



City of Pensacola

CITY COUNCIL

Workshop Minutes

August 26, 2020

4:00 P.M.

Council Chambers

Council Vice President Moore called the meeting to order at 4:00 P.M.

CALL TO ORDER

Council Members Present: Jewel Cannada-Wynn (arrived 4:30; attended by teleconference), Jared Moore, Ann Hill (arrived 4:07), Sherri Myers (attended by teleconference), Andy Terhaar (attended by teleconference), P.C. Wu (attended by teleconference)

Council Members Absent: John Jerrals

To limit the potential spread of COVID-19, some Council Members attended by telephonic conferencing, and members of the public had the opportunity to attend and participate **only via live stream or phone**. This change in format was consistent with [Executive Order 20-69](#) issued by Gov. Ron DeSantis and had been adopted at the direction of Council President Jewel Cannada-Wynn in consultation with the City Attorney. Public participation was available as follows:

Members of the public may attend and participate via live stream and/or phone.

To watch the meeting live visit: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video).

To provide input:

- Citizens may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 1:00 P.M.** to indicate they wish to speak to the issues discussed **and include a phone number**. **Staff will call the person** at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone.

SELECTION OF CHAIR

Council Vice President Moore explained as to his opening the meeting that President Cannada-Wynn will join the meeting later.

There were no objections to Council Vice President Moore chairing the meeting.

DETERMINATION OF PUBLIC INPUT

Council Executive Kraher indicated no requests to speak were received.

DISCUSSION

1. [20-00507 RECODIFICATION WORKSHOP](#)

City Attorney Woolf addressed Council regarding the purpose for recodification of the Code of the City of Pensacola, referencing the memorandum (she) provided via email dated 8/25/20 (attached and on file with background materials). She then provided overhead slides elaborating regarding the lengthy internal process of reviewing the current code. She emphasized the City Code has not had a thorough codification in 35 years and the purpose of recodification is to bring to compliance with current state and federal laws, as well as case law. It is not the intent of recodification to make substantive changes. The purpose of today's workshop is to provide an overview of the category of changes and provide resources such as a chart and index of the sections to be repealed. Also, the City Attorney's office will reach out to each Council Member to schedule individual briefs if desired to answer any questions.

Following the workshop, it is expected that a proposed ordinance for recodification of the Code of the City of Pensacola will be brought forward for first reading on September 8th and for second reading and adoption on September 24th, providing for the new code at the beginning of the fiscal year and prior to swearing in of newly elected Council Members in November.

City Attorney Woolf responded to comments and questions accordingly with input from Deputy City Attorney Wells and Council Executive Kraher.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 4:52 P.M.

Attachments:

- 1) Chart of Repealed Sections
- 2) City Code Index of Changes
- 3) Memo from City Attorney Dated 8/25/20
- 4) Overhead Presentation Slides

REPEALED SECTIONS CHART

REPEALED SECTION

REASON

TITLE I - IN GENERAL

1-1-1(c)

Covered by Charter

1-1-7(15)

Provided by home rule and Florida Statutes

TITLE II - ADMINISTRATION

2-1-1

Duplicates F.S. section 166.021(1) and Fla. Const. Art. VIII, §2(b).

2-2-2

Addressed in Charter sec. 4.03(a)

2-2-3

Charter, Section 4.03(a) and Council rules and procedures cover this topic

2-2-4

Transferred to 2-1-4

2-2-6

Addressed in Charter sec. 4.03(c)

REPEALED SECTION

REASON

2-2-7	Transferred to 2-1-5
2-2-8	Transferred to 2-1-6
2-2-9	Council has suspended this section for many years and has increased its compensation through additional code amendment specifying the increase
2-4-1	The Charter places authority to establish departments and organize the City with the Mayor in Sec. 4.01(a)(1) and (15), and Sec. 5.04
2-4-2	The Charter places authority to establish departments and organize the City with the Mayor in Sec. 4.01(a)(1) and (15), and Sec. 5.04
2-4-3	Outdated – some departments no longer exist, have been renamed, or have been combined; the Charter places authority to establish departments and organize the City with the Mayor in Sec. 4.01(a)(1) and (15) and Sec. 5.04
2-4-4	Charter places authority for determining supervision and control of each department with the Mayor in Sec. 4.01(a)(15)
2-4-7	Transferred to 2-1-7
2-4-8	Transferred to 2-1-8
Art. II - Legal Department 2-4-21	Charter places authority for determining supervision and control of each department with the Mayor in Sec. 5.03 and 4.02 (a) (6)
2-4-51	The oath of office is mandatory under state statutes, F.S. section 876.05 through 876.10.

REPEALED SECTION

REASON

Ch. 2, Art. VI
Sec. 2-4-81

Department of Housing and Community Development – The Charter places authority to establish departments and organize the City with the Mayor in Sec. 4.01(a)(1) and (15), and Sec. 5.04

2-5-1

Section is outdated and the referenced map is no longer used

2-5-2

Addressed in Charter Sec. 6.04(a) and (b).

2-5-3

Addressed in Charter Sec. 6.04(c)

2-5-4

Addressed in Charter Sec. 6.04(e)

2-5-5

The procedures for absentee and early voting are provided for in F.S. section 101.6105 through 101.662

**TITLE III -
FINANCE**

3-1-6

The budget process and the establishment of the fiscal year are provided by state statute, F.S. 166.241 and Ch. 200

3-1-10

Special act

3-2-2

Unnecessary and not followed

3-2-3

Authority now derived from home rule power, Chapter 166, F.S.

