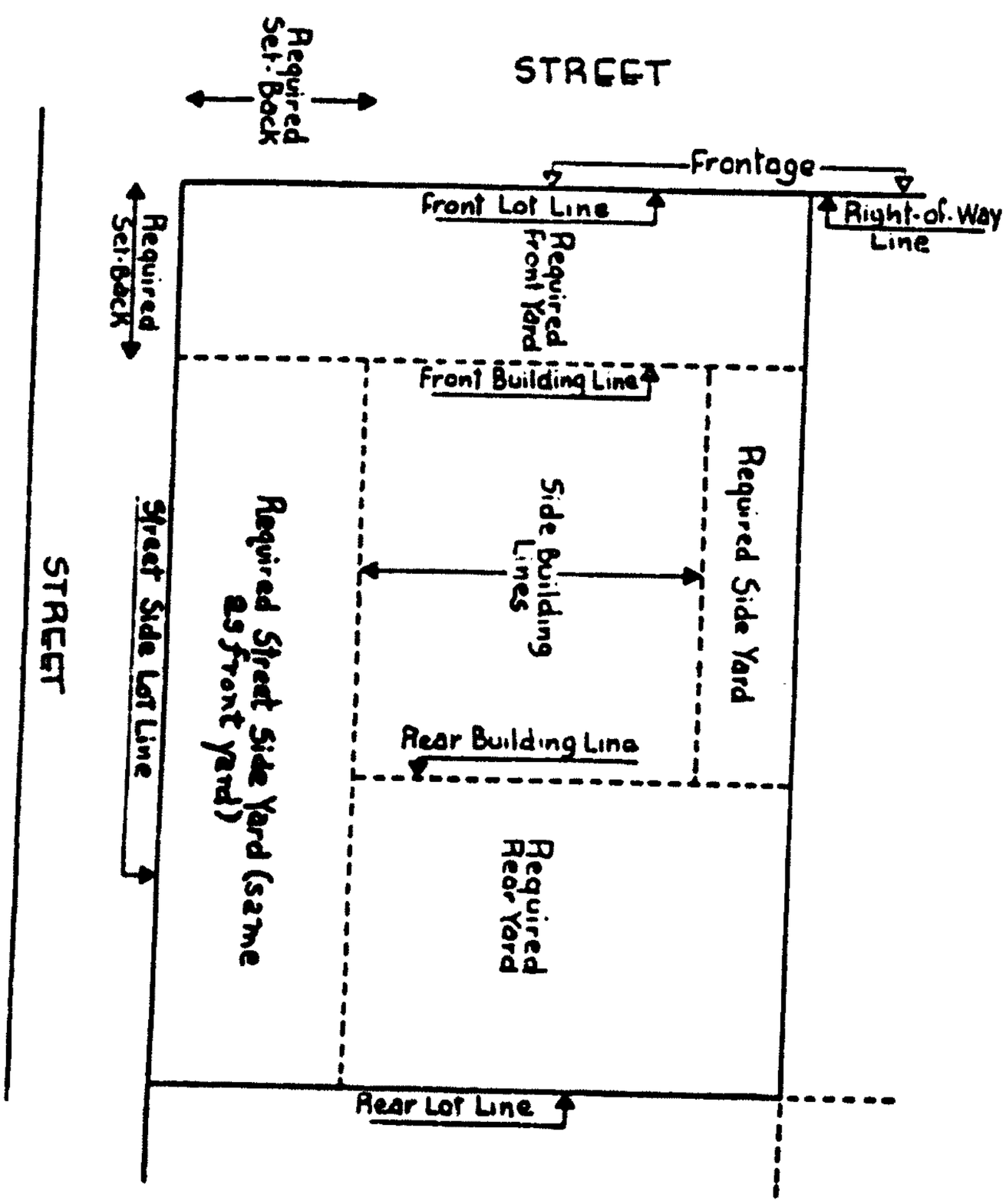
(A) Lot definitions, general.



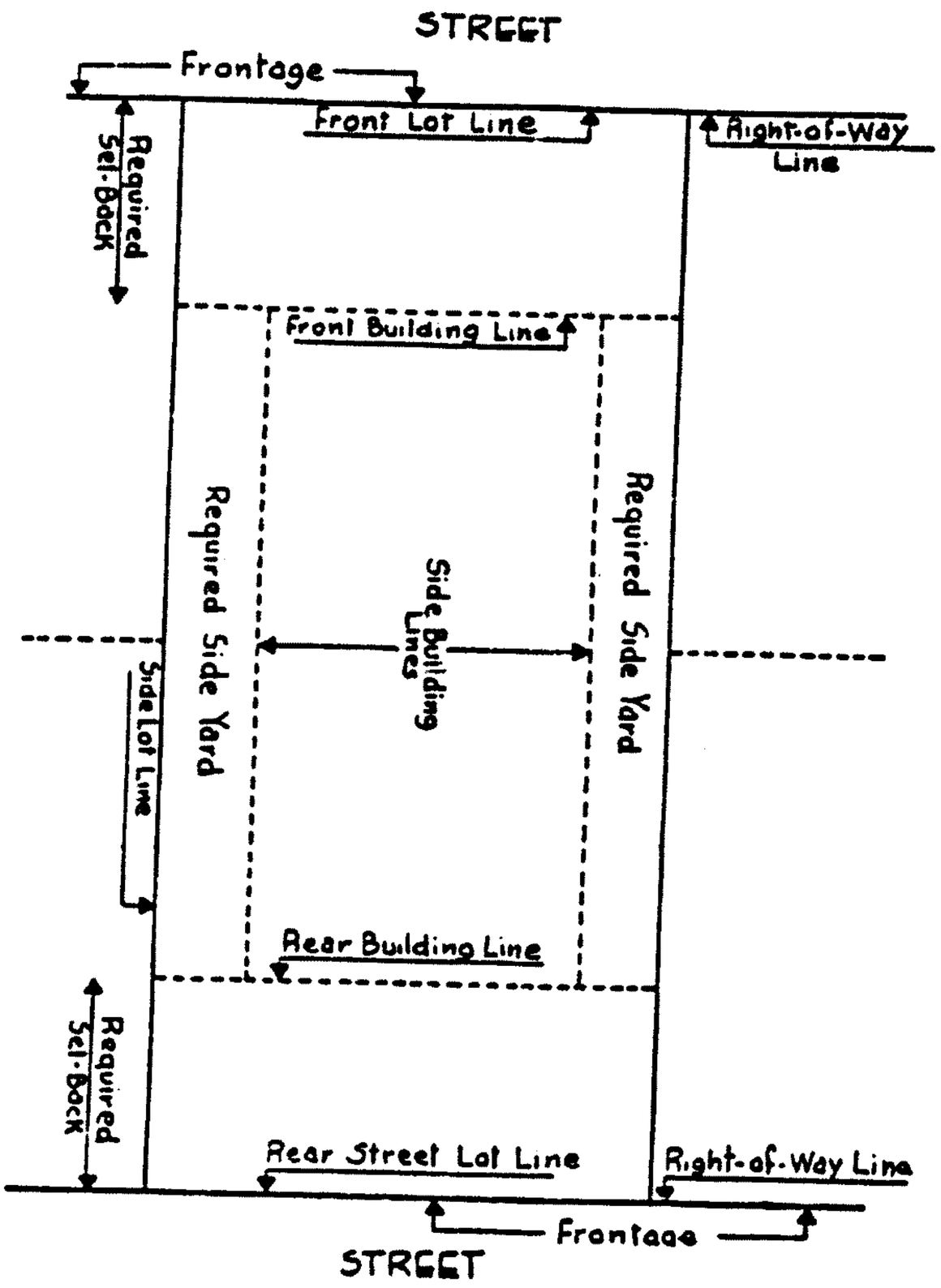
(B) Yard definitions, interior lot.



(C) Yard definitions, corner lot.



(D) Yard definitions, through lot.

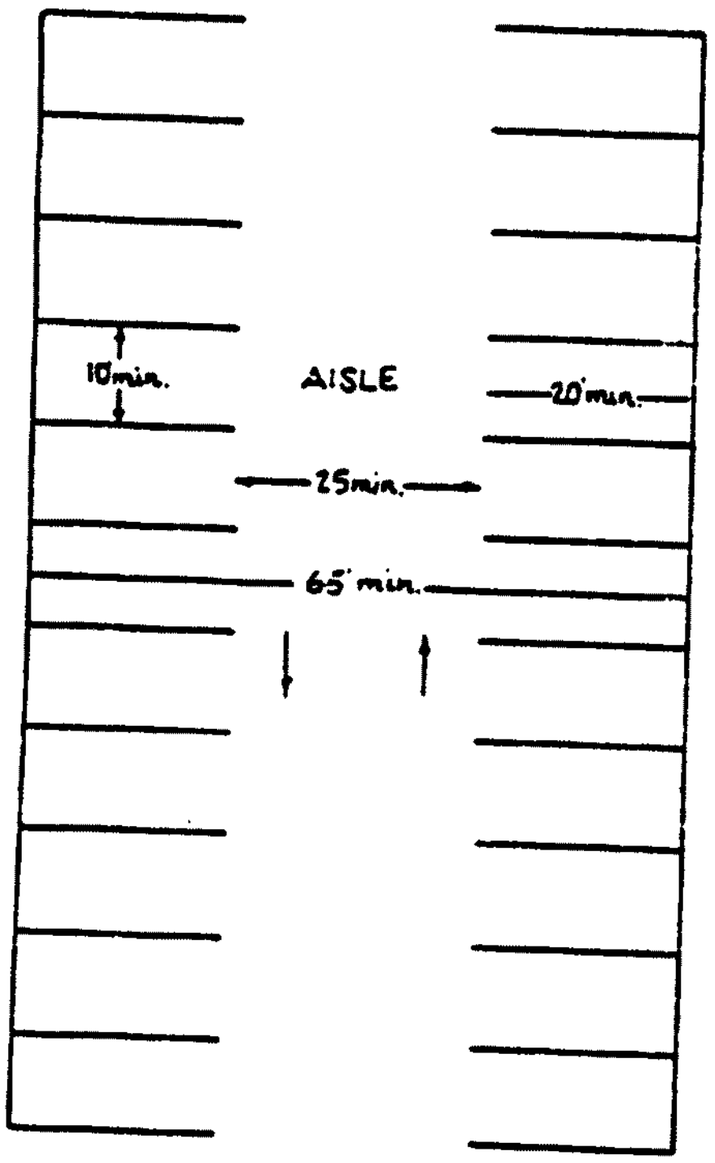



('71 Code, App. B, Attachment 1) (Ord. 74-15, passed 8-7-74; Am. Ord. 78-19, passed 1-23-79)

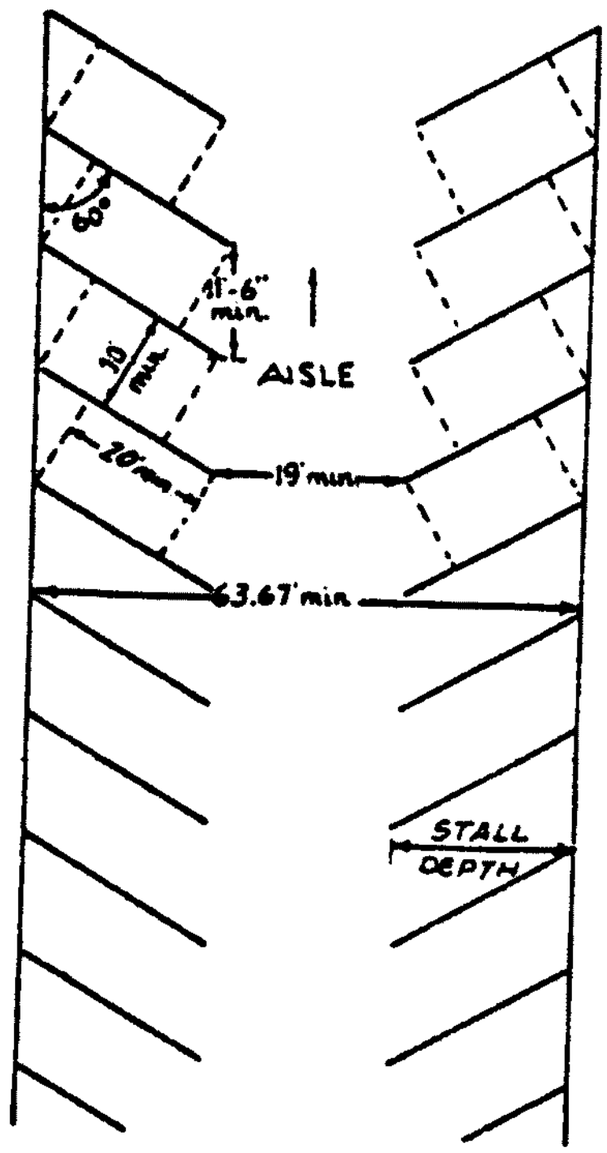
## § 2 PARKING AREA ILLUSTRATIONS.

The following illustrations are designed to illustrate the requirements of § 158.028.

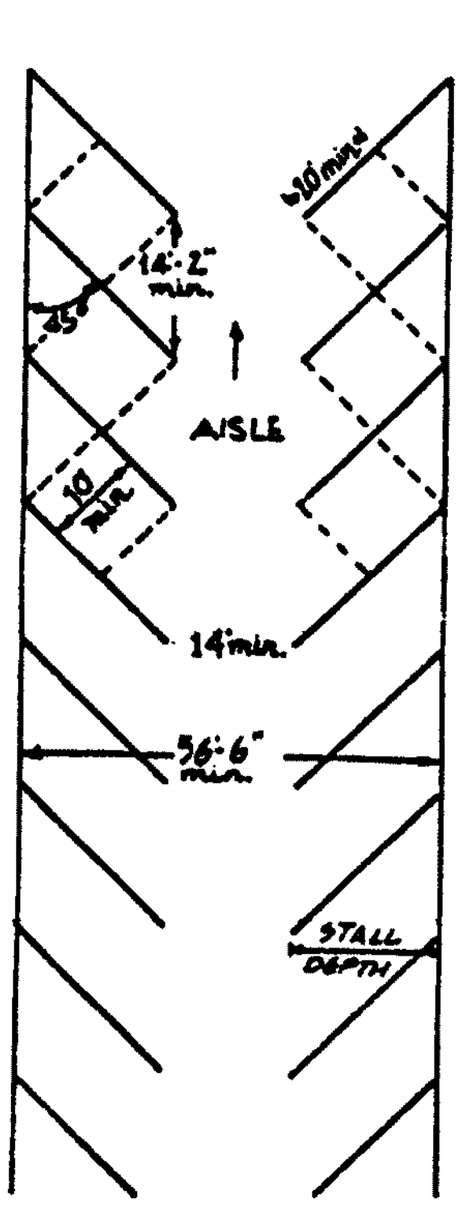
(A) Off-street parking area standards.



