

## TITLE II. - ADMINISTRATION<sup>[1]</sup>

### CHAPTERS

#### 2-1. GENERAL PROVISIONS

#### 2-2. CITY COUNCIL

#### 2-3. CITY PROPERTY

#### 2-4. ADMINISTRATIVE ORGANIZATION

#### 2-5. ELECTIONS

#### 2-6. CODE OF ETHICS

Footnotes:

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**Cross reference**— Garbage and refuse, Ch. 4-3; parks and recreation, Ch. 6-3; public library, Ch. 6-4; fire, liquidation and other sales, Ch. 7-7; pawnbrokers, junk and secondhand dealers, Ch. 7-8; peddlers and solicitors, Ch. 7-9; vehicles for hire, Ch. 7-10; wreckers and wrecker companies, Ch. 7-11; buildings and building regulations, Ch. 7-13; replacement benefit program, Ch. 9-6; airports and aircraft, Ch. 10-2; traffic, Ch. 11-2; railroads, Ch. 11-3; zoning, Ch. 12-2; airport zoning, Ch. 12-11; advertising and signs, Ch. 12-4; fees, Ch. 7-14; stormwater management and control of erosion, sedimentation and runoff, Ch. 12-9; floodplain management, 12-10; planning, Ch. 12-0; streets, sidewalks and other public places, Ch. 11-4; subdivisions, Ch. 12-8; trees, Ch. 12-6; buildings, construction and fire codes, Title XIV.

### CHAPTER 2-1. GENERAL PROVISIONS

#### REPEAL SECTION 2-1-1.

#### Sec. 2-1-1. General powers and corporate existence.

~~The City of Pensacola ("City"), located in Escambia County, Florida, shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.~~

~~(Laws of Fla. 1931, Ch. 15425, § 1; Laws of Fla. 1949, Ch. 26136, § 1; Laws of Fla., Ch. 61-2656, § 1; Laws of Fla., Ch. 65-2092, § 1; Laws of Fla., Ch. 79-551, § 1; Ord. No. 16-10, § 5, 9-9-10)~~

**Commented [JM1]:** Duplicates F.S. §166.021(1) and Fla. Const. Art. VIII, §2(b). Municode suggests delete.

**Editor's note**— Ord. No. 16-10, § 5, adopted Sept. 9, 2010, changed the title of § 2-1-1 from "powers of the city" to "general powers and corporate existence." See also the Code Comparative Table.

**Cross reference**— Ratification of power to levy and collect excise taxes, § 3-4-1.

**Constitutional law reference**— All forms of taxation, other than ad valorem taxes, are preempted to the state except as provided by general law, Fla. Const., § 1(a) of Art. VII.

Sec. 2-1-2. - Legal notices generally.

All legal notices not otherwise provided for in this Code or the manner of publication of which is not prescribed by some provisions of general state law, shall be published at least one time in a newspaper published in the city which meets the requirements of F.S. § 50.031. The city clerk shall place all legal notices pertaining to ordinances, resolutions, elections and referenda.

(Code 1968, § 37-2(B))

Sec. 2-1-3. - Access to city officials.

To the extent consistent with due process of law:

- (a) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any city official the merits of any matter on which action may be taken by the city council or any committee, board or agency of the city on which the city official is a member. As used in this section, the term "city official" means any elected or appointed public official holding a city office who recommends or takes quasi-judicial action as a member of the city council or a board or agency of the city.
- (b) The substance of any *ex parte* communication with the city official which relates to quasi-judicial action pending before a city official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.
- (c) The city official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a city official shall not be presumed prejudicial to the action and such written communication shall be made part of the record before final action on the matter.
- (d) City officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activity shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.
- (e) Disclosure made pursuant to subsections (b), (c) and (d) must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the *ex-parte* communication are given a reasonable opportunity to refute or respond to the communication.

(Ord. No. 19-95, § 1, 7-13-9; F.S. section 285.0115)

Sec. 2-1-4. Introduction of ordinances and resolutions; enacting clause.

**Commented [JM2]:** The city clerk has requested that its responsibility for the placement of newspaper notices be limited to those ads that the clerk's office prepares and sends for publication, as listed in the proposed new language.

**Commented [JM3]:** This code section is the result of F.S. §286.0115, which legislatively attempts to "cure" due process violations that can arise when elected officials have ex parte communications with persons involved in quasi-judicial hearings, where the official must vote impartially upon the evidence presented at the hearing. This "cure" has been criticized in court decisions, see e.g. Jennings v. Dade County, 589 So.2d 1337 (Fla. 3rd DCA 1991).

**Commented [JM4]:** Add reference to F.S. section 286.0115.

Ordinances and resolutions shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY OF PENSACOLA."

**Commented [JM5]:** This section was transferred from 185 Code Sec. 2-2-4.

Sec. 2-1-5. - Compensation of members and ~~president~~.

**Commented [JM6]:** "and president" was added to title.

(1) The city shall pay to each member of the council, except the president of the city council, twenty-one thousand five hundred dollars (\$21,500.00), per year, payable in bi-weekly installments, as compensation for services rendered to the city. The council members shall be reimbursed for the actual expenses incurred in connection with his or her official duties while outside of and beyond the corporate limits of the city in accordance with city travel and expense reimbursement policies. No member of the council shall receive any monthly compensation or expenses from the city, except as provided herein.