3-2-4

Authority now derived from home rule power, Chapter 166, F.S.

3-2-5

Authority now derived from home rule power, Chapter 166, F.S.

REPEALED SECTION

REASON

3-2-6	Authority now derived from home rule power, Chapter 166, F.S.
3-2-7	Authority now derived from home rule power, Chapter 166, F.S.
3-2-8(c)	This language was probably derived from the 1949 special act, but the city cannot, by ordinance, bind the state to an agreement. This concept does apply, however, through the prohibition on passing laws impairing the obligation of contracts.
3-3-1	Superseded by charter
3-3-16	Day-to-day maintenance of general stock is responsibility of city administrator per charter
3-3-17	Day-to-day maintenance of general stock is responsibility of city administrator per charter
3-3-18	Day-to-day maintenance of general stock is responsibility of city administrator per charter
3-3-19	Day-to-day maintenance of general stock is responsibility of city administrator per charter
ART. III - CONSULTANTS' COMPETITIVE NEGOTIATIONS ACT - Sections 3-2-25 through 3-2-26	The CCNA is provided by state statutes, F.S. Section 287.055

REPEALED SECTION

REASON

3-4-1

Home rule supersedes

3-4-132(4)

Enterprise zones have been abolished by Florida Statute

**TITLE IV -
HEALTH & SANITATION**

4-2-1

Recommend repeal of most of the City's current animal regulations in favor of allowing Escambia County Animal Control to enforce the County's animal regulations in the city limits; the remaining city regulations that are unique to the city are continued, with the clarification that city officers will enforce them

4-2-2

Recommend repeal of most of the City's current animal regulations in favor of allowing Escambia County Animal Control to enforce the County's animal regulations in the city limits; the remaining city regulations that are unique to the city are continued, with the clarification that city officers will enforce them

4-2-9

Recommend repeal of most of the City's current animal regulations in favor of allowing Escambia County Animal Control to enforce the County's animal regulations in the city limits; the remaining city regulations that are unique to the city are continued, with the clarification that city officers will enforce them

4-2-21 through 4-2-41

Propose regulation by Escambia County

4-5-2

Home rule power

4-5-3

Covered by Florida Litter Law, F.S. 403.413

REPEALED SECTION

REASON

4-5-11

F.S. Section 316.520 covers this

4-5-16

See 4-5-17

**TITLE V -
HUMAN RESOURCES**

5-2-24

Defer procedures to Human Relations Commission

5-2-25

Defer procedures to Human Relations Commission

**TITLE VI -
PARKS & RECREATION**

6-4

Transferred to Escambia County

**TITLE VII -
LICENSES AND BUSINESS
REGULATIONS**

7-2-9(5)c.2-4

F.S. Section 205.063 exempts motor vehicles from local business taxes

7-3-71(i)

Expired

7-3-81(b)(vii)

Expired

7-3-115

Expired

REPEALED SECTION

REASON

7-5-1

The city no longer requires this

ART. I

Ch. 7-6
sections 7-6-1
through 7-6-8

Since 1986, the state regulates auctions and auctioneers through the Florida Board of Auctioneers, F.S. section 468.381, et seq.

ART. II

sections 7-6-21
through 7-6-26

Since 1986, the state regulates auctions and auctioneers through the Florida Board of Auctioneers, F.S. section 468.381, et seq.

7-7-46

Violates First Amendment

Ch. 7-8

sections 7-8-1
through 7-8-6

Pawnbrokers and secondhand dealers are now comprehensively regulated by state statutes, F.S. Ch. 538 and 539, providing for state and local law enforcement.

7-9-36 through 7-9-39

Florida law now regulates charitable solicitation, F.S. Ch. 496.

**TITLE XIII -
OFFENSES**

8-1-16(b)(9)(ii)

Outdated

Ch. 8-2

sections 8-2-1
through 8-2-8

Recommend repeal all of Chapter 8-2. F.S. section 775.13 requires felons to register with the sheriffs of the state and F.S. section 775.21 regulates the activities of sexual predators.

REPEALED SECTION

REASON

**TITLE IX -
PERSONNEL**

9-2-2	Superseded by charter
9-3-2(c)	Superseded by charter
9-3-4(b)(4)b.	Transferred to personnel manual
9-3-4(b)(5) - (8)	Transferred to personnel manual
9-3-5	Transferred to personnel manual
9-3-21(2)	Incorporated in budget
9-3-21(3)	There is no more classified service since repeal of the Civil Service Act.
9-3-21(4)	This provision has not been used since 2009
9-3-21(5)	Transferred to Mayor's employment policy
9-3-22	Transferred to Mayor's employment policy
9-3-23	Transferred to mayor's employment policy
9-3-24	Annual pay adjustments have not occurred since 2008
9-3-25	Transferred to mayor's employment policy
9-3-26	Transferred to mayor's employment policy