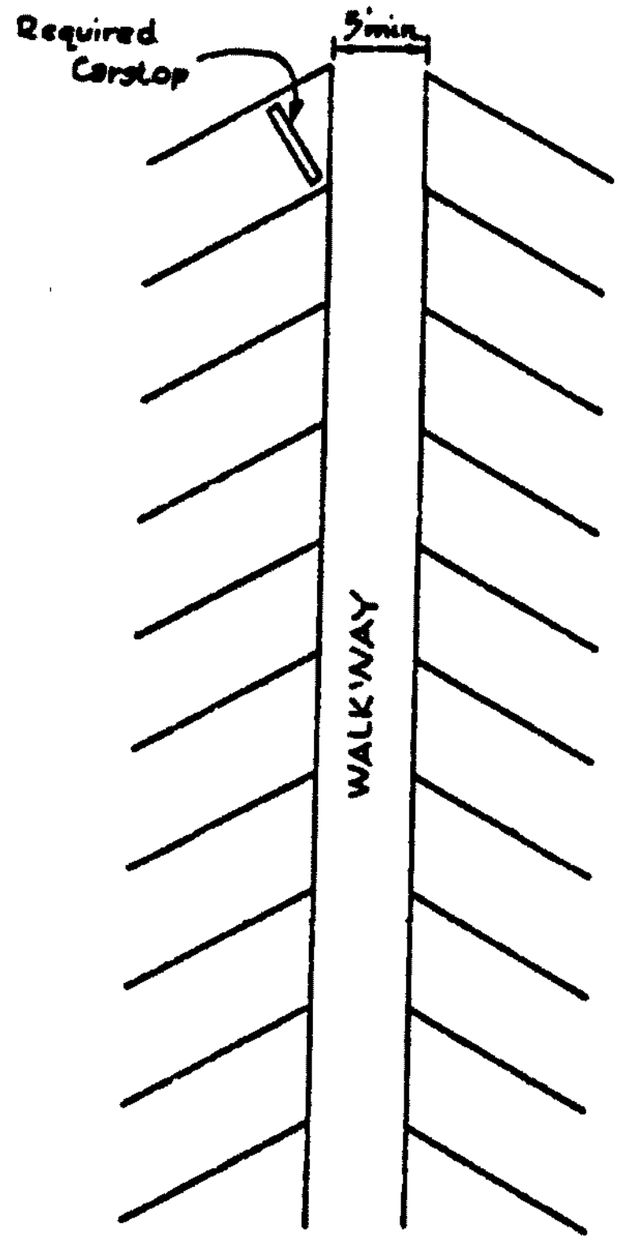

90 DEGREE




60 DEGREE




45 DEGREE



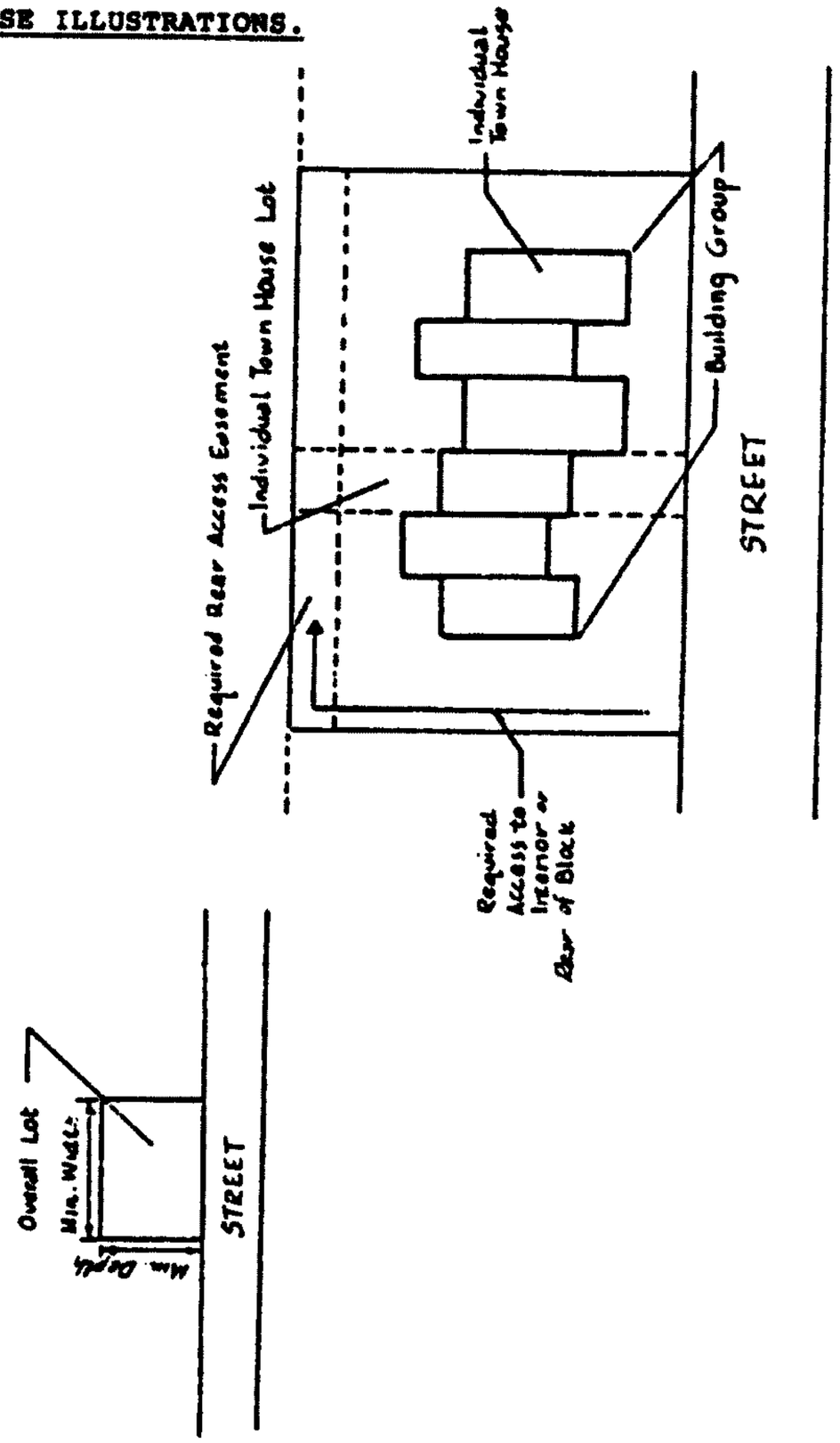

WALKWAY DIVIDE
(REQUIRED)

(B) Schedule of parking area key dimensions.

| (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 |

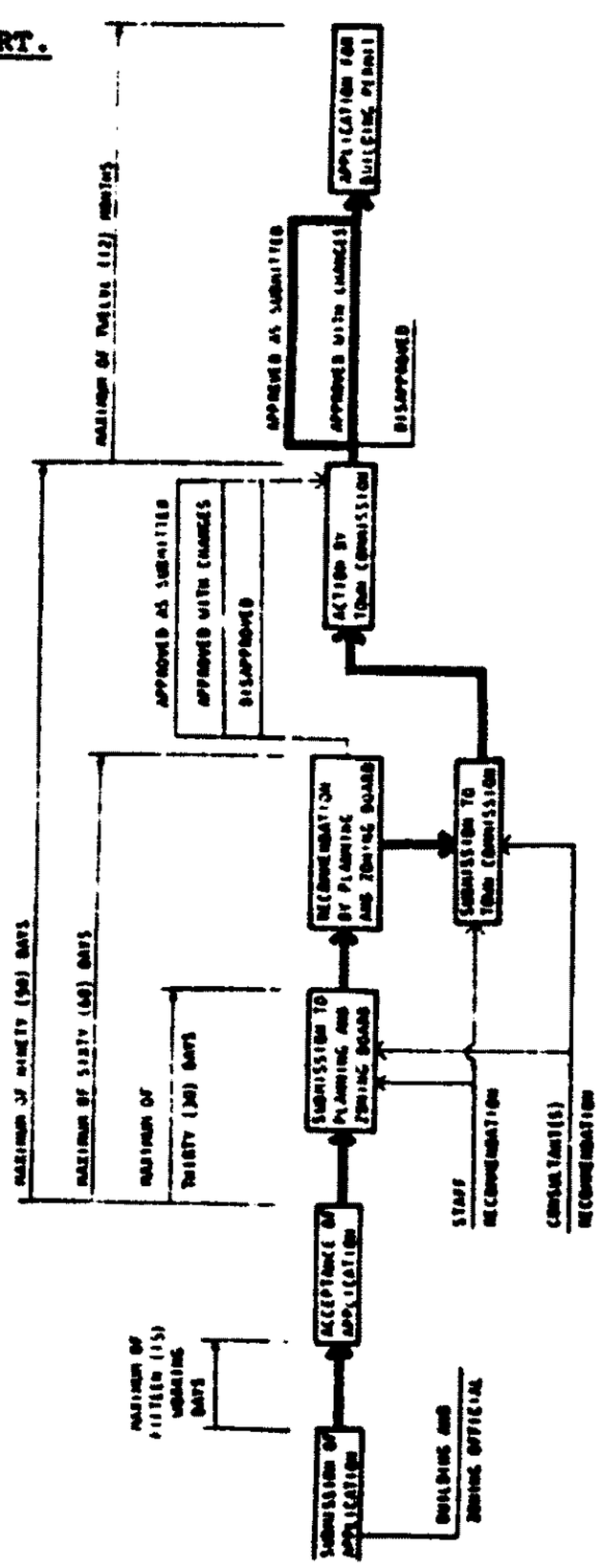
('71 Code, App. B, Attachment 2) (Ord. 74-15, passed 8-7-74)

§ 3 TOWNHOUSE ILLUSTRATIONS.



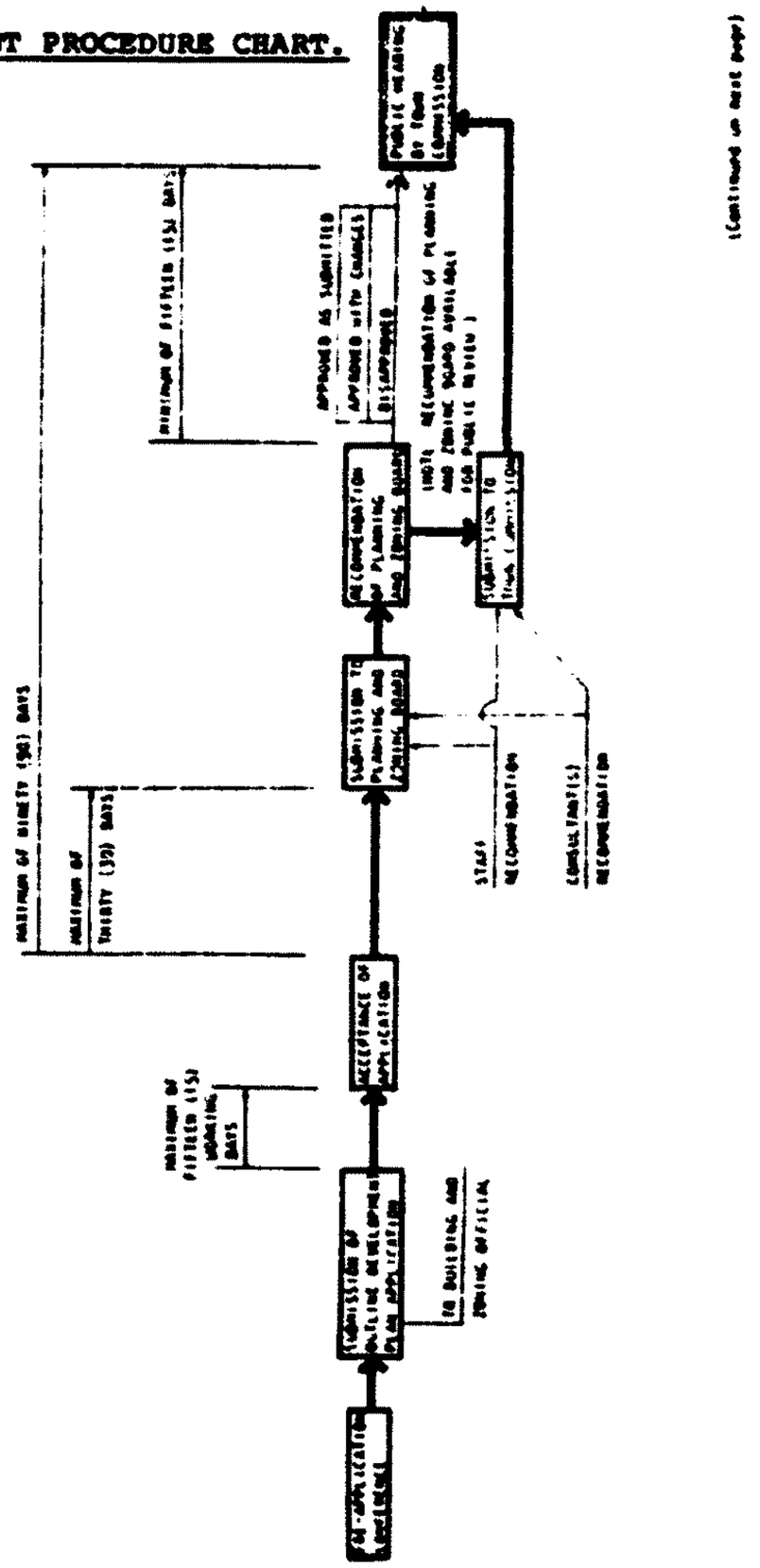

('71 Code, App. B, Attachment 3) (Ord. 74-15, passed 8-7-74)

## § 4 SITE PLAN REVIEW PROCEDURE CHART.

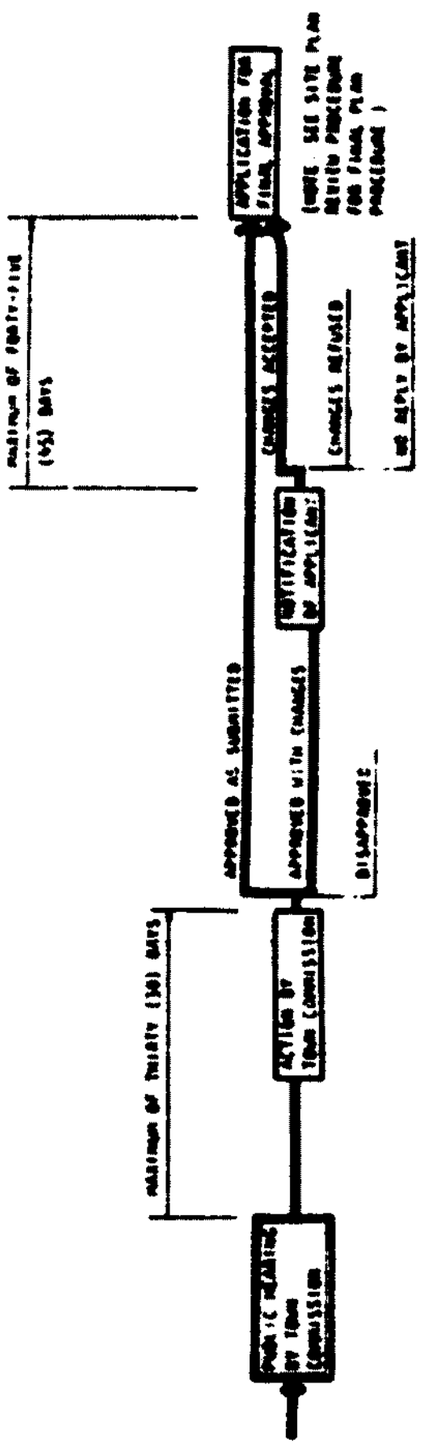


('71 Code, App. B, Attachment 4) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)

## § 5 PLANNED UNIT DEVELOPMENT PROCEDURE CHART.



('71 Code, App. B, Attachment 5) (Ord. 74-15, passed 8-7-74; Am. Ord. 76-26, passed 7-21-76)



# TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

II. ZONING MAP CHANGES

## TABLE I. FRANCHISES

| Ord. No. | Date | Description |
|---|---|---|
| 80-11 | 12-10-80 | Granting a franchise to Cedar Hammock Refuse Disposal Corporation for collection and disposal of solid waste. |
| 41 | 6-9-59 | Granting a franchise to General Telephone Co. of Florida for construction, operation and maintenance of a telephone system. Amended by Ord. 222. |
| 154 | 8-3-69 | Granting cable TV franchise to Sarasota Central Antenna Network, Inc. |
| 222 | 5-17-72 | Amending Ord. 41. |
| 74-17 | 7-24-74 | Granting electric franchise to Florida Power and Light Company. |
| Res. 74-17 | 12-18-74 | Transferring Cable TV franchise to Storer Cable TV of Florida, Inc. |

## TABLE II. ZONING MAP CHANGES

| Ord. No. | Date | Description |
|---|---|---|
| 81-1 | 3-6-81 | Classifying a portion of U.S. Government lot #2 and #3 of fractional section #16, and a portion of U.S. Government lot #4 of fractional section #17, Township 36 south, Range 17 east, and a portion of Island Beach Subdivision as NPD. |

# PARALLEL REFERENCES

REFERENCES TO FLORIDA STATUTES ANNOTATED

REFERENCES TO 1971 CODE

REFERENCES TO ORDINANCES

## REFERENCES TO FLORIDA STATUTES ANNOTATED

| F.S.A Section | CODE Section |
|---|---|
| Special acts, Ch. 57 - 1540 | Charter Art. IX, § 1 |
| Special acts Ch. 71 - 913 | 96.45(B) |
| Special Acts, Ch. 73-129 | Charter Art. I, § 7 |
| 1.01 | 10.02 |
| 1.02 | 10.11 |
| 97.041 | 36.02 |
| 101.62 - 101.694 | 36.01 |
| Ch. 120 | 53.09 |
| 161.011 et. seq. | Ch. 151 |
| 163.295 | 150.02 |
| 163.3161 et. seq. | 32.01(A), 32.05 |
| 163.3161 | 32.02 |
| 163.3167(C) | 158.016 |
| 163.3174 | 32.01(B) |
| 163.3177(5) | 158.016 |
| 166.021 | 130.05(A) |
| 166.031 | Charter Art. I, § 7 |
| 175.091 | 37.11 |
| Ch. 177 | 157.17, 157.61 |
| 185.07 | 37.11 |
| Ch. 253 | 152.01, 152.04 |
| Ch. 316 | 70.01, 91.03(A) |
| 316.006(2) | 71.03 |
| 316.008 | Ch. 72, Ch. 73 |
| 316.072 | 71.01 |
| 316.189 | 71.02 |
| Ch. 318 | 70.01, 71.01 |
| 370.01 et. seq. | 93.01 |
| Ch. 371 | 93.14 |
| Chs. 381 - 406 | Ch. 96 |
| 381.311 | Ch. 96 |
| Ch. 388 | 96.04 |
| Ch. 403 | 96.45(A) |
| 403.182 | 96.45(A) |
| Ch. 471 | 157.03(B) |
| Ch. 472 | 157.03(B) |
| Ch. 498 | 150.20 |
| 553.70 et. seq. | 150.01 |
| 562.14 | 110.01 |
| 562.45 | 110.01 |
| Ch. 650 | 34.05(A) |
| 650.02 | 34.05 |
| 713.01 et seq. | 95.32 |
| Ch. 718 | 150.20 |
| Ch. 719 | 150.20 |
| 767.01 - 767.04 | 91.10 |
| Ch. 828 | 91.19 |

## REFERENCES TO 1971 CODE

| 1971 Code Section | 1982 Code Section |
|---|---|
| 1-1 | 10.01 |
| 1-2 | 10.02, 10.03, 10.11 |
| 1-3 | 10.04 |
| 1-4 | 10.05, 10.06 |
| 1-6 | 10.07 |
| 1-7 | 10.08 |
| 1-8 | 10.99 |
| 1-9 | 35.01 |
| 1-10 | 35.04 |
| 1-11 | 10.09 |
| 1-12 | 10.10 |
| 2-2 | 35.02 |
| 2-3 | 35.03 |
| 2-6 | 34.05(A) |
| 2-7 | 34.06 |
| 2-8 | 34.07 |
| 2-9 | 34.08 |
| 2-10 | 34.09 |
| 2-11 | 34.10 |
| 2-12 | 34.05(B) |
| 2-13 | 34.11 |
| 2-14 | 30.01(B) - (D) |
| 2-15 | 30.01(A) |
| 2-16 | 30.02 |
| 2-17 | 30.03 |
| 2-18 | 30.04 |
| 2-19 | 30.05 |
| 2-20 | 30.06 |
| 2-21 | 30.07 |
| 2-21.5 | 30.08 |
| 2-22 | 37.01 |
| 2-23 | 37.02 |
| 2-24 | 37.03 |
| 2-26 | 37.04(A) |
| 2-27 | 37.04(B) |
| 2A-1 | 90.01 |
| 2A-2 | 90.02 |
| 2A-3 | 90.03 |
| 2A-4 | 90.04 |
| 2A-5 | 90.99 |
| 3-3 | 110.01 |
| 4-1 | 91.01 |
| 4-1.5 | 91.02 |
| 4-2 | 91.10(A) |
| 4-3 | 91.10(B) |
| 4-4 | 91.10(C) |
| 4-5 | 91.10(D) |
| 4-6 | 91.10(E) |

| 1971 Code Section | 1982 Code Section |
|---|---|
| 4-7 | 91.11 |
| 4-8 | 91.12 |
| 4-9 | 91.13 |
| 4-10 | 91.14 |
| 4-11 | 91.15 |
| 4-12 | 91.16 |
| 4-13 | 91.17(A) |
| 4-14 | 91.17(B) |
| 4-15 | 91.17(C) |
| 4-16 | 91.18 |
| 4-17 | 91.19 |
| 4-18 | 91.20 |
| 4-19 | 91.21 |
| 4-30 | 91.03(B) |
| 4-31 | 91.03(A) |
| 4-32 | 91.03(C) |
| 4-33 | 91.03(D), (E), (F) |
| 4-34 | 91.03(G) |
| 4-35 | 91.99(B) |
| 4A-1 | 92.10 |
| 4A-2 | 92.11 |
| 4A-3 | 92.12 |
| 4A-12 | 92.20 |
| 4A-13 | 92.22 |
| 4A-14 | 92.21 |
| 4A-15 | 92.23(A) |
| 4A-16 | 92.23(B), (C) |
| 4A-17 | 92.99 |
| 5-1 | 93.01 |
| 5-3 | 93.10 |
| 5-4 | 93.11, 93.17 |
| 5-5 | 93.12 |
| 5-6 | 93.13 |
| 5-7 | 93.14 |
| 5-8 | 93.15 |
| 5-9 | 93.16 |
| 5-10 | 93.18 |
| 6-1 | 150.01 |
| 6-2.1 | 150.03 |
| 6-3 | 150.15 |
| 6-4 | 150.16 |
| 6-5 | 150.17 |
| 6-6 | 150.18(A) |
| 6-7 | 150.18(B) |
| 6-8 | 150.35(A) |
| 6-9(a) | 150.35(B) |
| 6-9(b) | 150.36 |
| 6-9.5 | 150.19 |
| 6-9.7 | 150.20 |
| 6-10 | 150.05 |
| 6-11 | 150.21 |

| 1971 Code Section | 1982 Code Section |
|---|---|
| 6-12 | 150.22 |
| 6-13 | 150.26 |
| 6-14 | 150.38 |
| 6-15(a) - (c) | 150.39 |
| 6-15(d) | 150.37 |
| 6-16 | 150.06 |
| 6-17 | 150.40 |
| 6-18 | 150.04 |
| 6-19 | 150.24(B) |
| 6-23 | 150.23(A) |
| 6-24 | 150.23(B) |
| 6-25 | 150.23(C) |
| 6-26 | 150.23(D) |
| 6-27 | 150.23(E) |
| 6-28 | 150.23(F) |
| 6-29 | 150.23(G) |
| 6-30 | 150.23(H) |
| 6-31 | 150.50(A) |
| 6-32 | 150.51 |
| 6-33 | 150.52 |
| 6-34 | 150.53 |
| 6-35 | 150.55 |
| 6-36 | 150.54 |
| 6-37 | 150.50(B) |
| 7-1 | 151.01 |
| 7-2 | 151.02 |
| 7-3 | 151.03(A) |
| 7-4 | 151.03(B) |
| 7-4(h) | 151.04(B) |
| 7-5 | 151.04(A) |
| 7-6 | 151.05 |
| 7-7 | 151.06 |
| 7-8 | 151.07 |
| 8-1 | 152.01 |
| 8-2 | 152.02(A) |
| 8-3 | 152.02(B) |
| 8-4 | 152.04 |
| 8-5 | 152.06 |
| 8-6 | 152.03 |
| 8-7 | 152.05 |
| 8-8 | 152.15(A) |
| 8-9 | 152.20 |
| 8-10 | 152.15(B) |
| 8-11 | 152.17 |
| 8-12 | 152.16 |
| 8-13 | 152.18 |
| 8-14 | 152.19(A) |
| 8-15 | 152.19(B), (C) |
| 8-16 | 152.21 |
| 8-17 | 152.22 |
| 8-18 | 152.23(A) |
| 8-19 | 152.24 |

| 1971 Code Section | 1982 Code Section |
|---|---|
| 8-20 | 152.25 |
| 8-21 | 152.26 |
| 8-22 | 152.23(B) |
| 8-23 | 152.23(C) |
| 8-24 | 152.23(D) |
| 9-1 | 36.01 |
| 9-2 | 36.02 |
| 9-3 | 36.03 |
| 9-4 | 36.04 |
| 9-5 | 30.15 |
| 9-6 | 30.16 |
| 9-7 | 30.17 |
| 9-8 | 30.18 |
| 9-9 | 30.19 |
| 9C-1 | 154.01(A) |
| 9C-2 | 154.03 |
| 9C-3 | 154.01(B) |
| 9C-4 | 154.04 |
| 9C-5 | 154.02 |
| 9C-6 | 154.05 |
| 9C-7 | 154.06 |
| 9C-8 | 154.09 |
| 9C-9 | 154.10 |
| 9C-10 | 154.07 |
| 9C-11 | 154.08 |
| 9C-12 | 154.11 |
| 9C-13 | 154.12 |
| 9C-14 | 154.13 |
| 9C-15 | 154.14 |
| 9C-16 | 154.15 |
| 9C-17 | 154.16 |
| 9C-18 | 154.99 |
| 10-1 | 95.01, 96.11(A) |
| 10-2 | 95.15 |
| 10-3 | 95.16 |
| 10-4 | 95.17(A) |
| 10-5 | 95.18 |
| 10-6 | 96.11(B) |
| 10-7 | 95.17(B) |
| 10-8 | 96.01 |
| 10-9 | 96.02(A) |
| 10-10 | 96.02(B) |
| 10-11 | 96.03 |
| 10-12 | 96.10 |
| 10-13 | 96.12, 96.99(B) |
| 10-14 | 96.13(A) |
| 10-15 | 96.13(B) |
| 10-16 | 96.14 |
| 11-8 | 96.04(A) |
| 11-9 | 96.04(B) |
| 11-10 | 96.04(C) |
| 11-11 | 96.04(D) |

## LONGBOAT KEY - REFERENCES TO 1971 CODE

| 1971 Code Section | 1982 Code Section |
|---|---|
| 11-12 | 96.20 |
| 11-13 | 96.21(A) |
| 11-14 | 96.21(B) |
| 11-15 | 96.22 |
| 11-16 | 96.23 |
| 11-27 | 96.30 |
| 11-28 | 96.31 |
| 11-29 | 96.32 |
| 11-30 | 96.33 |
| 11-31 | 96.34 |
| 11-32 | 96.35 |
| 11-33 | 96.38 |
| 11-34 | 96.36 |
| 11-35 | 96.37 |
| 12-1 | 111.01(A) |
| 12-2 | 111.02 |
| 12-3 | 111.03(A), 111.04 |
| 12-4 | 111.03(B) |
| 12-5 | 111.07 |
| 12-6 | 111.05 |
| 12-7 | 111.06(A) |
| 12-8 | 111.06(B) |
| 12-9 | 111.01(B) |
| 12-10 | 111.15 - 111.17, 111.99 |
| 13-1 | 70.01 |
| 13-2 | 71.01 |
| 13-3 | 71.02 |
| 13-4 | 71.03 |
| 13-19 | 72.01 |
| 13-20 | 72.02 |
| 13-21 | 72.03 |
| 13-22 | 72.04 |
| 13-23 | 72.05 |
| 13-24 | 72.07 |
| 13-26 | 72.08 |
| 13-27 | 72.99(A), (B) |
| 13-38 | 70.02(A), (B) |
| 13-39 | 70.02(C) |
| 13-40 | 70.02(D) |
| 13-50 | 73.01 |
| 13-51 | 73.02(A) |
| 13-52 | 73.02(B) |
| 13-53 | 73.03 |
| 13-54 | 73.04 |
| 13-55 | 73.05 |
| 13-56 | 73.06 |
| 13-57 | 73.99 |
| 14-1 | 130.01 |
| 14-2 | 130.02 |
| 14-3 | 72.06, 72.99(C) |
| 14-4 | 130.03 |

| 1971 Code Section | 1982 Code Section |
|---|---|
| 14-5 | 130.04 |
| 14-16 | 95.25(A) |
| 14-17 | 95.25(B) |
| 14-18 | 95.26 |
| 14-19 | 95.27 |
| 14-20 | 95.28 |
| 14-21 | 95.29(A) |
| 14-22 | 95.29(B) |
| 14-23 | 95.30 |
| 14-24 | 95.31 |
| 14-25 | 95.32(A) |
| 14-26 | 95.32(B) |
| 14-27 | 95.33 |
| 14-28 | 95.34 |
| 15-1 | 112.01 |
| 15-2 | 112.02(C) |
| 15-3 | 112.02(A) |
| 15-4 | 112.03, 112.04(B) |
| 15-5 | 112.02(B) |
| 15-6 | 112.04(A) |
| 15-7 | 112.05 |
| 15-8 | 112.06 |
| 15A-1 | 34.20 |
| 15A-3 | 34.21 |
| 15A-4 | 34.22 |
| 15A-5 | 34.23 |
| 15A-6 | 34.24(A) |
| 15A-7 | 34.24(B) |
| 15A-8 | 34.25 |
| 15A-9 | 34.26(A), (B) |
| 15A-11 | 34.28(A) |
| 15A-12 | 34.26 |
| 15A-13 | 34.27 |
| 15A-14 | 34.28(B) |
| 15A-15 | 34.29 |
| 15A-16 | 34.30 |
| 15A-17 | 34.31 |
| 15A-18 | 34.32 |
| 15A-19 | 34.33 |
| 15A-20 | 34.34 |
| 15A-21 | 34.35(A) |
| 15A-22 | 34.35(B) |
| 15A-23 | 34.35(C) |
| 15A-24 | 34.35(D) |
| 15A-25 | 34.35(E) |
| 15A-31 | 34.45 |
| 15A-32 | 34.46 |
| 15A-33 | 34.47 |
| 15A-34 | 34.48 |
| 15A-35 | 34.49 |
| 15A-36 | 34.50 |
| 15A-37 | 34.51 |

