

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	1-1-7	Delete taxi 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
5	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
12	2-4-51	Delete Oath of Office – FS 876 covers it
14	2-4-81	Delete Dept of Housing and Community Development – Charter provides for Mayor to establish and name departments and responsibilities
14	Chapter 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
6	3-1-10	Delete DIB boundaries reference – provided by Special Act
8-11	3-2-2 through 3-2-11	Amend revenue bond provisions from 1949 Special Act
21-22	3-3-16 and 3-3-17	Delete reference to stock (supplies) accounts and records – outdated
22	3-3-19	Delete repeat of CCNA – covered by Florida statutes
26 et seq.	3-3-31 through 3-3-38	Amend Public Private Partnership (P3) sections to refer and conform to FS 255.065.
33 et seq.	3-4-68 through 3-4-73	Delete references to repealed Florida Statute pertaining to gas tax exemptions
40-41	3-4-111 through 3-4-113	Update Fla statute provisions for senior citizen tax exemptions
43	3-4-132	Delete reference to repealed Enterprise Zones

TITLE IV – HEALTH AND SANITATION

Page Section

1-13 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

17 4-3-41

Amend definition of solid waste to conform to state statute

33 et seq. 4-5-1 through 4-5-18

Amend litter control provisions to comply with FS 403.413 (state litter control statute) and home rule powers

39 4-6-5

Amend wrecker removal provision to conform to FS 705.103(2)

41 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	5-2-20	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	
5-6	6-3-12	Add Vince Whibbs Sr. Community Maritime Park and Plaza De Luna to list of city parks
9-10	Chapter 6-4	Delete all references to the Public Library system

TITLE VII – LICENSES AND BUSINESS REGULATIONS

Page	Section	
1	7-1-3	Delete requirement for purchase of franchise as superseded by state and federal statutes
5	7-2-9	Delete local business tax on motor vehicles per FS 205.063
25-26	7-3-71	Delete outdated grandfather status of adult motion picture theaters
27	7-3-81	Delete outdated grandfather status of adult entertainment bookstores
35	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
43	Ch. 7-5	Delete regulation of ambulance franchises – we don't have them
43-47	Ch. 7-6	Delete regulation of Auctions – auctioneers regulated by FS 468 Part IV
49	7-7-46	Delete regulation of garage sale signs per Reed v. Gilmore, AZ
51-53	Ch. 7-8	Delete Pawnbrokers, Junk and Secondhand Dealers – now covered by FS 538 and 539
56-57	7-9-36 through 7-9-39	Delete as charitable solicitation now regulated by FS 496
60	7-10-2	Delete details of car rental insurance requirements to rely on state statutes
62	7-10-9	Delete details of car rental insurance requirements to rely on state statutes
69	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
14-16	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	
2-3	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 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
7	9-3-5	Delete pretermination hearing provision – provided in detail in HR Manual and collective bargaining agreements
9	9-3-21	Delete civil service provisions from 1931 Charter and repealed special act
9-12	9-3-23 through 9-3-26	Delete work rules and benefits now provided in HR Manual
12	9-3-27	Delete section exempting severance pay from pension calculations – now covered in HR Manual
13-15	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
16	9-3-56 through 9-3-59	Longevity pay was terminated by Council in 2009
17	9-3-76	Delete reference to firefighter education compensation – now covered in collective bargaining agreement
19	9-5-1	Delete references to pension increases granted in 1957 and 1958 – outdated
50	9-5-46	Delete reference to pensions paid from general fund – now paid from pension plans
95-96	9-8-1 through 9-8-4	Delete outdated pension plan provisions – superseded by General Pension Plan and Florida Retirement System (FRS) requirements

101-105 9-10-1 through 9-10-9

Deleted as all provisions are incorporated into Fire Pension Special Act in 2015

106 9-11-2

Deleted reference to 2013 employee election to join FRS – outdated and done

TITLE X – PUBLIC ENTERPRISE AND UTILITIES

Page	Section	
1-2	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
2-3	10-1-3 and 10-1-4	Delete as franchises are now public records and communication services are regulated by FS 202
9-11	10-2-6 through 10-2-9	Delete aircraft regulations as exclusive jurisdiction of FAA
12-13	10-2-12(i)	Delete regulation of airport landing ramp vehicles and defer to FAA regulations
16	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)
36-37	10-2-94 and 10-2-95	Delete outdated reference to charges for airport rental cars
40	10-3-1	Delete references to port pier leases as outdated
41	10-3-18	Port tariff is to be applied and enforced consistent with Federal Maritime Commission regs – suggested by Port staff
41	10-3-19	Delete requirement for tariff located at City Clerk – now online and public records
50-52	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 related 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
20	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
27-30	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	13-1-7(g)	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
8	13-1-13	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	
3-4	14-1-41	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
10	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)(c)
11	14-1-91	Delete owner builder privilege – defer to state law
18-19	14-1-139	Delete reference to 2006 International Property Maintenance Code – defer to sec. 14-1-222 that covers the subject
20	14-1-164	Delete electrical installation provisions – covered in sec. 12-2-14
21	14-1-165	Delete regulation of alarm systems – recommended by Building Inspector
22	14-1-167	Delete contractor requirements for electrical and alarm systems – County regulates
24	14-1-196	Delete contractor requirements – County regulates
37	14-2-21	Delete reference to Fire Prevention Bureau and Fire Marshall – State law provides regulations

TITLE XII – LAND DEVELOPMENT CODE

Page Section

Note: In Reed vs. 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.

2	12-0-1	Change statutory references to the currently applicable Community Planning Act at FS 163.3184
3	12-0-3	Change statutory references to the currently applicable Community Planning Act at FS 163.3184
5	12-0-6(c)	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	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
19, 21	12-2-2	Delete regulation of stables – they are now prohibited in the city per sec. 4-2-8
23-24	Table 12-2.3	Pertaining to R-ZL Zoning District – restore to code as it was inadvertently deleted several years ago
30, 34	12-2-5	Delete reference to stables
37-38	12-2-7	Add “medical marijuana dispensaries” to R-NC District – state law requires siting In zones where pharmacies are permitted

Note: As the LDC repeats references in cumulative zoning provisions, the treatment of stables and medical marijuana appears in numerous locations in the LDC

57, 84	12-2-10	Update reference to guidelines for restoration of historic buildings
142	12-2-21	Delete reference to Building Official as secretary to the Historic Preservation Board

146	12-2-22	Delete reference to Building Official as secretary to the Governmental Center Board
210	12-2-31	Add reference to swimming pool and decking to rear yard calculations – inadvertently omitted as scrivener’s error in the past
240	12-2-62	Delete reference to 1983 standards for mobile home construction
242	12-2-64	Add R-NCB to zones allowing off-street non-residential parking
250	12-2-81	Add R-NCB to list of zones allowing parking
251-254	12-2-81	Clarify role of planning department in mailing notices; amending processing of development plan requirements to reflect current procedures