REPEALED SECTION

REASON

9-3-27(2)	Transferred to mayor's employment policy
9-3-27(3)	Transferred to mayor's employment policy
9-3-29	Transferred to Mayor's employment policy
9-3-30	Transferred to Mayor's employment policy
9-3-31	Transferred to Mayor's employment policy
9-3-32	Transferred to Mayor's employment policy
9-3-33	Transferred to Mayor's employment policy
9-3-34	Transferred to Mayor's employment policy
9-3-35	State and federal statutes prevail
9-3-36	Transferred to Mayor's employment policy
9-3-40	Repealed by Ordinance 08-16, Sec 1 on March 17, 2016
Ch. 9, Art. III - Longevity Compensation	Longevity pay terminated in 2009
Ch. 9, Art. IV section 9-3-76 - section 9-3-77	Firefighter education compensation provided in collective bargaining agreement
9-3-78	Fire education incentive board was repealed by Ordinance No. 26-16, 8/11/16

REPEALED SECTION

REASON

9-3-79	Transferred to collective bargaining agreement.
9-3-80	Transferred to collective bargaining agreement..
9-3-81	Transferred to collective bargaining agreement.
9-3-82	Transferred to collective bargaining agreement.
Art. I - In General	
9-5-1	No longer applicable
9-5-2	No longer applicable
9-5-46	All benefits are now paid from pension plan funds
9-8-1	Superseded by provisions of the General Pension Plan and City participation in FRS
9-8-2	Superseded by provisions of the General Pension Plan and City participation in FRS
9-8-3	Superseded by provisions of the General Pension Plan and City participation in FRS
9-8-4	Superseded by provisions of the General Pension Plan and City participation in FRS
Ch. 9-10 - State-Mandated Pension Benefits sections 9-10-1 through 9-10-9	All provisions were incorporated into the Fire Pension Special Act in 2015
9-11-2(a) and (b)	Outdated

REPEALED SECTION

REASON

**TITLE X -
PUBLIC ENTERPRISES
AND UTILITIES**

10-1-1	Superseded by home rule powers and state statutes, Ch. 366, Florida Statutes
10-1-2	Superseded by Florida Statutes
10-1-3	Public records law supersedes
10-1-4	Superseded by Communications Services regulation, Ch. 202, Florida Statutes
10-2-6(e)	FAA controls
10-2-7(a)	FAA controls
10-2-7(e)	FAA controls
10-2-8 (1) through (8)	FAA regulates flight operations
10-2-9	FAA regulates
10-2-12(d)	The authority is in section 10-2-4
10-2-12(i)	Airport follows FAA rules on this subject
10-2-27(7)	Controlled by state and federal regulations
10-3-1	Outdated

REPEALED SECTION

REASON

- 10-3-19 Copies are available at numerous locations and are maintained electronically
- 10-5-1 Regulated by federal and state legislation
- 10-5-2 Regulated by federal and state legislation

**TITLE XI -
TRAFFIC**

- 11-2-3(a) Controlled by mayor's authority under charter
- 11-2-5 Public Records laws control
- 11-2-89 Topic covered by Sec. 4-6-1 and F.S. section 705.101
- 11-3-5 Preempted by state and federal law, F.S. section 351.03, et seq.
- 11-4-17 Outdated
- 11-4-41 Under Florida case law, the city is responsible for its sidewalks
- 11-4-44(b) Under Florida case law, the city is responsible for its sidewalks
- 11-4-45 Under Florida case law, the city is responsible for its sidewalks
- 11-4-46 Under Florida case law, the city is responsible for its sidewalks
- 11-4-47 Under Florida case law, the city is responsible for its sidewalks
- 11-4-48 Under Florida case law, the city is responsible for its sidewalks

REPEALED SECTION

REASON

11-4-49	Under Florida case law, the city is responsible for its sidewalks
11-4-50	Under Florida case law, the city is responsible for its sidewalks
11-4-51	Under Florida case law, the city is responsible for its sidewalks
11-4-52	Under Florida case law, the city is responsible for its sidewalks
11-4-53	Under Florida case law, the city is responsible for its sidewalks
11-4-54	Under Florida case law, the city is responsible for its sidewalks
11-4-55	Under Florida case law, the city is responsible for its sidewalks

**TITLE XII -
LAND DEVELOPMENT
CODE**

12-1-7(B)(1)	Obsolete and exempt from state law
12-1-7(D)(1)(2)	Obsolete and exempt from state law
12-2-3(B)(i)	Prohibited per sec. 4-2-8
12-2-4(B)(m)	Prohibited per sec. 4-2-8
12-2-5(B)(2)(h)	Deleted per sec. 4-2-8
12-2-5(C)(2)(h)	Deleted per sec. 4-2-8
12-2-6(B)(h)	Deleted per sec. 4-2-8

REPEALED SECTION

REASON

12-2-12(A)(4)(a)4.b.	Conform to current law
12-2-12(C)(4)(a)4.b.	Conform to current law
12-2-12(C)(5)(d)3.	Conform to current law
12-2-24(F)(2)(d)	Reed v. Town of Gilbert
12-2-81(A)(3)(h-m)	Redundant
12-12-3(F)(4)(d)	Deleting outdated procedure
12-12-3(F)(5)(i)	Outdated procedure

**TITLE XIII -
CODE ENFORCEMENT**

13-1-7(g)	State law covers this
13-1-3	No longer necessary
13-2-2(c)(11)	Unnecessary
13-2-2(o)	Covered by subsection (p)