## LONGBOAT KEY - REFERENCES TO 1971 CODE

| 1971 Code Section | 1982 Code Section |
|---|---|
| 15A-38 | 34.52 |
| 15A-39 | 34.53 |
| 15B-1 | 158.009 |
| 15B-2 | 157.10, 158.008 |
| 15B-16 | 33.20(A) |
| 15B-17 | 33.20(B) |
| 15B-18 | 33.21 |
| 15B-19 | 33.22 |
| 15B-20 | 33.23 |
| 15B-21 | 33.24 |
| 15B-22 | 33.24 |
| 15B-27 | 32.01(A) |
| 15B-28 | 32.01(B) |
| 15B-29 | 32.02 |
| 15B-30 | 32.03 |
| 15B-31 | 32.04 |
| 15B-32 | 32.05 |
| 15B-33 | 32.06 |
| 16-1 | 155.01 |
| 16-2 | 155.02 |
| 17-1 | 32.15 |
| 17-2 | 32.16 |
| 17-3 | 32.16 |
| 17-6 | 130.06 |
| 17-16 | 32.17(A) |
| 17-17 | 32.17(B) |
| 17-18 | 32.17(C) |
| 17A-1 | 96.45 |
| 17A-2 | 96.46 |
| 17C-16 | 98.02(A) |
| 17C-17 | 98.03(A) |
| 17C-18 | 98.03(B) |
| 17C-19 | 98.01 |
| 17C-20 | 98.02(B), 98.04 - 98.06 |
| 17C-21 | 98.99 |
| 18-1 | 156.01 |
| 18-2 | 156.02(A) |
| 18-3 | 156.02(B), (C) |
| 18-4 | 156.03 |
| 18-5 | 156.04 |
| 18-6 | 156.05 |
| 18-7 | 156.06 |
| 18-8 | 156.07 |
| 18-9 | 156.08 |
| 18-10 | 156.09 |
| 18-11 | 156.10 |
| 18-12 | 156.12 |
| 18-13 | 156.11 |
| 18-14 | 156.99 |
| 19-1 | 97.01(A) |
| 19-2 | 97.01(B) |

| 1971 Code Section | 1982 Code Section |
|---|---|
| 19-3 | 97.01(C) |
| 19-4 | 97.02 |
| 19-4.1 | 97.03 |
| 19-5 | 92.01(A), 97.10(A) |
| 19-6 | 92.01(B), 97.10(B) |
| 21-6 | 37.10(A) |
| 21-8 | 37.10(B) |
| 21-9 | 37.10(C) |
| 21-10 | 37.10(D) |
| 21-24 | 37.11(A) |
| 21-25 | 37.11(B) |
| 22-1 | 50.01(A) |
| 22-2 | 50.02(A) |
| 22-3 | 50.02(B) |
| 22-4 | 50.02(C) |
| 22-5 | 50.01(B) |
| 22-6 | 50.03 |
| 22-7 | 50.04 |
| 22-8 | 50.05 |
| 22-9 | 50.06 |
| 22-10 | 50.99 |
| 22-21 | 52.01 |
| 22-22 | 52.02 |
| 22-23 | 52.03 |
| 22-24 | 52.04 |
| 22-25 | 52.05 |
| 22-26 | 52.06 |
| 22-27 | 52.07 |
| 22-28 | 52.08 |
| 22-34 | 52.15 |
| 22-35 | 52.16 |
| 22-36 | 52.17(A) |
| 22-37 | 52.17(B) |
| 22-38 | 52.18 |
| 22-39 | 52.19 |
| 22-40 | 52.20 |
| 22-41 | 52.21 |
| 22-42 | 52.22 |
| 22-43 | 52.23 |
| 22-44 | 52.24 |
| 22-50 | 52.30(A) |
| 22-51 | 52.31 |
| 22-52 | 52.30(B) |
| 22-53 | 52.32(A) |
| 22-54 | 52.32(B) |
| 22-55 | 52.33 |
| 22-56 | 52.34 |
| 22-57 | 52.35 |
| 22-58 | 52.36 |
| 22-59 | 52.37 |
| 22-60 | 52.38 |
| 22-66 | 53.01 |

| 1971 Code Section | 1982 Code Section |
|---|---|
| 22-67 | 53.02 |
| 22-68 | 53.03 |
| 22-69 | 53.04 |
| 22-70 | 53.05 |
| 22-71 | 53.06 |
| 22-72 | 53.07 |
| 22-73 | 53.08 |
| 22-76 | 53.11 |
| 22-77 | 53.12 |
| 22-78 | 53.13 |
| 22-89 | 51.01 |
| 22-90 | 51.02 |
| 22-91 | 51.03 |
| 22-92 | 51.10 |
| 22-93 | 51.20 |
| 22-94 | 51.11 |
| 22-95 | 51.12 |
| 22-96 | 51.21 |
| 22-97 | 51.22 |
| 22-98 | 51.30 |
| 22-99 | 51.31 |
| 22-100 | 51.32 |
| 22-101 | 51.04 |
| App. A, § 1.10 | 157.01 |
| App. A, § 1.20 | 157.02(A) |
| App. A, § 2.10 | 157.02(C) |
| App. A, § 3.10 | 157.03(A) |
| App. A, § 3.20 | 157.03(B) |
| App. A, § 4.10 | 157.25 |
| App. A, § 4.20 | 157.26(A) |
| App. A, § 4.30 | 157.58(A) |
| App. A, § 4.40 | 157.41(A) |
| App. A, § 4.50 | 157.26(B) |
| App. A, § 4.60 | 157.06 |
| App. A, § 5.11 | 157.27 |
| App. A, § 5.12 | 157.28 |
| App. A, § 5.21 | 157.29 |
| App. A, § 5.30 | 157.30 |
| App. A, § 5.40 | 157.31 |
| App. A, § 6.10 | 157.15 |
| App. A, § 6.20 | 157.16 |
| App. A, § 6.30 | 157.17 |
| App. A, § 6.40 | 157.18 |
| App. A, § 7.11 | 157.40 |
| App. A, § 7.20 | 157.41(B) |

| 1971 Code Section | 1982 Code Section |
|---|---|
| App. A, § 7.41 | 157.42(B) |
| App. A, § 7.50 | 157.44 |
| App. A, § 7.60 | 157.45 |
| App. A, § 7.70 | 157.46(A) - (I) |
| App. A, § 7.80 | 157.46(J), (K) |
| App. A, § 7.90 | 157.46(L) |
| App. A, § 8.10 | 157.55 |
| App. A, § 8.20 | 157.56 |
| App. A, § 8.30 | 157.57 |
| App. A, § 8.40 | 157.58(B) - (E) |
| App. A, § 8.50 | 157.59 |
| App. A, § 8.60 | 157.60 |
| App. A, § 8.70 | 157.61 |
| App. A, § 9.10 | 157.08 |
| App. A, § 9.30 | 157.02(B) |
| App. A, § 9.40 | 157.09 |
| App. A, § 10.10 | 157.07 |
| App. A, § 11.10 | 157.04(A) |
| App. A, § 11.20 | 157.04(B) |
| App. A, § 11.30 | 157.05 |
| App. A, § 11.40 | 157.99 |
| App. B, Art. 1, § 1.10 | 158.001 |
| App. B, Art. 1, § 1.20 | 158.002 |
| App. B, Art. 2, § 2.10 | 158.005 |
| App. B, Art. 3, § 3.10 | 158.007 |
| App. B, Art. 3, § 3.20 | 158.006(A) |
| App. B, Art. 3, §§ 3.31, 3.32 | 158.006(B) |
| App. B, Art. 4, § 4.10 | 158.025 |
| App. B, Art. 4, § 4.10 Sch. 2 | 158.045 |
| App. B, Art. 4, § 4.20 | 158.004 |
| App. B, Art. 4, § 4.30 | 158.018 |
| App. B, Art. 4, § 4.40(a) | 158.015 |
| App. B, Art. 4, § 4.40(b) | 158.016 |
| App. B, Art. 5, § 5.11 | 158.046 |
| App. B, Art. 5, § 5.12 | 158.047(A) |
| App. B, Art. 5, § 5.13 | 158.047(B) |
| App. B, Art. 5, § 5.14 | 158.048 |
| App. B, Art. 5, § 5.15 | 158.047(C) |
| App. B, Art. 5, § 5.20 | 158.049 |
| App. B, Art. 5, § 5.30 | 158.050(A) |
| App. B, Art. 5, § 5.31 | 158.050(B) |
| App. B, Art. 5, § 5.32 | 158.050(C) |
| App. B, Art. 5, § 5.33 | 158.050(D) |
| App. B, Art. 5, § 5.40 | 158.052 |
| App. B, Art. 5, § 5.41 | 158.052(A) |
| App. B, Art. 5, § 5.42 | 158.052(B) |
| App. B, Art. 5, § 5.43 | 158.052(C) |
| App. B, Art. 5, § 5.44 | 158.052(D) |
| App. B, Art. 5, § 5.45 | 158.052(E) |
| App. B, Art. 5, § 5.50 | 158.051(A) |
| App. B, Art. 5, § 5.51 | 158.051(B) |
| App. B, Art. 5, § 5.52 | 158.051(C) |

## LONGBOAT KEY - REFERENCES TO 1971 CODE

| 1971 Code Section | 1982 Code Section |
|---|---|
| App. B, Art. 5, § 5.53 | 158.051(D) |
| App. B, Art. 5, § 5.54 | 158.051(E) |
| App. B, Art. 5, § 5.61 | 158.053(A) |
| App. B, Art. 5, § 5.62 | 158.053(B) |
| App. B, Art. 5, § 5.71 | 158.054(A) |
| App. B, Art. 5, § 5.73 | 158.054(B) |
| App. B, Art. 5, § 5.81 | 158.055 |
| App. B, Art. 5, § 5.82 | 158.056 |
| App. B, Art. 5, § 5.83 | 158.056(B) |
| App. B, Art. 5, § 5.84 | 158.056(C) |
| App. B, Art. 6, § 6.10 | 158.026 |
| App. B, Art. 6, § 6.21 | 158.027(A) |
| App. B, Art. 6, § 6.22 | 158.027(B) |
| App. B, Art. 6, § 6.23 | 158.027(C) |
| App. B, Art. 6, § 6.24 | 158.027(D) |
| App. B, Art. 6, § 6.25 | 158.027(E) |
| App. B, Art. 6, § 6.31 | 158.028 |
| App. B, Art. 6, § 6.32 | 158.029 |
| App. B, Art. 6, § 6.33 | 158.030 |
| App. B, Art. 6, § 6.34 | 158.031 |
| App. B, Art. 6, § 6.41 | 158.032(A) |
| App. B, Art. 6, § 6.42 | 158.032(B) |
| App. B, Art. 6, § 6.51 | 158.033(A) |
| App. B, Art. 6, § 6.52 | 158.033(B) |
| App. B, Art. 6, § 6.53 | 158.033(C) |
| App. B, Art. 6, § 6.54 | 158.033(D) |
| App. B, Art. 6, § 6.55 | 158.033(E) |
| App. B, Art. 6, § 6.60 | 158.034 |
| App. B, Art. 6, § 6.62 | 158.035 |
| App. B, Art. 6, § 6.63 | 158.036 |
| App. B, Art. 6, § 6.71 | 158.095 |
| App. B, Art. 6, § 6.72 | 158.096 |
| App. B, Art. 6, § 6.73 | 158.098 |
| App. B, Art. 6, § 6.74 | 158.099 |
| App. B, Art. 6, § 6.75 | 158.101 |
| App. A, Art. 6, § 6.76 | 158.097 |
| App. B, Art. 6, § 6.77 | 158.100 |
| App. B, Art. 6, § 6.80 | 158.037(B) |
| App. B, Art. 6, § 6.81 | 158.037(A) |
| App. B, Art. 6, § 6.91 | 158.038(A) |
| App. B, Art. 6, § 6.92 | 158.038(B) |
| App. B, Art. 6, § 6.93 | 158.038(C) |
| App. B, Art. 6, § 6.94 | 158.038(D) |
| App. B, Art. 6, § 6.95 | 158.038(E) |
| App. B, Art. 6, § 6.96 | 158.038(F) |
| App. B, Art. 6, § 6.97 | 158.038(G) |
| App. B, Art. 6, § 6.98 | 158.038(H) |
| App. B, Art. 7, § 7.10 | 158.065 |
| App. B, Art. 7, § 7.20 | 158.067(A) |
| App. B, Art. 7, § 7.30 | 158.066 |
| App. B, Art. 7, § 7.40 | 158.067(D) - (J) |
| App. B, Art. 7, § 7.51 | 158.068 |

| 1971 Code Section | 1982 Code Section |
|---|---|
| App. B, Art. 7, § 7.52 | 158.069 |
| App. B, Art. 7, § 7.53 | 158.070 |
| App. B, Art. 7, § 7.54 | 158.071 |
| App. B, Art. 7, § 7.60 | 158.06(K), (L) |
| App. B, Art. 8, § 8.10 | 158.111(A) |
| App. B, Art. 8, § 8.21 | 158.111(B) |
| App. B, Art. 8, § 8.22 | 158.111(C) |
| App. B, Art. 8, § 8.23 | 158.111(D) |
| App. B, Art. 8, § 8.24 | 158.111(E) |
| App. B, Art. 8, § 8.30 | 158.111(F) |
| App. B, Art. 8, § 8.31 | 158.112 |
| App. B, Art. 8, § 8.32 | 158.113 |
| App. B, Art. 8, § 8.33 | 158.114 |
| App. B, Art. 8, § 8.34 | 158.116 |
| App. B, Art. 9, § 9.11 | 158.080(A) |
| App. B, Art. 9, § 9.12 | 158.080(D) |
| App. B, Art. 9, § 9.20 | 158.110 |
| App. B, Art. 9, § 9.30 | 158.081(A) |
| App. B, Art. 9, § 9.31 | 158.080(B) |
| App. B, Art. 9, § 9.32 | 158.080(C) |
| App. B, Art. 9, § 9.33 | 158.089 |
| App. B, Art. 9, § 9.34 | 158.081(B) |
| App. B, Art. 9, § 9.35 | 158.017 |
| App. B, Art. 9, § 9.35(1) | 158.082 |
| App. B, Art. 9, § 9.36 | 158.083 |
| App. B, Art. 9, § 9.37 | 158.084 |
| App. B, Art. 9, § 9.38 | 158.085 |
| App. B, Art. 9, § 9.39 | 158.088 |
| App. B, Art. 9, § 9.41 | 158.086(A), (B) |
| App. B, Art. 9, § 9.42 | 158.086(C) |
| App. B, Art. 9, § 9.43 | 158.087 |
| App. B, Art. 9, § 9.44 | 158.090 |
| App. B, Art. 9, § 9.45 | 158.080(E) |
| App. B, Art. 10, § 10.10 | 158.115(A) |
| App. B, Art. 10, § 10.20 | 158.115(B) |
| App. B, Art. 10, § 10.30 | 158.115(C) |
| App. B, Art. 11, § 11.10 | 158.003 |
| App. B, Art. 12, § 12.10 | 158.999 |
| App. B, Attachment 1 | Ch. 158, App., § 1 |
| App. B, Attachment 2 | Ch. 158, App., § 2 |
| App. B, Attachment 3 | Ch. 158, App., § 3 |
| App. B, Attachment 4 | Ch. 158, App., § 4 |
| App. B, Attachment 5 | Ch. 158, App., § 5 |

