

## MEMORANDUM

TO: Eric Olson, City Administrator  
Don Kraher, City Council Executive

FROM: William D. Wells, Special Assistant to  
the City Administrator



RE: Recodification Workshop – April 24, 2017

The purpose of this memorandum is to serve as a letter of transmittal for the first portion (Titles I through IX) of the proposed revisions to the Code, for the City Council's review at the April 24, 2017, workshop. Titles X through XIV will be distributed in approximately one month, prior to the second workshop scheduled for May 22. The objective of the project is to update the current Code into a recodified version with an effective date of October 1, 2017.

### **BACKGROUND**

Since the adoption of the original City of Pensacola Charter in 1931, the code has been previously recodified on two occasions – in 1968 and in 1986. The recodification process is usually a top-to-bottom review of the entire city code, intended to conform the code to the current state of Florida and federal law, and to modernize (revise or eliminate) those provisions which have lost their vitality because they are outdated or no longer required.

Two significant changes in the law have occurred which have driven many of the suggested revisions. First, in 1968, the Florida Constitution was radically altered relating to municipal power, and Home Rule was introduced, allowing municipalities to adopt local ordinances unless specifically precluded by preemptive state law. The second change has been the adoption in 2009 by referendum of the mayor-council form of government. As may be apparent in reviewing the proposed revisions, many of them are intended to conform the code to the current provisions of the Charter.

### **SUMMARY OF PROPOSED REVISIONS**

Although a more detailed title-by-title summary will be provided prior to the Council's opportunity to vote upon a revised city code, generally the proposed changes to the code can be characterized by the following:

- References to specific departments and department heads are proposed to be changed to "the city" or "the mayor" (which, by definition, means the mayor or his or her designee). There are exceptions for positions required by state law, such as the "Building Official," the "Fire Marshall" or law enforcement and code enforcement officers in general.
- Lengthy code provisions which repeat Florida statutes are proposed to be changed to reference the statutes, inclusive of future amendments.

- Many provisions from the 1931 Charter or pre-1968 special acts which are contained in the current code are proposed to be deleted as unnecessary due to the city's Home Rule and current Charter authority.
- With valuable input from the Municode publishing company, many code provisions require revision because Florida or federal law has materially changed on the point, such as the elimination of Enterprise Zones, updating the Building and Fire Safety codes, and revisions to the city's various sign regulations.

### **PROCESS GOING FORWARD**

The purpose of the upcoming workshop is to introduce the members of City Council to the kinds of code revisions which are being proposed. The revision process remains a fluid one, and additional suggestions from Councilmembers, city staff and Municode staff are anticipated.

If the members of the City Council desire additional information and input following the workshop, please contact Mr. Olson or Mr. Kraher and they will arrange a conference with staff for that purpose.

The overall objective is to adopt a revised city code that will serve as a durable legislative platform for future ordinances and revisions for the next two or three decades.