REPEALED SECTION

REASON

**BUILDING CONSTRUCTION
AND FIRE CODES**

14-1-41(b)	Defer to Escambia County regulation - City no longer permits construction trades
14-1-41(i) - (l)	Defer to Escambia County regulation - City no longer permits construction trades
14-1-72	Covered by F.S. section 489.119(5)(c)
ART. V Sections 14-1-91 through 14-1-93	Defer to State law
14-1-139	Covered in section 14-1-122
14-1-164	This section is in section 12-2-40
14-1-165	Inspections recommended repeal
14-1-166(f)	Inspection recommended repeal
14-1-167	Regulated by Escambia County
14-1-196	Regulated by Escambia County
14-2-21	Provided by state law

TITLE I - GENERAL

Page	Section	
1	1-1-1	Delete reference to Mayor's authority to designate departments – provided by Charter
1	1-1-1	Council sets fees, rates & charges by ordinance – can't delegate to mayor ³
3	1-1-7	Delete tax ordinance reference – provided by Home Rule power
4	1-2-1	Counting days clarified – suggested by Municode
5	1-3-1	Repeals must be specific – suggested by Municode

TITLE II – ADMINISTRATION

Page	Section	
1	2-1-1	Delete Powers of City – duplicates Ch. 166 & Fla. Constit. & City Charter – Municode Recommendation to avoid conflict
2	2-1-2	Specifies role of Clerk in placing newspaper notices
2	2-1-3	Prohibit ex parte contact in quasi-judicial hearings – add clarification for due process
3	2-1-5	Adds “President” to council compensation section; clarifies reimbursement of travel Expenses to conform to federal method of reimbursement
4	2-2-2	Deletes council meeting requirement – replaced by 2010 Charter
4	2-2-3	Delete rescheduling meetings – replaced by Charter & Council Rules and Procedures
5	2-2-6	Delete quorum requirement – replaced by Charter
6	2-2-9	Delete COLA for Council compensation – Charter requires ordinance
7	2-3-2	Amends to provide that mayor, not departments, declares surplus property
9	2-4-1	Delete chain of authority reference – Charter requires Mayor to determine
9	2-4-3	Delete Council determination of departments – Charter requires Mayor do it
10	2-4-4	Delete requirement for department director – Charter requires Mayor do it
11	2-4-21	Delete provision for City Attorney – Charter covers it
11	2-4-51	Delete Oath of Office – FS 876 covers it
13	2-4-81	Delete Dept of Housing and Community Development – Charter provides for Mayor to establish and name departments and responsibilities
13	2-5	Delete chapter on Council elections – Charter replaces and covers the subject

TITLE III – FINANCE

Page	Section	
2	3-1-3	Amend to require that city investments comply with Council's investment policies
3	3-1-6	Delete budget process and dates – covered by FS 166 and 200
4	3-1-9	Add resolutions subject to mayor veto; delete reference to old cigarette taxes
5	3-1-10	Delete DIB boundaries reference – provided by Special Act
7-10	3-2-2 through 3-2-11	Amend revenue bond provisions from 1949 Special Act.
20	3-3-16, 17	Delete reference to stock (supplies) accounts and records – outdated
21	3-3-19	Delete repeat of CCNA – covered by Florida statutes
22 et seq.	3-3-31 through 3-3-38	Amend Public Private Partnership (P3) sections to refer and conform to FS 255.065.
29 et seq.	3-4-68 through 3-4-73	Delete references to repealed Fla statute pertaining to gas tax Exemptions
37-38	3-4-111 – 3-4-113	Update Fla statute provisions for senior citizen tax exemptions
40	3-4-132	Delete reference to repealed Enterprise Zones

TITLE IV – HEALTH AND SANITATION

Page	Section	
1 – 6	4-2-1 through 4-2-124	Delete Animal Control provisions that duplicate Escambia County Regulations and defer to County Ordinances; keep unique city Regulations pertaining to chickens, birds, pigs; add penalties and Mayoral enforcement of remaining animal control regulations.
10	4-3-41	Amend definition of Solid Waste to conform to state statute
26 et seq.	4-5-1 through 4-5-18	Amend Litter Control provisions to comply with state litter Control statute FS 403.413 and home rule powers
31	4-6-5	Amend wrecker removal provision to conform to FS 705.103(2)
33	4-6-8	Amend abandoned boat provision to conform to FS 705.103.

TITLE V – HUMAN RESOURCES

Page	Section
1	5-2-16 Amend fair housing nondiscrimination policy to remove limitation of “physical” Disabilities so that all disabilities are covered.
6	5-2-29 Update title of Escambia County Human Relations Commission, Inc.
8	5-2-24 Delete complaint procedure to defer to Escambia County HRC procedures

TITLE VI – PARKS AND RECREATION

Page Section

6 6-3-12 Add Vince Whibbs Sr. Community Maritime Park and Plaza De Luna to list of city parks