## REFERENCES TO ORDINANCES

| Ord. No. | Date | Code Section |
|---|---|---|
| 41 | 6-9-59 | T.S.O. I |
| 105 | 7-13-65 | Ch. 151 |
| 106 | 11-23-65 | 36.03 |
| 119 | 2-28-67 | 36.03 |
| 127 | 7-11-67 | 71.01 |
| 129 | 8-8-67 | 95.01, 95.15, 95.16, 95.17(A), 95.18, 96.11 |
| 138 | 5-28-68 | 112.01, 112.02, 112.04 - 112.06 |
| 139 | 7-9-68 | 95.01, 96.11(A) |
| 147 | 4-10-69 | 91.01, 91.10(A), (C), (D), (E), 91.11 - 91.21 |
| 148 | 4-16-69 | 150.01 |
| 154 | 8-3-69 | T.S.O. I |
| 156 | 9-16-69 | 30.15 - 30.19 |
| 157 | 10-1-69 | 150.06, 150.15 - 150.17 150.18(B), 150.21, 150.22, 150.26, 150.35 - 150.40 |
| 158 | 10-1-69 | 35.04 |
| 163 | 1-7-70 | 150.40 |
| 169 | 4-1-70 | 33.20 - 33.25 |
| 170 | 4-1-70 | 130.01 |
| 176 | 6-17-70 | 150.01 (B) |
| 178 | 9-16-70 | 95.17(B) |
| 181 | 10-7-70 | 150.05 |
| 182 | 10-21-70 | 152.04, 152.06 |
| 183 | 11-4-70 | 37.10 |
| 188 | - - | 37.10(A) |
| 190 | 2-3-71 | 155.02 |
| 193 | - - | 96.01 - 96.03 |
| 194 | 4-21-71 | 130.02 |
| 195 | 4-21-71 | 51.11, 53.05 |
| 200 | 10-6-71 | 53.02, 53.03, 53.09, 53.13 |
| 206 | 10-20-71 | 50.02(B), 51.12, 51.30 - 51.32, 53.01, 53.04, 53.06 - 53.08, 53.11 |
| 210 | 1-5-72 | 30.15, 30.16 |
| 211 | 1-19-72 | 37.01 - 37.04 |
| 213 | 2-16-72 | 96.10, 96.12 - 96.14, 96.99(B) |

| Ord. No. | Date | Code Section |
|---|---|---|
| 222 | 5-17-72 | T.S.O. I |
| 224 | 6-15-72 | 10.09 |
| 226 | 8-9-72 | 34.20 |
| 227 | 8-23-72 | 95.25, 95.26 - 95.34 |
| 228 | 9-27-72 | 111.01(A), 111.06(A), 111.07 |
| 229 | 9-27-72 | 91.10(B), 91.11 |
| 73-1 | 1-10-73 | 95.18, 96.45, 96.46 |
| 73-4 | 3-7-73 | 50.02(C), 50.05, 52.01, 52.02, 52.04, 52.05, 52.07, 52.08, 52.15 - 52.38 |
| 73-5 | 4-18-73 | 72.06, 72.99(C) |
| 73-8 | 5-2-73 | 53.12 |
| 73-9 | 5-16-73 | 150.35(B), 150.36, 150.37, 150.39 |
| 73-12 | 5-24-73 | Ch. 156 |
| 73-19 | 8-1-73 | 36.02, 36.04 |
| 73-20 | 8-22-73 | Ch. 90 |
| 73-22 | 9-12-73 | 155.01 |
| 73-24 | 9-26-73 | 10.02 |
| 73-25 | 7-26-73 | 150.05 |
| 73-27 | 9-26-73 | 150.01 (B), 150.38 |
| 73-28 | 11-7-73 | 36.02 |
| 73-30 | 11-28-73 | 30.17 - 20.19 |
| 74-5 | 3-6-74 | 90.03 |
| 74-8 | 4-17-74 | 96.30 - 96.38 |
| 74-9 | 4-17-74 | 93.01 |
| 74-15 | 8-7-74 | 158.001 - 158.007, 158.017, 158.018, 158.025 - 158.039, 158.045 - 158.056, 158.065 - 158.071, 158.080 - 158.090, 158.095 - 158.101, 158.111(F), 158.112 - 158.115, 158.999, Ch. 158, App., §§ 1 - 5 |
| 74-17 | 7-24-74 | T.S.O. I |
| Res. 74-17 | 12-18-74 | T.S.O. I |
| 74-19 | 7-24-74 | 51.02, 51.10, 53.07 |

| Ord. No. | Date | Code Section |
|---|---|---|
| 74-21 | 7-24-74 | Ch. 98 |
| 74-23 | 8-7-74 | 150.01 (B), 150.50 - 150.55 |
| 74-25 | 8-7-74 | 150.37, 150.39, 150.40 |
| 74-28 | 9-18-74 | 152.06 |
| 74-32 | 11-6-74 | 155.01, 155.02 |
| 74-34 | 12-4-74 | 150.01 |
| 74-35 | 12-4-74 | 10.10 |
| 75-1 | 2-5-75 | 51.12, 51.30 |
| 75-2 | 2-19-75 | Charter |
| 75-4 | 3-19-75 | Charter Art. I, § 6, Art. III, § 4, Art. IV, § 2, Art. VII, § 1, Art. X, § 1 |
| 75-5 | 5-7-75 | 34.32 |
| 75-6 | 6-4-75 | 110.01 |
| 75-10 | 7-9-75 | 96.20 |
| 75-11 | 6-18-75 | 71.02 |
| 75-12 | 7-9-75 | 50.06. 51.02, 51.20, 52.02, 52.05 |
| 75-14 | 9-10-75 | 50.02, 51.20, 52.24 |
| 75-15 | 9-10-75 | 37.11(A) |
| 75-16 | 9-10-75 | 37.11(B) |
| 75-18 | 9-10-75 | 34.20 - 34.35 |
| 75-19 | 9-10-75 | 34.46 - 34.53 |
| 75-20 | 10-15-75 | 70.01 |
| 75-21 | 10-21-75 | 50.01, 50.02(A), 50.03, 50.99, 51.01, 51.03, 51.04, 51.11, 51.21, 51.22, 51.30, 52.02, 52.03, 52.06, 53.02 |
| 76-2 | 2-4-76 | 157.18 |
| 76-4 | 2-4-76 | 93.12 |
| 76-6 | 3-17-76 | 157.10, 158.008 |
| 76-7 | 4-7-76 | 155.01, 155.02 |
| 76-8 | 4-7-76 | 158.009 |
| 76-9 | 4-21-76 | 72.01, 72.02 - 72.05, 72.07, 72.08, 72.99(A), (B), Ch. 74, Scheds. I, II |
| 76-10 | 5-19-76 | 92.10, 92.99 |
| 76-11 | 5-19-76 | 92.11, 92.99 |

| Ord. No. | Date | Code Section |
|---|---|---|
| 76-12 | 5-19-76 | 111.15 - 111.17, 111.99 |
| 76-13 | 6-2-76 | 130.04 |
| 76-14 | 5-19-76 | 92.20 - 92.23, 92.99 |
| 76-15 | 5-19-76 | 150.01, 150.03 |
| 76-16 | 5-19-76 | 92.12, 92.99 |
| 76-17 | 6-16-76 | 32.01 - 32.06 |
| 76-19 | 6-2-76 | 72.02, 72.03, 72.05, 72.07, 72.08, 72.99(A), (B), Ch. 74, Scheds. I, II |
| 76-21 | 12-1-76 | 98.01, 98.02(B), 98.04, 98.05, 98.06 |
| 76-24 | 7-21-76 | 130.03 |
| 76-25 | 7-21-76 | 97.03 |
| 76-26 | 7-21-76 | 158.027(D), 158.028, 158.030, 158.038, 158.051(E), 158.053(B), 158.067(B), (C), 158.095, 158.097, 158.098, 158.111(E), (F), 158.112, 158.114, 158.115(B), (C), 158.116, Ch. 158 App., §§ 4, 5 |
| 76-28 | 9-15-76 | 157.25 |
| 76-31 | 10-27-76 | 70.01 |
| 76-32 | 11-17-76 | 30.15 - 30.19 |
| 77-6 | 4-6-77 | 112.03, 112.04(B) |
| 77-9 | 6-1-77 | Ch. 154 |
| 77-10 | 5-18-77 | 158.027(E), 158.028, 158.038, 158.052(B), 158.054(A), 158.111(E), 158.114 |
| 77-11 | 5-18-77 | 130.02 |
| 77-12 | 5-18-77 | 91.03, 91.99(B) |

| Ord. No. | Date | Code Section |
|---|---|---|
| 77-14 | 6-1-77 | 35.02 |
| 77-15 | 6-15-77 | 96.11(B) |
| 77-18 | 7-6-77 | 154.15 |
| 77-19 | 9-28-77 | 34.47 |
| 77-20 | 9-28-77 | 34.23 |
| 77-24 | 11-16-77 | Ch. 73 |
| 77-25 | 1-4-78 | 150.19 |
| 77-26 | 11-2-77 | 51.10, 51.20 |
| 77-28 | 12-7-77 | 91.02 |
| 78-1 | 2-1-78 | 158.005, 158.027(A), 158.050(D), 158.051(B), 158.055, 158.100, 158.111(A), (C) |
| 78-2 | 4-5-78 | 150.20 |
| 78-3 | 4-5-78 | 150.04, 150.24(B) |
| 78-4 | 4-5-78 | 73.01 |
| 78-12 | 10-25-78 | 156.05, 156.06 |
| 78-13 | 10-25-78 | 33.20, 33.23 |
| 78-17 | 11-15-78 | 130.02 |
| 78-19 | 1-23-79 | 158.005, 158.025, 158.026, 158.027(A), 158.028 - 158.031, 158.032(B), 158.034, 158.038(A), (H), 158.045, 158.050(A), (C), (D), 158.052, 158.053(B), 158.066, 158.067(D), (F) - (L), 158.068, 158.070, 158.071, 158.080(E), 158.086, 158.097, 158.098, 158.099, 158.100, 158.101, 158.111(F), 158.112, |

| Ord. No. | Date | Code Section |
|---|---|---|
| | | 72.99(A), (B)<br>158.114, Ch.<br>158, App, § 1 |
| 78-20 | 12-6-78 | 30.15 - 30.19 |
| 78-21 | 12-20-78 | 71.03, Ch. 75,<br>Sched. I |
| 78-22 | 12-20-78 | 130.02 |
| 78-25 | 1-17-79 | 35.03 |
| 79-1 | 1-17-79 | 30.01 - 30.08 |
| 79-3 | 3-27-79 | 72.08, 72.99 (B),<br>Ch. 74, Sch. II |
| 79-4 | 5-2-79 | 72.08,<br>72.99(A), (B),<br>Ch. 74, Sched. II<br>Ch. 74, Sched. II |
| 79-5 | 5-2-79 | 51.11 |
| 79-6 | 5-2-79 | 150.06 |
| 79-7 | 8-1-79 | 158.018 |
| 79-8 | 6-6-79 | 150.01 |
| 79-10 | 6-27-79 | 158.015,<br>158.016 |
| 79-11 | 6-20-79 | 90.03 |
| 79-14 | 8-1-79 | 156.04 |
| 79-18 | 11-7-79 | 152.15(B),<br>152.16 - 152.26 |
| 80-1 | 4-20-80 | 158.017 |
| 80-3 | 4-2-80 | 158.018 |
| 80-7 | 9-15-80 | 95.01 - 95.08 |
| 80-8 | 11-19-80 | 158.018,<br>158.050(D) |
| 80-9 | 1-21-81 | 158.017 |
| 80-10 | 12-10-80 | 130.05 |
| 80-11 | 12-10-80 | TSO I |
| 80-12 | 1-21-81 | 150.20 |
| 80-13 | 12-10-80 | 150.36 |
| 80-14 | 12-10-80 | 72.01, Ch. 74,<br>Sched. I |
| 81-1 | 3-6-81 | 158.007,<br>158.019(A),<br>158.025,<br>158.045,<br>158.068,<br>158.070,<br>158.100, TSO II |
| 81-5 | 2-4-81 | 73.02(A) |
| 81-6 | 2-13-81 | 150.20 |
| 81-8 | 3-4-81 | 51.01, 51.10,<br>51.20 |
| 81-9 | 3-4-81 | 150.06 |
| 81-10 | 3-4-81 | 150.24, 150.25 |
| 81-11 | 3-4-81 | 72.01, Ch. 74,<br>Sched. II |

| Ord. No. | Date | Code Section |
|---|---|---|
| 81-13 | 4-1-81 | 154.03, 154.07, 154.08 |
| 81-14 | 4-15-81 | 33.01 - 33.11 |
| 81-15 | 4-15-81 | 34.01 |
| 81-16 | 4-15-81 | 150.06 |
| 81-17 | 7-1-81 | 91.04 |
| 81-18 | 6-15-81 | 158.005, 158.006(A), 158.007, 158.019(B), (C), 158.038, 158.039, 158.045, 158.068, 158.070 |
| 81-22 | 7-1-81 | 150.02 |
| 81-23 | 7-1-81 | 150.01, 150.03 |
| 81-25 | 7-1-81 | 153.01, 153.02 |
| 81-27 | 9-2-81 | 158.017 |
| 81-29 | 9-2-81 | Ch. 94 |
| Res. 81-29 | 10-7-81 | 95.08 |
| 81-30 | 9-2-81 | 35.04 |
| 81-31 | 10-7-81 | 92.12 |
| 81-35 | 10-7-81 | Ch. 155 |
| 81-36 | 10-7-81 | 72.01, Ch. 74, Scheds. I, II |
| 81-37 | 11-4-81 | 157.03, 157.06, 157.25, 157.26 (A), 157.28, 157.30, 157.31, 157.45 |
| 82-4 | 3-31-82 | 51.02, 51.11, 51.21 |

# INDEX

Throughout this index the user will note parenthetical references reading "No Ordinance" and "Not Including." For purposes of the index these phrases have the following meanings.

"No ordinance" means that no ordinance dealing with the specific subject matter is currently in effect.

"Not included" means that there are existing ordinances on the subject but they have been left out of the codification at the city's request.