9 Chapter 6-4 Delete all references to the Public Library system

TITLE VII – LICENSES AND BUSINESS REGULATIONS

Page	Section
5	7-2-9 Delete local business tax on motor vehicles per FS 205.063
25	7-3-71 Delete outdated grandfather status of adult motion picture theaters
26	7-3-81 Delete outdated grandfather status of adult entertainment bookstores
34	7-3-115 Delete outdated, limited grandfather status of adult entertainment Establishments.
40	7-4-13 Add Corrine Jones Resource Center to list of city facilities allowing alcoholic Beverages
42	Ch. 7-5 Delete regulation of ambulance franchises – we don't have them
43	Ch. 7-6 Delete regulation of Auctions – auctioneers regulated by FS 468 Part IV
46	7-7-46 Delete regulation of garage sale signs per Reed v. Gilmore, AZ
47	Ch. 7-8 Delete Pawnbrokers, Junk and Secondhand Dealers – now covered by FS 538 and 539
52	7-9-36 – 7-9-39 Delete as charitable solicitation now regulated by FS 496
56	7-10-2 Delete details of car rental insurance requirements to rely on state statutes.
58	7-10-9 Delete details of car rental insurance requirements to rely on state statutes.
65	7-10-49 Delete details of taxi insurance requirements to rely on state statutes

TITLE VIII – OFFENSES

Page	Section
3	8-1-13 Amendment requiring permits for all parades.
6	8-1-16 Deleting exemption to noise ordinance that applied post- Hurricane Ivan.
11	8-1-25 Deleting outdated definition of CRA area for the regulation of panhandling
14-15	8-2-`1 through 8-2-8 Delete Registrations of Criminals since FS 775.13 and 775.21 requires Registration of felons and sex offenders with Sheriffs

TITLE IX – PERSONNEL

Page	Section
2	9-3-1 Amend definition of fair employment policies as they are provided in the HR Manual; Require HR Manual and online availability.
3	9-3-2 Define work hours for full-time employees; delete reference to additional duties to To comply with FLSA requirements.
3	9-3-3 Add the new city holidays that have been observed by the city for the past few years.
5	9-3-4 Delete additional leave time for employees working holidays – such benefits are now Provided in the collective bargaining agreements
5	9-3-5 Delete pretermination hearing provision – provided in detail in HR Manual and Collective bargaining agreements
7	9-3-21 Delete civil service provisions from 1931 Charter and repealed special act.
8	9-3-23 – 9-3-26 Delete work rules and benefits now provided in HR Manual
8	9-3-27 Delete section exempting severance pay from pension calcs – now covered in HR Manual
9-10	9-3-29 through 9-3-36 Delete sections dealing with leave without pay, temporary Employment, emergency payroll loans, pay periods, job Transfer, filling vacancies, military leave, and pay plan – Now covered in HR Manual
11	9-3-56 – 9-3-59 Longevity pay was terminated by Council in 2009.
11	9-3-76 Delete reference to firefighter education compensation – now covered in Collective bargaining agreement
13	9-5-1 Delete references to pension increases granted in 1957 and 1958 – outdated
42	9-5-46 Delete reference to pensions paid from general fund – now paid from pension plans
88	9-8-1 – 9-8-4 Delete outdated pension plan provisions – superseded by General Pension Plan and Florida Retirement System (FRS) requirements

94 9-10-1 through 9-10-9 Deleted as all provisions are incorporated into Fire Pension Special Act in 2015.

96 9-11-2 Deleted reference to 2013 employee election to join FRS – outdated and done.

TITLE X – PUBLIC ENTERPRISE AND UTILITIES

Page	Section	
1	10-1-1 and 10-1-2	Delete power to regulate gas and electric rates as superseded by Ch. 166 home rule power and state regulation of electric utilities
2	10-1-3 and 10-1-4	Delete as franchises are now public records and communication Services are regulated by FS 202.
7-8	10-2-6(e), 10-2-7 (a) and (e)	Delete aircraft regulations as exclusive jurisdiction of FAA
9	10-2-8 and 10-2-9	Delete aircraft flight regulation as exclusive to FAA
11	10-2-12(i)	Delete regulation of airport landing ramp vehicles and defer to FAA Regulations
15	10-2-35	Amend distance requirement from 30 to 50 feet for keeping Expressive activity away from airport security facilities per FS 496.425(4)(g)
35	10-2-94 and 10-2-95	Delete outdated reference to charges for airport rental cars
39	10-3-1	Delete references to port pier leases as outdated.
39	10-3-18	Add port tariff is to be applied and enforced consistent with Federal Maritime Commission regs – suggested by Port staff
40	10-3-19	Delete requirement for tariff located at City Clerk – now online and public Records
48	10-5-1 and 10-5-2	Delete requirements for telecommunications franchises – now exclusive jurisdiction of state and federal regulations

TITLE XI – TRAFFIC

Page Section

Throughout title – Amendments to be presented in separate Ordinance to transfer parking regulation and enforcement from the DIB back to the City, and to update references to “parking meters” to refer to “parking control devices” and relates clarifications.

- 2 11-2-1 Amend definitions of emergency vehicles and bicycles to conform to state statutes
- 4 11-2-5 Delete requirement for keeping files on driver and traffic offenses – now controlled by State uniform citation laws of FS 316 and public record retention requirements
- 19 11-2-89 Delete abandoned vehicle provision – now covered elsewhere in code and by FS 705.101
- 22 11-3-5 Delete provision prohibiting boarding of moving trains – preempted by state and Federal law, FS 351.03 et seq.
- 24 11-4-17 Delete provision prohibiting use of soap to clean city sidewalks in daytime hours – Outdated.
- 26 11-4-41 Delete requirement for adjacent property owner to maintain city sidewalks – state Law places maintenance responsibility on the city.
- 27 11-4-44 through 11-4-55 Delete provisions making adjacent property owners responsible for Defective city sidewalks; authorizing mayor to direct repairs and require Reimbursement to the city for repairs – state negligence law now Places responsibility for repair of known defects on the city.