1981 TOWN CODE

LONGBOAT KEY - INDEX

ABANDONED BOATS (See BOATS AND WATER SPORTS)

ABANDONED VEHICLES, (See also GARBAGE, RUBBISH, AND JUNK)
Impounding, 70.02, 72.08

ACTING TOWN MANAGER (See TOWN MANAGER)

AIRCRAFT AND AIRPORTS
Federal regulations, compliance with, 90.02
Flying height, 90.04
Landing within town limits, 90.03
Penalty, 90.99
Pilot's certificate, 90.01

AIRPLANES (See AIRCRAFT AND AIRPORTS)

AIRPORTS (See AIRCRAFT AND AIRPORTS)

ALCOHOLIC BEVERAGES
Beaches, possession on, 92.11
Employees, registration of, 96.20 - 96.23
Hours of sale, 110.01
Nudity in establishments selling, 130.05

ANIMALS
Beaches, on, 92.12(D)
Certain animal not to be kept within town limits, 91.02
Dog and cat warden, 91.17
Dogs and cats
Barking, howling, or biting, 91.18
Beaches, prohibited on, 91.20, 92.12(D)
Cruel and inhumane treatment, 91.19
Impoundment of, 91.15
Leash or lead, 91.14
License, 91.10
Pound, 91.16
Rabies, confinement when suspected, 91.13
Running at large, 91.15
Tags, 91.10
Unlicensed, 91.11
Vaccination, 91.12
Fees and fines, disposition of, 91.21
Peafowl, injuring, 91.04
Penalty, 91.99
Pound, 91.16
Quarantine, 91.01
Rabies, 91.01, 91.13
Vehicles, confinement in, 91.03

APPEALS
Code enforcement board, 33.10
Public works, 50.06
Zoning board of adjustment, 158.112

## LONGBOAT KEY - INDEX

ATTORNEY (See TOWN ATTORNEY)

AUCTIONS (No Ordinance)*

BAYOUS (See WATERWAYS)

BEACHES (See also PARKS; BOATS AND WATER SPORTS)
- Beer can island
  - Alcoholic beverages on, 92.11
  - Prohibited activities, 92.12
  - Time restrictions, 92.10
- Dead fish on
  - Abatement of nuisance, 92.23
  - Beach owner to remove, 92.22
  - Nuisance declared, 92.21
  - Purpose of regulations, 92.20
- Dogs and cats on, 91.20
- Penalty, 92.99
- Public
  - Alcoholic beverages on, 92.11
  - Prohibited activities, 92.12
  - Time restrictions, 92.10

BEER CAN ISLAND (See BEACHES)

BICYCLES
- Definitions, 73.01
- Enforcement of regulations, 73.06
- Paths, 73.02
  - Use of, 73.04
- Penalty, 73.99
- Rental businesses, 73.05
- Safety requirements, 73.03

BOATS AND WATER SPORTS (See also BEACHES)
- Abandonment, 93.15
- Boat equipment, 93.14
- Designated areas for water activities, 93.18
- Disturbing peace from watercraft, 93.12
- Indentification numbers on boats, 93.14
- Mooring of boats, 93.13
- Nets
  - Placing in waterways, 93.13
  - Use of in waterways, 93.01
- Penalty, 93.99
- Reckless operation, 93.11
- Sanitary and health regulations, 93.16
- Skiing, 93.17
- Skin diving, 93.17
- Speed limits, 93.10
- Swimming, 93.17

BODY CORPORATE AND POLITIC, Charter Art. I, sec. 2

*See Note, Page 1 of Index

BOND REQUIREMENTS
Dredging and filling, issuance of for, 152.23
Moving buildings, 150.51(G)
Temporary certificate of occupancy, 150.36

BOUNDARIES, Charter Art. I, sec. 3

BUDGET (See FINANCE)

BUILDING DEPARTMENT, 150.06(B)

BUILDING INSPECTOR, 150.15 (See also Buildings)
Building permit issuance, 150.38
Certificate of occupancy, issuance, 150.35
Notice to repair dangerous or unsanitary buildings, 150.22
Notice to stop dangerous work, 150.21
Sewer connection inspections 50.01(B), 52.23
Signs, inspection of by, 156.11

BUILDING PERMITS, 158.081

BUILDINGS (See also ZONING CODE)
Administration
Building inspector, 150.15
Civil remedies available, 150.26
Compliance with plans and specifications, 150.18
Conversion of existing structures, procedure for, 150.24
Dangerous buildings, procedure for, 150.22
Multifamily construction, bond for, 150.19
Nonconforming uses, 150.25
Notice to stop dangerous or illegal work, 150.21
Nuisance conditions, 150.23
Right of entry, 150.16
Tests or test reports, 150.17
Utility service to condominiums, 150.20
Bulkheads, construction of, 150.05
Certificates and permits
Certificate of occupancy, 150.35
Application for, 150.37
Permits, 150.38
Application for, 150.39
Certificate of occupancy to be applied for concurrently, 150.37
Invalidation of, 150.40
Temporary certificate of occupancy, 150.36
Condominiums, utility service to, 150.20
Dangerous or illegal work, notice to stop, 150.21
Dangerous or unsanitary, procedure for, 150.22
Fee schedule, 150.06
Refund, 150.06(B)
Waiver for nonprofit corporations, 150.06(C)
Food and drink establishments, construction or alteration of premises, 96.33

BUILDINGS (Cont'd)
Government buildings and grounds, exemption for, 150.03
Minimum housing standards, 150.04
Moving of
Building code to apply, 150.55
Liability insurance, 150.52
Notice to property owners, 150.54
Permit, 150.50
Application for, 150.51
Approval procedure, 150.54
Information required prior to issuance, 150.53
Sewer to be capped, 52.07
Multifamily construction, bond for, 150.19
Nuisances, 150.23
Seawalls, construction of, 150.05
Standard building code, adoption of, 150.01
Standard mechanical code, adoption of, 150.02

BURGLAR ALARMS
Persons selling or installing to register with police chief, 96.20, 96.21

BURNING RUBBISH, 95.18

BURNING GARBAGE, 94.29

CANALS (See WATERWAYS)

CATS (See ANIMALS)

CESSPOOLS, 52.05(C)

CHARTER
Amended, Charter sec. 7(a)
Amendments
Adoption of, Charter Art. VIII, sec. 4
Proposal of, Charter Art. VIII, sec. 1
Referendum, Charter Art. VIII, secs. 2, 3
Supplemental method, Charter Art. VIII, sec. 5
Body corporate and politic, Charter Art. I, sec. 2
Effective date, Charter Art. X, sec. 1
Existing not inconsistent with amended, Charter Art. IX, sec. 1
Existing ordinances not inconsistent with amended Charter, Charter Art. VIII, sec. 2
Obligations preserved by, Charter Art. VIII, sec. 4
Officers
Held over until successors qualify, Charter Art. VIII, sec. 5
Purpose of, Charter Art. I, sec. 1
References to, Charter Art. I, sec. 7(b)
Referendum requirements, Charter Art. X, sec. 1
Separability clause, Charter Art. VIII, sec. 6
Title rights reserved, Charter Art. VIII, sec. 3

CHIEF OF POLICE
Appointment of by town manager, Charter Art. III, § 4(a)
Designation of areas for water activities, 93.18
Dog and cat warden, designation of, 91.17

CLERK (See TOWN CLERK)

COASTAL CONSTRUCTION
Definitions, 151.01
Emergency permit, 151.07
Permit, 151.03(A)
Application, 151.03(B)
Application processing procedure, 151.04
Emergency, 151.07
Issuance, 151.05
State approval of, 151.06
Purpose of regulations, 151.02
U.S. army corps of engineers, compliance with, 151.05(I)

CODE ENFORCEMENT BOARD
Appeals, 33.10
Chairman, 33.03(A)
Code inspector, 33.06
Compensation, 33.03(A)
Counsel, 33.03(B)
Definitions, 33.01
Enforcement procedure, 33.06
Fines, 33.09
Hearings on code violations, 33.07
Members, 33.02
Alternate, 33.04
Removal of, 33.05
Vacancy of, 33.05
Notices, 33.11
Powers, 33.08
Quorum, 33.03(A)
Terms, 33.02(B), (C)

CODE OF ORDINANCES (See also ORDINANCES)
Altering of, unlawful, 10.05
Amendments to, 10.07
Captions, 10.04
County ordinances, 10.10
Definitions, 10.02
Errors and omissions, 10.12
Gender, 10.03(B)
Joint authority, 10.03(C)
Land use and control ordinances, 10.09
Number, 10.03(D)
Ordinances
Repealed, 10.13
Saved, 10.15
Unaffected 10.14

CODE OF ORDINANCES (Cont'd)
Penalty, 10.99
Repeal or amendment, effect of, 10.06
Rules of construction, 10.03
Severability, 10.08
Short title, 10.01
Tense, 10.03 (F)
Time, computation of, 10.11
Violation of, assessment for, 35.05

COMMISSION
Administration, relationship with, Charter Art. II, sec. 13
Advisory boards, Charter Art. II, sec. 22
Agenda, 30.02
Bonds, Charter Art. II, sec. 21
Budget, action on, Charter Art. V, sec. 7
Compensation, Charter Art. II, sec. 3
Comprehensive plan, Charter Art. II, sec. 24
Creation of, Charter Art. II, sec. 2
Dead fish on beaches, removal ordered by, 92.23
District boundaries
District five, 30.19
District four, 30.18
District one, 30.15
District three, 30.17
District two, 30.16
Districts, Charter Art. II, sec. 1
Election of, Charter Art. II, secs. 2, 5, 6
Poll hours, Charter Art. II, sec. 7
Equalizing board for dredging and filling, service as, 152.19(B)
Holdover commissioners, Charter Art. II, sec. 4
Investigations, Charter Art. II, sec. 25
Investment advisory committee, appointment of, Charter Art. V, sec. 16
Judge of qualifications, Charter Art. II, sec. 8
Local planning agency, appropriation of funds to, 32.05
Mayor, election of, Charter Art. II, sec. 11
Meetings, Charter Art. II, sec. 14, 30.01
Addressing the commission, 30.06
Agenda, 30.02
Decorum, 30.04
Order of business, 30.05
Penalty for absence, Charter Art. II, sec. 16
Regular, 30.01(B)
Special, Charter Art. II, sec. 15, 30.01(C)
Town manager to attend, Charter Art. III, sec. 4(e)
Voting, 30.07
Workshop, 30.01(D)
Nominations, Charter Art. II, sec. 3
Ordinances
Codification of, Charter Art. II, sec. 19
Preparation of, 30.08

COMMISSION (Cont'd)
Planned unit development
Approval, 158.067(D)
Hearing, 158.067(C)
Powers, Charter Art. I, sec. 6
Presiding officer, 30.03
Public parks, closing of, 92.01
Public works appeals, 50.06
Recall of commissioners, Charter Art II, sec. 10
Residency, Charter Art. II, sec. 2
Retirement committee, 34.35
Signs, variances from regulations, 156.10
Subdivision final plat, approval by, 157.31
Subdivision preliminary plat, review by, 157.30
Subdivision regulations, variances, 157.07
Taxes, duty to impose and levy, Charter Art. II, sec. 23
Terms of office, Charter Art. II, sec. 2
Town manager
Appointment of, Charter Art. III, sec. 1
Removal of, Charter Art. III, sec. 2
Vacancies, Charter Art. II, sec. 9
Vice-mayor, election of, Charter Art. II, sec. 11
Zoning amendments, 158.115

COMMISSION DISTRICTS (See COMMISSION)

COMMISSION - MANAGER FORM (See FORM OF GOVERNMENT)

COMMUNICABLE DISEASES (No Ordinance)*

COMPREHENSIVE PLAN, Charter Art II, § 24 (See also ZONING CODE)

CORPORATE LIMITS (See BOUNDARIES)

CURFEW (No Ordinance)*

DEFINITIONS
Bicycles, 73.01
Coastal construction, 151.01
Code enforcement board, 33.01
Firefighters and police officers, employment policies, 34.45
Fire prevention code, 94.02
Flood control, 154.03
Food and drink establishments, 96.30
Garbage, 95.01
General, 10.02
Junk, 95.25
Peddler, 112.01
Pensions and retirement, 34.20
Public works, 51.02
Sewers, 52.01
Signs, 156.01
Subdivision regulations, 157.03

*See Note, Page 1 of Index

DEFINITIONS (Cont'd)
Tree, 98.01
Zoning code, 158.005

DIRECTOR OF PUBLIC WORKS
Breakaway walls, approval of construction plans, 154.12(B)
Floodproofing plans, review of, 154.11(B)
Garbage disposal, special permit, 95.05
Moving buildings permit, 150.50
Technical advisory committee member, 32.06

DISORDERLY CONDUCT ON BEACHES, 92.12(G)

DOG AND CAT WARDEN, 91.17 (See also ANIMALS)

DOGS (See ANIMALS)

DREDGING AND FILLING
Assessment in proportion to benefit, 152.20
Assessment plat, 152.17
Assessment roll, 152.18
Bonds, issuance of, 152.23
Equalizing board, town commission as, 152.19(B)
Foreclosure, 152.22
Improvements and special assessments, 152.15 - 152.26
Irregularities, not affecting validity, 152.26
Payments by town, 152.25
Permit, 152.01
Application, 152.02(A)
Fee, 152.02(B)
Issuance, 152.04
Plans and drawings, 152.03
Revocation, 152.04
Plans and drawings, 152.03
Resolution required, 152.15
Publication of, 152.16
Second assessment, 152.24
Staking of area to be filled, 152.05
Subdivisions, 157.57
Validity, irregularities not affecting, 152.26
Waiver of requirements, 152.06

DRUGS (No Ordinance)*

ELECTIONS
Absentee voting, 36.01
Candidate qualifications, 36.03
Polling places, 36.04
Town commission, Charter Art. II, §§ 5, 6
Voter qualifications, 36.02

ELECTRICAL CODE
Adoption of, 153.01
Amendments to, 153.02

*See Note Page 1 of Index

ELECTRICITY
Emergency, 94.50
Permit from building inspector required, 150.38
Subdivisions, 157.04

EMERGENCIES
Electrical power, 94.50
Water use restrictions, 53.10

EMPLOYMENT POLICIES
Appointment of employees by Town Manager, Charter Art. III, § 4(c)
Firefighters and police officers, 34.45 - 34.53
Contributions, 34.47
Definitions, 34.45
Retirement benefits, 34.48
Amount of, 34.49
Pensions and retirement
Benefits
Amount of, 34.26, 34.27, 34.28
Nonalienation of, 34.25
Contributions, 34.23
Deferred termination benefit, 34.32
Definitions, 34.20
Disability pension, 34.28
Early pension, 34.27
Eligibility requirements, 34.21
Former employees, re-employment of, 34.24
Joint and survivor optional benefit, 34.29
Level income optional benefit, 34.30
Normal pension, 34.26
Optional benefits, other forms of payment of, 34.31
Participation by employees, 34.22
Post-retirement death benefit, 34.34
Pre-retirement death benefit, 34.33
Re-employment, 34.24
Retired employees, re-employment of, 34.24
Retirement committee, 34.35
Sick pay, 34.01
Social Security
Adoption of act, 34.05
Agreements with state agency, 34.07
Appropriation for contributions, 34.09
Exclusions, 34.06
Federal regulations, 34.10
Finance director, 34.11
Records, 34.10
State regulations, 34.10
Withholding, 34.08

EROSION (See FLOOD CONTROL)

ERRORS AND OMISSIONS, 10.12

EXCAVATIONS (See BUILDINGS; STREETS AND SIDEWALKS)

FALSE ALARMS, 94.30

FEDERAL SOCIAL SECURITY ACT, 34.05

FEES
Buildings, 150.06
Coastol construction permit processing, 151.04(B)
Dog and cat tags, 91.10
Drainage culvert construction permit, 97.01(C)
Dredging and filling permits, 152.02(B)
Flood control regulations, variance application, 154.15(C)
Identification cards for certain employees, 96.23
Impounded animals, redeeming of, 91.15(B)
Moving buildings permit, 150.50
Peddler's permit, 112.03
Sewer connection, 51.20
Sewer inspection, 51.21(B)
Sign permit, 156.03
Street improvement inspections, 97.03
Subdivision application, 157.10
Tree removal permits, 98.03
Water system connection, 51.10
Zoning code, 158.008

FINANCE (See also TAXATION)
Appropriations
Emergency, Charter Art. V, sec. 9(b)
Lapse of, Charter Art. V, sec. 10
Limitations, Charter Art. V, sec. 9(e)
Reduction of, Charter Art. V, sec. 9(c)
Supplemental, Charter Art. V, sec. 9(a)
Transfer of, Charter Art. V, sec. 9(d)
Audit of accounts, Charter Art. V, sec. 14
Bank accounts, 37.04
Bonds, Charter Art. V, § 17
Sale procedure, Charter Art. V, sec. 19
Supplemental authority, Charter Art. V, sec. 20
Budget, Charter Art. V, secs. 3, 5
Amendment after adoption, Charter Art. V, sec. 9
Records, Charter Art. V, sec. 8
Town commission action on, Charter Art. V, sec. 7
Budget message, Charter Art. V, sec. 4
Capital program, Charter Art. V, sec. 6
Records, Charter Art. V, sec. 8
Certificate of available funds, Charter Art. V, sec. 12
Check vouchers, 37.04
Claims, audit and certification of, Charter Art. V, sec. 15
Compliance with accepted standards, 37.01
Director (See FINANCE DIRECTOR)
Fiscal year, Charter Art. V, sec. 2
Inventory of town equipment, 37.03