TITLE XIII – CODE ENFORCEMENT

Page	Section
1	13-1-1 Expand scope of code enforcement authority from real property conditions to Include other types of code violation that may be in the best enforcement interests Of the city
3	13-1-4 (a)(7) Delete section that provided code enforcement liens based on fines were Superior to prior recorded mortgage liens – ruled unlawful by the Florida Supreme Court in Wells Fargo v. City of Palm Bay.
6	13-1-8 Delete outdated limit on commencing action for money judgments on code fines
7	13-1-10 Clarify method of code enforcement notice by certified mail
7	13-1-7 Delete reference to transitional (code board to magistrate) cases as outdated
9	13-2-2(c)(11) Delete reference to code citation form statement regarding mandatory court Appearances

TITLE XIV – BUILDING CONSTRUCTION AND FIRE CODES

Page	Section	
3	14-1-41(b) and (i)	Delete references to Construction Board of Adjustment appeals As no longer required and no longer applicable – city no longer Certifies plumbing and gas workers, relying on County.
9	14-1-70	Amend contractor insurance requirements to conform to state law
10	14-1-72	Delete contractor vehicle identification requirements – covered by FS 489.119(5)©
10	14-1-91	Delete owner builder privilege – defer to state law
17	14-1-139	Delete reference to 2006 International Property Maintenance Code – defer to sec. 14-1-222 that covers the subject
19	14-1-164	Delete electrical installation provisions – covered in sec. 12-2-14
19	14-1-165	Delete regulation of alarm systems – recommended by Building Inspector
20	14-1-167	Delete contractor requirements for electrical and alarm systems – County Regulates
22	14-1-196	Delete contractor requirements – County regulates
35	14-2-21	Delete reference to Fire Prevention Bureau and Fire Marshall – State law provides regulations

TITLE XII – LAND DEVELOPMENT CODE

Page	Section	
2-3	12-0-1 and 12-0-3	Change statutory references to the currently applicable Community Planning Act at FS 163.3184
5	12-0-6 ©	Delete reference to “interim period” as long past and outdated.
9	12-1-6(F)	Change votes necessary to approve nonconforming uses from supermajority Of 7 votes to 5 votes.
11	12-1-7	Delete concurrency requirement for certificate as outdated
15 and passim throughout LDC	12-2-1	Delete all references to R-C (Retail-Commercial) Zoning District which has been abolished
18&19	12-2-2	Delete regulation of stables – they are now prohibited in the city per sec. 4-2-8
24-25	Table 12-2.3	Pertaining to R-ZL Zoning District – restore to code as it was inadvertently Deleted several years ago
28&32	12-2-5	Delete reference to stables
35	12-2-7	Add “medical marijuana dispensaries” to R-NC District – state law requires siting In zones where pharmacies are permitted
<p>Note: As the LDC repeats references in cumulative zoning provisions, the treatment of stables and medical marijuana appears in numerous locations in the LDC</p>		
55	12-2-10	Update reference to guidelines for restoration of historic buildings
82		Update references to guidelines for restoration of historic buildings
<p>Note: In Reed by Town of Gilbert, AZ in 2015, US Supreme Court struck down regulations of signs dependent on their text as violations of the 1st Amendment, unless justified by a “strict scrutiny” standard (the same high bar set to justify the use of race as a criteria). As with all local governments in America, the City has extensive regulations of political signs, real estate signs, event announcing signs, and other signs whose regulation depends on the words on the face of the signs. These regulations are recommended for deletion throughout the LDC, but regulations based on size, location, lighting, duration, material, and other non-content characteristics, are preserved in this recodification.</p>		
92, 96, 122, 124, 127, 147,		Delete sign regulations
139	12-2-21	Delete reference to Building Official as secretary to the Historic Preservation Board.

- 143 12-2-22 Delete reference to Building Official as secretary to the Governmental Center board
- 207 12-2-31 Add reference to swimming pool and decking to rear yard calculations – inadvertently omitted as scrivener’s error in the past.
- 237 12-2-62 Delete reference to 1983 standards for mobile home construction
- 239 12-2-64 Add R-NCB to zones allowing off-street non-residential parking
- 247 12-2-81 Add R-NCB to list of zones allowing parking
- 248 12-2-81 Clarify role of planning department in mailing notices.
- 247-251 12-2-81 Amending processing of development plan requirements to reflect current Procedures.

MEMORANDUM

To: Jewel Cannada-Wynn, Council President
Jared Moore, Council Vice President
Ann Hill, Councilmember
John Jerralds, Councilmember
Sherri Myers, Councilmember
Andy Terhaar, Councilmember
P. C. Wu, Councilmember

Cc: Grover C. Robinson, IV, Mayor
Keith Wilkins, City Administrator
Don Kraher, Council Executive

From: Susan A. Woolf, City Attorney

Date: August 25, 2020

Re: Recodification Workshop

SUMMARY

The purpose of the City Council's workshop on August 26, 2020, is to provide information to all councilmembers regarding the recodification of the City Code. The City Attorney's Office will provide an overview of the principal recommended revisions to the Code and explain the next procedural steps toward adoption of the revised Code. As a workshop, there will not be a vote or other action taken on the proposed recodification of the Code.