FINANCE (Cont'd)
Investment advisory committee, Charter Art. V, sec. 16
Receipts, 37.02
Records, Charter Art. V, sec. 8, 37.02
Revenue certificates, Charter Art. V, sec. 18
System of accounts and forms, Charter Art. V, sec. 13
Work programs, Charter Art. V, sec. 11

FINANCE DIRECTOR, Charter Art. V, sec. 1
Bank accounts, maintenance of, 37.04
Custodian of social security funds and records, 34.11
Dog and cat tag issuance, 91.10
Inventory of town equipment, 37.03
Receipts and records, 37.02
System of accounts and forms, Charter Art. V, § 13

FINES (See PENALTIES)

FIRE ALARMS
Persons selling or installing to register with police chief, 96.20, 96.21

FIRE CHIEF (See FIRE DEPARTMENT)

FIRE DEPARTMENT, Ch. 94
Chief
Appointment of by Town Manager, Charter Art. III, sec. 4(b)
Employment policies, 34.45 ~ 34.53
Impersonating officials of, 94.12
Notice of fire to be given to, 94.25
Right of entry, 94.12

FIRE PREVENTION CODE
Access for fire apparatus, 94.33
Administration
Alternatives to requirements, 94.11
Approval of plans, 94.18
Authority having jurisdiction, 94.10
Certificates, 94.14
Construction or installation work, inspection of, 94.17
Fires and explosions, authority to investigate, 94.13
Permits, 94.14
Records, 94.16
Right of entry, 94.12
Violation procedure, 94.15
Alarm annunciators, 94.48
Alternative electric and water supply systems, 94.52
Application of chapter, 94.04
Automatic sprinkler systems, 94.46
Beaches, building fires on, 92.12(A)
Carelessness with fire, 94.27
Combustible decorations, 94.43
Construction design requirements, 94.51

FIRE PREVENTION CODE (Cont'd)
Construction or installation work, inspection of, 94.17
Definitions, 94.02
Emergency electrical power, 94.50
False alarms, 94.30
Fire alarm systems, 94.45
Fire detection systems, 94.45
Fire doors, 94.35
Fire escapes, storage on, 94.39
Fire protection equipment, interference with, 94.36
Fire safety equipment, inoperative, 94.32
Fire safety regulations, posting, 94.31
Fire station connections, 94.49
Fumigation, 94.38
Hazardous conditions, reporting, maintaining, 94.26
Heating and lighting equipment, clearance between, 94.37
Key box system, 94.34
National fire code adopted, 94.03
Numbering of occupancies, 94.44
Obstructing passageways and aisles, 94.41
Overcrowding, prevention of, 94.40
Failure of vacate, 94.42
Penalty, 94.99
Roofs, storage on, 94.39
Smoking, 94.28
Sprinkler systems, 94.46
Standpipes, 94.47
Title, 94.01
Unauthorized burning, 94.29
Unfriendly fire, discovery of, 94.25

FIREARMS, 130.04

FIRELANES
Parking in, 72.01

FISH (See BEACHES)

FLOOD CONTROL
Administrator, Town Manager as, 154.06
Applicability of regulations, 154.01
Breakaway walls, 154.12
Compliance with regulations required, 154.04
Definitions, 154.03
Development permits, 154.09
Disclaimer of liability, 154.05
Floodproofing, 154.11
Flood zones
A1-30, 154.07
V1-30, 154.08
Interpretation, 154.02
Liability, disclaimer of, 154.05
Minimum floor elevation, 154.10

FLOOD CONTROL (Cont'd)
Nonconforming structures, 154.16
Penalty, 154.99
Purpose of regulations, 154.01
Subdivision proposals, 154.13
Utilities, 154.14
Variances, 154.15

FLORIDA BAR, Charter Art. VI, secs. 1, 2

FLORIDA UNIFORM DISPOSITION OF TRAFFIC INFRACTIONS ACT, 70.01

FOOD (See HEALTH AND SANITATION)

FORM OF GOVERNMENT, Charter Art. I, sec. 4

FOWL (See ANIMALS)

FRANCHISES, Charter Art. I, sec. 5(b), T.S.O. I

FUMIGATION
Fire Department notification, 94.38

GARAGE SALES (No Ordinance)*

GARBAGE, RUBBISH, AND JUNK (See also HEALTH AND SANITATION)
Billing, 95.08
Burning, 94.29
Burning or burying rubbish, 95.18
Collection
By town, 95.05
Preparation of refuse for, 95.06
Times, 95.07
Containers, 95.02, 95.03
Inspection of, 95.04
Definitions, 95.01
Fees, 95.08
Junk
Accumulation of, 95.25
Assessment to become lien, 95.30
Delinquent, 95.32
Interest on, 95.31
Right to appeal, 95.33
Statute of limitations, 95.34
Definition, 95.25
Removal by town, 95.26, 95.29
Removal notice, 95.27
Failure to obey, 95.28
Policy, 95.15
Throwing or spilling from vehicles, 95.17
Unlawful deposits, 95.16

*See Note, Page 1 of Index

HANDICAPPED PERSONS
Use of bicycle paths, 73.02

HEALTH AND SANITATION (See also GARBAGE, RUBBISH and JUNK)
Accumulation of brush, 96.11
Policy, 96.10
Failure to maintain premises a nuisance, 96.02, 96.13
Correction of violation by town, 96.03, 96.14
Food and drink establishments
Closing of, 96.37
Construction or alteration of premises, 96.33
Definitions, 96.30
Enforcement of regulations, 96.38
Inspections, 96.36
Management, training requirements, 96.34
Permit, 96.31, 96.32
Work card for employees, 96.35
Mosquito breeding sites, 96.04
Penalty, 96.99
Pollution control
Policy, 96.45
Prohibited acts, 96.46
Registration of certain employees
Applicability, 96.20
Fingerprinting and photographing, 96.21
Identification cards, 96.22
Fee, 96.23
Responsibility of property owner, 96.01, 96.12

HEALTH OFFICER
Rabies, notification of, 91.13

HEARINGS
Assessment for junk removal, 95.29
Buildings declared a nuisance, 150.23
Code enforcement board on code violations, 33.07
Dangerous buildings, appeal, 150.22(C)
Dredging and filling application, 152.04
Junk, failure to abate, 95.28
Planned unit developments, 158.067(C)
Public parks, closing of, 92.01(B)
Street closings, 97.11

HELICOPTERS (See AIRCRAFT AND AIRPORTS)

HOME OCCUPATIONS, 158.035 (See also ZONING CODE)

HOTELS
Certain employees to register, 96.20, 96.21

IMPERSONATING A FIRE OFFICIAL, 94.12

IMPERSONATING LAW ENFORCEMENT OFFICERS, 130.06

IMPOUNDING DOGS AND CATS, 91.11, 91.15

IMPOUNDING VEHICLES, 70.02, 72.08

INSURANCE COMPANIES
Excise tax on, 37.11

ITINERANT MERCHANTS (See PEDDLERS AND SOLICITORS)

JUNK (See GARBAGE, RUBBISH, AND JUNK)

LAND DEVELOPMENT CODE, Title XV

Ordinances concerning, 10.09

LAGOONS (See WATERWAYS)

LICENSES (See also PERMITS)
Dogs and cats, 91.10
Occupational
Application, 111.03
Building trades, 111.05
Display of, 111.04
Separate for each location, 111.02
Tax, 111.01
Collection of, 111.06(A)
Delinquent, 111.06(B)
Schedule, 111.07
Subdivisions, 157.05

LIVESTOCK (See ANIMALS)

LOCAL PLANNING AGENCY (See also ZONING CODE; SUBDIVISION REGULATIONS; PLANNING AND ZONING BOARD)
County technical advisory committees, 32.06
Duties, 32.02
Establishment of, 32.01
Funding, 32.05
Meetings, 32.04
Organization, 32.03
Planning and zoning board designated as, 32.01
Powers, 32.02
Records, 32.04

MANGROVES (See TREES)

MAYOR
Code enforcement board appointment, 33.02
Commission, as presiding officer of, 30.03
Election from town commission, Charter Art. II, sec. 11
Florida industrial commission, agreements with, 34.07
Functions of, Charter Art. II, sec. 12
Powers of, Charter Art. II, sec. 12

MAYOR (Cont'd)
Zoning board of adjustment, appointment by, 158.111
Zoning map, signature required on, 158.006

MINORS (No Ordinance)*

MISDEMEANORS (See OFFENSES)

MOBILE HOME PARKS
Flood zones, construction in, 154.07, 154.08
Water and sewer service plans, 50.05
Zoning code provisions, 158.033

MOSQUITOS (See HEALTH AND SANITATION)

MUNICIPAL POWERS, Charter Art. I, sec. 5

NATIONAL ELECTRIC CODE
Adoption of, 153.01
Amendments to, 153.02

NATIONAL FIRE CODE, 94.03

NOISE
Dogs and cats, barking, howling, or biting, 91.18
Loud and unnecessary, 130.02
Watercraft, 93.12

NOTICES
Assessment hearing, accumulation of junk, 95.29
Buildings, dangerous or illegal work to stop, 150.21
Code violations, 33.06(B)
Dangerous buildings, repair or demolish, 150.22
Dead fish on beaches, owner to remove, 92.23
Dredging and filling, application hearing, 152.04
Fire prevention code violations, 94.15
Flood control variance, to applicant, 154.15(D)
Hearing on buildings constituting nuisance, 150.23
Junk, removal of by town, 95.27
Moving buildings, to surrounding property owners, 150.54
Peddler's permit required, 112.06
Street closing, hearing regarding, 97.11
Unfriendly fires to be reported to fire department, 94.25
Unlicensed dogs and cats, owner to obtain license, 91.11

NUISANCES
Dangerous buildings, 150.23
Dead fish on beaches, 92.21
Overgrowth of weeds, 96.13
Property, failure to maintain, 96.02
Abatement procedure, 96.02(B)

*See Note, Page 1 of Index

## LONGBOAT KEY - INDEX

OATH OF OFFICE, Charter Art. II, § 20

OFFENSES
- Annoying spotlights or floodlights, 130.03
- Firearms and weapons, 130.04
- Impersonating law enforcement officers, 130.06
- Loud and unnecessary noise, 130.02
- Nudity in establishments selling alcoholic beverages, 130.05
- Obscene language on beaches, 92.12(F)
- State misdemeanors, 130.01

ORDINANCES (See also CODE OF ORDINANCES)
- Codification of, Charter Art. II, sec. 19
- County, 10.10
- Emergency, Charter Art. II, sec. 8
- Enactment of, Charter Art. II, sec. 17
- Land use and control, 10.09
- Preparation of, 30.08
- Repealed, 10.13
- Repeal or amendment, effect of, 10.06
- Saved, 10.15
- Unaffected, 10.14

PARKING (See TRAFFIC CODE)

PARKING SCHEDULES, Ch. 74

PARKS (See PUBLIC PARKS)

PEAFOWL, 91.04 (See also ANIMALS)

PEDDLERS AND SOLICITORS
- Definition, 112.01
- Exceptions, 112.02(C)
- Notices that permit required, 112.06
- Permit, 112.02
  - Denial of application, 112.05
  - Display of, 112.04
  - Fee, 112.03

PENALTIES
- Aircraft and airports, 90.99
- Animals, 91.99
- Beaches, 92.99
- Bicycles, 73.99
- Boats and water sports, 93.99
- Fire prevention code 94.99
- Flood control, 154.99
- Garbage, rubbish, and junk, 95.99
- General, 10.99
- Health and sanitation, 96.99
- Parking, 72.99

PENALTIES (Cont'd)
Permits, 111.99
Public works, 50.99
Signs, 156.99
Subdivision regulations, 157.99
Trees, 98.99
Zoning code, 158.999

PENSIONS (See EMPLOYMENT POLICIES)

PERMITS (See also LICENSES)
Application, 111.16
Building, issuance, 158.081
Bulkhead construction, 150.05
Coastal construction, 151.03
Drainage culvert construction, 97.01
Dredging and filling, 152.01
Flood zone development, 154.09
Food and drink establishment, 96.31
Garbage disposal, special arrangements, 95.05
Handicapped persons using bicycle paths, 73.02
Moving buildings, 150.50
Peddlers and solicitors, 112.02
Penalty, 111.99
Qualifications for, 111.17
Sewer connection, 52.17
Signs, 156.02
Subdivisions, 157.05
Tree removal, 98.02, 98.03
When required, 111.15

PLANNING (See LOCAL PLANNING AGENCY)

PLANNING AND ZONING BOARD
Creation, 33.20(A)
Duties, 33.21
Local planning agency, designation as, 32.01(B)
Meetings, 33.23
Members, 33.20(A)
Minutes, 33.24
Officers, 33.21
Planned unit development review, 158.067
Public hearings, 33.25
Subdivision amendments, 157.08
Subdivision preliminary plat review, 157.30
Terms, 33.20(B)
Vacancies, 33.20(B)

PLANNING AND ZONING OFFICIAL, 158.098, 158.110 (See also ZONING CODE)
Building permits
Denial of, 158.083
Issuance of, 158.081
Revocation of, 158.085
Certificates of occupancy, 158.086
Zoning appeals, 158.112

PLUMBING CODE
Adoption of Standard Plumbing Code, 155.01
Amendments to Standard Plumbing Code, 155.01

POLICE CHIEF, 32.15 (See also POLICE DEPARTMENT)

POLICE DEPARTMENT
Bicycle regulations, enforcement of, 73.06
Chief, 32.15
Duties, 32.16
Employment policies, 34.45 - 34.53
Firearms or weapons retained by, 130.04(D)
Impersonating officer, 130.06
Impoundment of vehicles, 70.02
Peddler's permit, investigation of application, 112.03
Powers, 32.16
Special police, 32.17

POLICY (See TOWN POLICY)

POLLUTION (See HEALTH AND SANITATION)

PRIVIES, 52.05(C)

PUBLIC OFFICERS AND EMPLOYEES
Bond, Charter Art. II, sec. 21
Oath of office, Charter Art. II, sec. 20

PUBLIC PARKS (See also BEACHES)
Closing of, 92.01

PUBLIC UTILITIES (See PUBLIC WORKS)

PUBLIC WORKS (See also SEWERS; WATER)
Appeal to town commission, 50.06
Bond required to make tap, 50.04
Charges, rates, and billing
Adjustment, 51.31
Complaints, 51.31
Contracts with large users, 51.04
Defective meter, 51.01(B)
Definition, 51.02
Delinquencies, 51.30(B)
Free service, 51.01
Large users, 51.04
Nonpayment, discontinuance of service for, 51.32(B)
Payment procedure, 51.30
Separate connection and meter required, 51.03
Service deposit, refund of, 51.32
Sewers, 51.20 - 51.22
Water, 51.10 - 51.12
Connections to water or sewer lines, 50.01
Easements and rights-of-way, 50.02

PUBLIC WORKS (Cont'd)
Housing developments, 50.05
Mobile home parks, 50.05
Penalty, 50.99
Pipes, water and sewer, maintenance of, 50.03
Sewers (See SEWERS)
Special exceptions, 50.06
Subdivisions, 50.05
Variances, 50.06
Water (See WATER)

PUBLIC WORKS DEPARTMENT, 95.01

PUBLIC WORKS DIRECTOR (See DIRECTOR OF PUBLIC WORKS)

PURCHASING AGENT
Town manager as, Charter Art. III, § 4(K)

RABIES (See ANIMALS)

RETIREMENT (See EMPLOYMENT POLICIES)

RUBBISH (See GARBAGE, RUBBISH, AND JUNK)

RULES OF CONSTRUCTION, 10.03

SEPARABILITY CLAUSE, Charter Art. VIII, sec. 6, 10.08

SEPTIC TANKS, 52.05(C)