THE WORKSHOP

We understand that the size of the Code, including the Land Development Code, makes a comprehensive review of it intimidating. We know that councilmembers will not have had time to thoroughly read and digest all of the proposed revisions that recently were distributed to them. At the workshop, we do not intend to review every section and page of the Code. We will explain the primary revisions in the Code and the reasons for them, and we will explain what recodification does not do to the Code.

Following the workshop, the City Attorney's Office and Council Executive will offer one-on-one briefings with individual councilmembers in order to discuss in greater detail any specific revisions each councilmember may want to discuss and to answer any questions that councilmember may have.

As the Council will learn, there is no intent to change any established council policies or to adopt any new policies or procedures. The recodification does not affect the Charter or the division of duties created by the Charter. The primary focus of the recodification is on removing outdated or unnecessary provisions and updating references to statutes, departments, positions, and external codes such as the Life Safety Code or the Florida Building Code.

Although the number of pages being distributed seems extensive, hopefully, at the end of the workshop, the Council will agree that the suggested revisions are appropriate and not controversial.

RECODIFICATION – HISTORY AND IMPORTANCE

It has been 35 years since the Code of the City of Pensacola has been comprehensively brought up to date. The current Code was adopted in 1986, after the prior 1968 Code had been extensively reviewed and revised in preparation for recodification in 1985.

The City became an incorporated municipality with its first Charter in 1931. Many provisions of that original Charter were incorporated into the Code through the years as the Charter was amended, and the recodification in 1968 was timed to be concurrent with the new 1968 Florida Constitution, which for the first time established Home Rule powers for Florida municipalities. Since the state did not adopt the Home Rule Act, Chapter 166, Florida Statutes, and many implementing provisions until 1972, the 1968 code still contained many provisions from the 1931 Charter, and the 1986 Code has carried them forward to the present time.

There have been a great many changes in the law since the current code was last updated. Many Florida statutes referenced in the current code have changed, United States Supreme Court decisions have affected several sections such as sign regulations, and the City's 2010 Charter has affected several sections pertaining to the details of city employment that are now found in the City's Human Relations Manual and in pension and retirement plans. As the Council will learn at the workshop, there are a great many provisions in the City Code that are no longer applicable and the Code requires updating. Periodic recodification of the City's code of ordinances is necessary to ensure the Code remains in compliance with federal, state, and local law and current procedures of the City.

BACKGROUND OF 2020 RECODIFICATION PROJECT

Prior to 2010 and the adoption of the current Charter, city staff started to tackle the project of recodification of the then-current Code. However, with the adoption of the Charter and the commencement of a new form of government, the project of recodification was set aside.

In 2016, the City Council authorized the Mayor to execute a contract with Municode, the national publisher of most of the city and county codes in the United States, to assist the city staff in preparing a new, updated City code. For approximately 7 months in 2016-2017, the Municode legal staff reviewed the Pensacola Code in great detail. Municode

provided the City with an extensive set of suggested revisions with accompanying commentary for the city staff to digest. Many more months were spent with each affected City department, giving each department director the opportunity to have input and suggest revisions to the sections of the code pertaining to their responsibilities. The City Clerk's office and the City Council's Executive Director and staff have been integrally involved in preparing the proposed revisions for the Council's consideration.

Recodification of the City Code is overdue. Further, with new councilmembers due to take their seats in November, it would be beneficial to complete this project with the current councilmembers who already are familiar with the Code and the City government. As you all will remember, there is much to learn and absorb as a new councilmember, and I believe it would be a gift to those new members for the current Council to complete this project.

Thank you in advance for your participation in and consideration of this important project.

RECODIFICATION

OFFICE *of the* CITY ATTORNEY

Presented August 26, 2020

B A C K G R O U N D

- 1931 Charter incorporating City of Pensacola
- 1968 Code of Ordinances
- 1968 Florida Constitution
- 1972 Home Rule Act
- 1986 Code of Ordinances
- 2010 Current Charter as amended

PURPOSE

- Conform Code to current state and federal law
- Conform Code to the current Charter
- Update and modernize Code to eliminate provisions that are out of date or are no longer applicable
- Provide a durable legislative platform for the next 20-30 years

PROCESS

- ✓ Receive Municode legal review of current Code (1986 Code)
- ✓ Draft provisions per Municode recommendations
- ✓ Conduct staff review – City Administration and departmental input
- ✓ Propose revised Code with summary
- ✓ Conduct workshop
- Conduct council briefings to receive input and answer questions
- City Council deliberations
- City Council adopts Ordinance approving recodified Code

MATERIALS

- 14 titles of City Code with proposed revisions highlighted for ease of review and summary comments in the margin of each page
- Title-by-title summary of proposed revisions
- Draft Ordinance of recodification