SEWERS (See also PUBLIC WORKS)
Building sewers and connections
Compliance with standards, 52.15
Connections
Gas-and water-tight, 52.18
Permit, 52.17
Prohibited, 52.16
Costs, 52.24
Excavations, 52.22
Restoration, 52.24
Inspections, 52.23
Liability, 52.24
Lifts, 52.21
Old building sewers, 52.20
Separate sewers, 52.19
Cesspools, 52.05(C)
Connection, 52.02
Fee, 51.20
Required, 52.02
Town, by, 52.03
Definitions, 52.01
Discharges, unlawful, 52.30
Equipment, damaging, 52.08

SEWERS (Cont'd)
Floodproofing regulations, 154.11
Grease, oil, and sand interceptors, 52.33
Inspection fees, 51.21(B)
Inspections, 52.37
Interceptors, 52.33
Manholes, 52.35
Measurements, tests, and analyses, 52.36
Monthly billing, 51.22
Moving or demolishing buildings, 52.07
Pretreatment of wastes, 52.32(B), 52.34
Private wastewater disposal, 52.04
Privies, 52.05(C)
Rates and charges, 51.21
Review of certain wastes by town manager, 52.32
Right of entry, 52.37
Sanitary disposal, 52.06
Septic tanks, 52.05(C)
Special arrangements for certain wastes, 52.38
Storm water, 52.31
Unlawful disposal, 52.05

SIDEWALKS (See STREETS AND SIDEWALKS)

SIGNS
Area, 156.07
Banner, 156.06(A)
Construction standards, 156.08
Definitions, 156.01
Directional, 156.06(D)
Electrical, 156.06(C)
Enforcement of regulations, 156.12
Exemptions, 156.04
Illuminated, 156.06(F)
Nonconforming, 156.09
Number permitted, 156.07
Off-premises, 156.06(D)
Penalty, 156.99
Permit, 156.02
Fees, 156.03
Prohibited, 156.05
Real estate, 156.06(E)
Residential land development names, 156.06(H)
Safety standards, 156.08
Types, 156.06
Unsafe or unlawful, 156.11
Variances, 156.10
Vehicle advertising, 156.06(B)
Waterways, on 156.06(G)
Zoning code requirements, 158.036

SKIING (See BOATS AND WATER SPORTS)

SKIN DIVING (See BOATS AND WATER SPORTS)

SMOKING, 94.28 (See also FIRE PREVENTION CODE)

SOCIAL SECURITY (See EMPLOYMENT POLICIES)

SOLICITORS (See PEDDLERS AND SOLICITORS)

STANDARD BUILDING CODE, 150.01

STANDARD MECHANICAL CODE, 150.02

STATE MISDEMEANORS, 130.01

STATE UNIFORM TRAFFIC CONTROL ACT, 70.01

STEETS AND SIDEWALKS
- Closing streets
  - Deposits to cover expenses, 97.13
  - Ordinance to be recorded, 97.12
  - Petition of interested party, 97.10(B)
  - Public hearing, 97.11
  - Town commission motion, 97.10(A)
- Drainage culvert construction, 97.01
  - Removal of illegally constructed, 97.02
- Inspection of improvements, 97.03
- Street names in subdivisions, 157.16(D)(16), 157.46(L)
- Subdivision desgin standards, 157.46

SUBDIVISION REGULATIONS
- Amendments, 157.08
- Application fees, 157.10
- Building permit
  - Compliance with regulations required for, 157.06
- Certification of plat by land surveyor, 157.27
- Conflict with other regulations, 157.09
- Construction, plat approval required before starting, 157.26
- Definitions, 157.03
- Design standards
  - Blocks, 157.44
  - Conformance to other regulations, 157.42
  - Dedication of land to public use, 157.43
  - Lots, 157.45
  - Street access, 157.41
  - Street names, 157.46(L)
  - Streets, 157.46
  - Suitability of land, 157.40
- Flood control regulations, 154.13
- Improvements
  - Construction plans and specifications, 157.56
  - Drainage, 157.59
  - Elevation and land filling, 157.57
  - Minimum, 157.55
  - Monuments, 157.61
  - Streets, 157.58
  - Utilities, 157.60

SUBDIVISION REGULATIONS (Cont'd)
Jurisdiction, 157.02
Licenses
Approval required before issuance of, 157.05
Penalty, 157.99
Permits
Approval required before issuance of, 157.05
Plats
Appeal, 157.25
Approval, 157.25 - 157.31
Approval required before starting construction, 157.26
Certificates, 157.18
Certification by land surveyor, 157.27
Dedication of streets and easements, 157.28
Final plat approval, 157.31
Final plat specifications, 157.17
Preapplication plans and data, 157.15
Preapplication procedure, 157.29
Preliminary plat approval, 157.30
Preliminary plat specifications, 157.16
Specifications, 157.15 - 157.18
Submission of, 157.25
Purpose, 157.02
Streets, 157.41, 157.46, 157.58
Title, 157.01
Utility services, approval required before permitted, 157.04
Variances, 157.07
Water and sewer service plans, 50.05

SWIMMING (See BOATS AND WATER SPORTS)

SWIMMING POOLS
Zoning code regulations, 158.027(B)

TAXATION (See also FINANCE)
Insurance companies, excise tax on, 37.11
Occupational license tax, 111.01
Public services, excise taxes on, 37.10

TAXICABS (No Ordinance)*

TIDES
Land between used as roadway, 71.01

TIME, COMPUTATION OF, 10.11

TOWN ATTORNEY
Appointment of, Charter Art. VI, sec. 1
Assistant town attorneys, Charter Art. VI, sec. 2
Code enforcement board, counsel to, 33.03(B)
Duties, Charter Art. VI, sec. 3
Ordinances, preparation of, 30.08
Qualifications, Charter Art. VI, sec. 1

*See Note, Page 1 of Index

TOWN CLERK
Alcoholic beverage license tax, 110.01
Appointment of, Charter Art. IV, sec. 1
Bonds to be kept on file, Charter Art. II, sec. 21
Duties, Charter Art. IV, sec. 2
Oaths, record to be kept, Charter Art. II, sec. 20
Powers, Charter Art. IV, sec. 2
Zoning map, attested by, 158.006

TOWN COMMISSION (See COMMISSION)

TOWN EMPLOYEES (See EMPLOYMENT POLICIES)

TOWN MANAGER
Acting, Charter Art. III, sec. 3
Appointment of, Charter Art. III sec. 1
Budget, submission to town commission, Charter Art. V, sec. 3
Budget message, Charter Art. V, sec. 4
Building inspector, appointment of, 150.15
Capital program, preparation and submission to town commission, Charter Art. V, sec. 6
Compensation, Charter Art. III, sec. 1
Dangerous buildings, determination as to, 150.22(C)
Dead fish on beaches, notice to owner to remove, 92.23
Drainage culvert construction, permit issuance, 97.01
Duties, Charter Art. III, sec. 4
Finance director, appointment of, Charter Art. V, sec. 1
Fire prevention code, as authority having jurisdiction, 94.02
Flood control administrator, 154.06
Flood zone development permit issuance, 154.09
Junk, notice of removal, 95.27
Power, Charter Art. III, sec. 4
Purchasing agent, as, Charter Art. III, sec. 4(K)
Qualifications, Charter Art. III, sec. 1
Removal of, Charter Art. III, sec. 2
Sewer connection permit issuance, 52.17
Subdivision plats, submission of to, 157.25
Town clerk, appointment of, Charter Art. IV, sec. 1
Wastes, certain to be reviewed by before discharge into sewers, 52.32

TOWN POLICY
Assessment for violation of code, 35.04
Liability, 35.02
Notice for permit applications, cost of, 35.01
Vehicles, town-owned, liability insurance on, 35.04

TRAFFIC CODE
Bicycle paths, use of vehicle on, 73.02
Bicycles (See BICYCLES)
Impoundment of vehicles, 70.02
Land between tides, use of as roadway, 71.01
Obstruction of traffic, 72.03

TRAFFIC CODE (Cont'd)
Parking
All-night, 72.04
Bicycle paths, on, 73.02(B)
Impoundment, 72.08
Penalty, 72.99
Prohibited, Ch. 74, Sched. I
For certain purposes, 72.05
In certain places, 72.01
Removal by police officer, 72.08
Restricted, Ch. 74, Sched. II
Restricted zones, 72.07
Restrictions on, 72.06
Unattended vehicle, 72.02
Parking schedules, Ch. 74
Speed limits, 71.02
State law, application of, 70.01
Stop signs, Ch. 75, Sched. I
Traffic-control devices, obedience to, 71.03
Travel trailers, use of, 72.06
Unattended vehicle, 72.02

TRAFFIC-CONTROL DEVICES (See TRAFFIC CODE)

TRAFFIC SCHEDULES, Ch. 75 (See also TRAFFIC CODE)

TRANSIENT VENDORS (See PEDDLERS AND SOLICITORS)

TRAVEL TRAILERS, 72.06 (See also TRAFFIC CODE)

TREES
Definition, 98.01
Mangroves, plant life important to shoreline ecology, 98.05
Petition for review, 98.06
Penalty, 98.99
Removal of, 98.02
Application required, 98.02(A)
Investigation of, 98.03
Exemptions, 98.02(B)
Trimming, 98.04

VEHICLES (See also TRAFFIC CODE)
Animals, confinement in, 91.03
Refuse, throwing or spilling from , 95.17
Town-owned, liability insurance on, 35.03
Unusual, display of, 156.05(B)

VICE-MAYOR
Election from town commission, Charter Art. III, sec. 11
Mayor, in place of, Charter Art. II, sec. 11

WATER (See also PUBLIC WORKS)
Change of occupancy procedure, 53.08

WATER (Cont'd)
Connection fee, 51.10
Connection required, 53.02
Consumer duties, 53.07
Department, 53.01
Distribution systems, planning construction of, 53.12
Emergency use restrictions, 53.10
Floodproofing regulations, 154.11
Injunctions, 53.13
Meter reading, 51.12
Nonpotable water supply, 53.09
Potable, determination of, 53.03
Rates and charges, 51.11
Service application, 53.04
Special contract agreements, 53.11
Subdivisions, 157.04
Tapping without permission, 53.05
Town rights and duties, 53.06
Water department, 53.01

WATERCRAFT (See BOATS AND WATER SPORTS)

WATER DEPARTMENT, 53.01

WATER SPORTS (See BOATS AND WATER SPORTS)

WATERWAYS (See also BEACHES; BOATS AND WATER SPORTS)
Obstructions in, 93.13
Use of nets in, 93.01

WEAPONS, 130.04

WEEDS (See also NUISANCES)

ZONING BOARD OF ADJUSTMENT
Appeals, 158.112
Establishment, 158.111(A)
Meetings, 158.111(D)
Members, 158.111(C)
Powers and duties, 158.111(F)
Special exception use application, 158.113
Variances, 158.114
Voting, 158.111(E)
Zoning amendments, review of, 158.115

ZONING CODE (See also SUBDIVISION REGULATIONS; BUILDINGS)
Accessory uses, 158.027
Administration and enforcement, 158.110 - 158.116
Alterations (See Construction, alteration, changes in use hereunder)
Amendments, 158.115
Appeals to board of adjustment, 158.112
Application, 158.004

ZONING CODE (Cont'd)
Building permits (See Construction, alteration, changes in use hereunder)
Certificates of occupancy (See Construction, alteration, changes in use hereunder)
Churches, 158.034
Comprehensive plan
Amendments, 158.019
Elements, 158.015
Implementation, 158.016
Open space master plan, 158.017
Transfer of living units, 158.018
Construction, alteration, changes in use, 158.080 - 158.090
Building permits, 158.080
Denial of, 158.083
Expiration, 158.084
Fees, 158.008
Issuance, 158.081
Revocation, 158.085
Certificates of occupancy, 158.086
Records, 158.090
Special exception uses, 158.088
Statement of zoning compliance, 158.087
Water supply and sewage disposal, 158.089
Conversions, 158.032(B)
Definitions, 158.005
Density, 158.037
Districts (See also specific districts hereunder)
Establishment of, 158.007
Drive-in facilities, 158.031
Fees, 158.008
Fences, 158.052
Frontage, 158.056
Grades, 158.056
Hedges, 158.052
Height regulations, 158.053
Home occupations, 158.035
Interpretation of, 158.003
Judicial review, 158.116
Landscaping
Site development plans, 158.100(F)
Land use charts and illustrations, Ch. 158, App.
Lot illustrations, Ch. 158, App., § 1
Parking area illustrations, Ch. 158, App., § 2
Planned unit development procedure chart, Ch. 158, App., § 5
Site plan review procedure chart, Ch. 158, App., § 4
Townhouse illustrations, Ch. 158, App., § 3
Lot excavation, 158.056
Lot, yard, and bulk regulations
Existing lots of record, 158.046
Height regulations, 158.053
Intersection visibility, 158.048

ZONING CODE (Cont'd)
Lot, yard, and bulk regulations (Cont'd)
Lot dimensions, 158.047
Lot excavation, grades, frontage, 158.056
Lot illustrations, Ch. 158, App., § 1
Maximum coverage by buildings, 158.049
Schedule of, 158.045
Screening regulations, 158.054
Structures over water, 158.055
Walls, fences, and hedges, 158.052
Yard regulations, 158.050
Minimum for accessory structures, 158.051
Mobile home parks, 158.033
Building permits, application for, 158.033(A)
Landscaping, 158.033(D)
Site improvement requirements, 158.033(C)
Size and density, 158.033(B)
Stands, 158.033(E)
Nonconforming uses, 158.038
Off-street loading, 158.029
Off-street parking, 158.028
Parking area illustrations, Ch. 158, App., § 2
Penalty, 158.999
Planned unit development
Minimum area, 158.068
Open space, 158.069
Preapplication conference, 158.066
Procedure chart, Ch. 158, App., § 5
Proposed land uses, 158.071
Purpose, 158.065
Residential density, 158.070
Review and approval procedure, 158.067
Application, 158.067(B)
Application for final approval, 158.067(F), (G)
Approval or denial, 158.067(D)
Review and approval procedure, 158.067
Final approval certification, 158.067 (I)
Planning and zoning board review, 158.067(A)
Public hearing, 158.067(C)
Planning and zoning official (See PLANNING AND ZONING OFFICIAL)
Private clubs, 158.034
Proposed land uses, 158.037
Purpose of, 158.002
Residential uses, 158.032
Right to judicial review, 158.116
Screening regulations, 158.054
Service stations, 158.030
Signs, 158.036 (See also SIGNS)
Site development plans
Application for approval, 158.097
Consultants retained by town, 158.096
Grant or denial, 158.101
Permitted use applications, 158.095

ZONING CODE (Cont'd)
Site development plans (Cont'd)
Procedure chart, Ch. 158, App., § 4
Public hearings, 158.099
Review standards, 158.100
Submission procedure, 158.098
Special exception uses, 158.026
Applications for, 158.113
Structures over water, 158.055
Swimming pools, 158.027(B)
Temporary use permit, 158.009
Title, 158.001
Tourism, 158.039
Townhouses, 158.032(A)
Illustrations, Ch. 158, App., § 3
Use regulations, 158.025 - 158.039 (See also specific uses hereunder)
Schedule of, 158.025
Variances, 158.114
Walls, 158.052
Yards (See Lot, yard and bulk regulations hereunder)
Zoning amendments, review of planning and zoning board, 158.115
Zoning board of adjustment (See ZONING BOARD OF ADJUSTMENT)
Zoning map, 158.006
Changes, T.S.O. II

ZONING MAP CHANGES, T.S.O. II