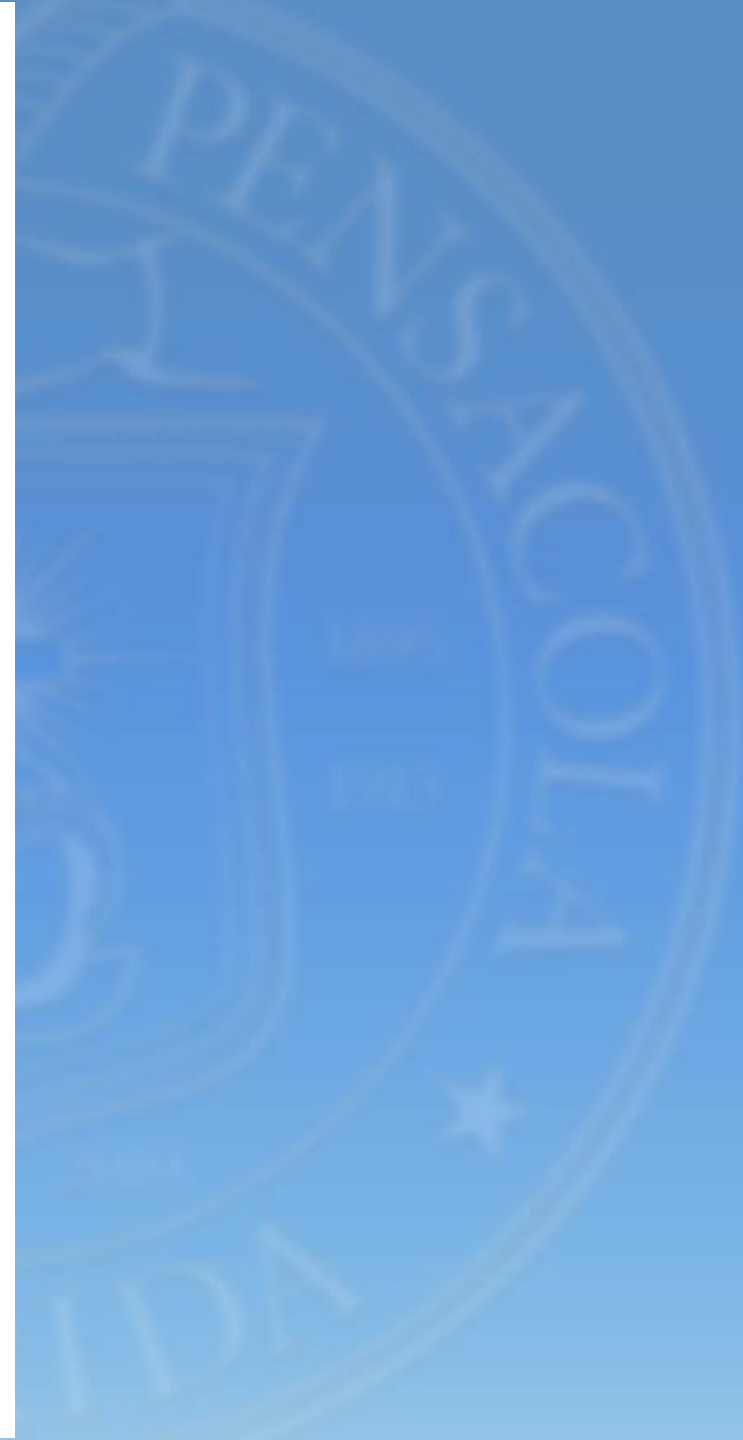
CODE
CITY OF
PENSACOLA, FLORIDA

Published by Order of the City Council

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2020



OFFICIALS
of the
CITY OF
PENSACOLA, FLORIDA
AT THE TIME OF THIS CODIFICATION

Grover C. Robinson, IV
Mayor

Jewell Cannada-Wynn
Jared Moore
P.C. Wu
Sherri F. Myers
Andy Terhaar
John Jerralds
Ann Hill
City Council

Susan A. Woolf, Esq.
City Attorney

Keith Wilkins
City Administrator

Ericka Burnett
City Clerk

ORDINANCE NO. ___-20

An Ordinance Adopting and Enacting a New Code for the City of Pensacola, Florida; Establishing the Same; Providing for the Repeal of Certain Ordinances not Included Therein; Providing for the Manner of Amending and Supplementing Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

Be It Ordained By the City of Pensacola, Florida:

Section 1. The Code of Ordinances, consisting of Titles I through XIV, each inclusive, is hereby adopted and enacted as the "Code of the City of Pensacola, Florida," which Code shall supersede all general and permanent ordinances of the city adopted on or before _____, 2020, to the extent provided in Section 2 hereof.

Section 2. The provisions of the Code shall be in full force and effect immediately upon adoption of this ordinance, and all ordinances of a general and permanent nature of the city adopted on or before _____, 2020, and not included in the Code or recognized and continued in force by reference herein are hereby repealed from and after such effective date.

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

Section 4. Unless another penalty is expressly provided, a violation of any provision of this Code, or any provision of any rule or regulation adopted or issued pursuant thereto, shall be punished by a fine of not more than five hundred dollars (\$500.00), and a term of imprisonment for not more than sixty (60) days or both fine and imprisonment, as provided in Section 1-1-8 of such Code.

Section 5. Any and all additions and amendments to the Code, when passed in the form as to indicate the intention of the city council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code shall be understood and intended to include the additions and amendments.

Section 6. In case of the amendment of any section of the Code for which a penalty is not provided, the general penalty, as provided in Section 4 of this ordinance, and in Section 1-1-8 of the Code shall apply to the section as amended, or in case the amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in the other section shall be held to relate to the section so amended, unless specifically repealed therein.

Section 7. All ordinances adopted after _____, 2020, which amend or refer to ordinances which have been codified in the Code shall be construed as if they amend or refer to like provisions in the Code.

Section 8. This ordinance and the Code adopted hereby shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____

Attest:

President of the City Council

City Clerk

We will now start with Chapter 1...