**Commented [JM7]:** This section was transferred from 1985 Code Sec. 2-2-7.

(2) The compensation to be paid to the president of the city council shall be twenty-eight thousand five hundred dollars (\$28,500.00) per year, payable in equal bi-weekly installments as compensation for services rendered to the city. The president shall be reimbursed for the actual expenses incurred in connection with his or her official duties while outside of and beyond the corporate limits of the city in accordance with city travel and expense reimbursement policies.

(2010 Charter, Sec. 4.02(c); Ord. No. 24-16, Sec. 1.08-11-16)

Sec. 2-1-6. - Compensation of mayor.

**Commented [JM8]:** This section was transferred from 1985 Code Sec. 2-2-8.

The compensation to be paid to the mayor shall be one hundred thousand dollars (\$100,000.00) per year, payable in equal bi-weekly installments as compensation for services rendered to the city. The mayor shall also be offered participation in the Florida Retirement System, and shall be entitled to such health, dental and life insurance benefits as are available to the city workforce at the premiums paid by the city workforce. The mayor shall be compensated for mileage on a vehicle which is incurred in connection with city business at the rate established by city policy. The mayor shall be reimbursed for the actual expenses incurred in connection with his or her official duties while outside of and beyond the corporate limits of the city in accordance with the city travel and expense reimbursement policies.

**Commented [JM9]:** Suggest "the actual" be deleted from this section and Sec. 2-1-5(a) and (b) above since the City now uses the federal government reimbursement tables which are based on surveys of area costs rather than exact cost of a particular trip.

(2010 Charter, Sec. 4.01(c); Ord. No. 08-10, Sec. 1, 3/11/10)

Sec. 2-1-7. - Authority of mayor and council president to conform regulations and procedures.

**Commented [JM10]:** This section was transferred from 1985 Code Sec. 2-4-7.

The mayor and the city council president are hereby jointly conferred the authority to conform the provisions of any regulation or procedure mandated by any provision of the Code of the City of Pensacola, Florida, to the requirements of law as may be determined by statute, regulation or by applicable judicial determination. Upon the recommendation of the city attorney, when the mayor and the council president concur that a practice or procedure should be altered or amended to conform to the current state of the law as reflected by statute, regulation or controlling judicial precedent, they shall exercise that authority in writing and shall notify the city clerk and the city council. This authority shall continue in effect until such time as the city council shall have an opportunity to address the matter.

(Ord. No. 08-03, § 1, 3-27-03; Ord. No. 16-10, § 15, 9-9-10)

Sec. 2-1-8. - Authority of mayor during state of emergency.

**Commented [JM11]:** This section was transferred from 1985 Code Sec. 2-4-8.

- (a) Upon declaration of a state of emergency by the president of the United States, by the governor of the State of Florida or by Escambia County for any area which includes the City of Pensacola, the mayor shall be authorized and directed to take such emergency measures as he determines necessary to protect the health, safety and welfare of the citizens and to ensure the timely reconstruction and repair of structural damage caused by the emergency event and the continued functioning of local government. The mayor shall further be authorized to exercise such emergency management powers granted to political subdivisions by Florida law and may alter normal work schedules and grant the nonessential work force time off with pay. The mayor will make the determination of which employees are deemed essential during each emergency. The mayor is authorized to pay essential employees, both non-exempt and certain ranges of exempt under the Fair Labor Standards Act, at overtime rates when required to report for duty during the time the remaining work force is not required to report. The mayor shall further be authorized to waive or suspend all ordinances, policies, procedures or customs of the city as the mayor determines necessary for purchase of commodities and services, for contracts of no more than one (1) year duration, for the assignment of employees and for the facilitation of reconstruction and repair, both public and private, as the mayor determines necessary. The mayor is authorized to delegate such powers to staff as determined necessary to the effective administration of the government of the City of Pensacola. This authorization is subject to the limits of the Constitution and Laws of the United States and the State of Florida.
- (b) The mayor's exercise of authority pursuant to this section shall exist for a period of thirty (30) days following declaration of a state of emergency unless extended or shortened by action of the city council.

(Ord. No. 08-05, § 1, 8-11-05; Ord. No. 16-10, § 16, 9-9-10)

CHAPTER 2-2. CITY COUNCIL<sup>[2]</sup>

Footnotes:

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**Cross reference**— Elections, Ch. 2-5; candidates for member of council qualifications, oath, § 2-5-6.

**State Law reference**— Code of ethics for public officers and employees, F.S. § 112.311 et seq.; public meetings, F.S. § 286.011; public records, F.S. Ch. 119.

Sec. 2-2-1. - Reserved.

REPEAL SECTION 2-2-2.

~~Sec. 2-2-2. - Dates of regular meetings; exceptions.~~

**Commented [JM12]:** Repeal Sec. 2-2-2; Charter, sec. 4.03(a) covers the topic

~~Pursuant to the requirement of the Charter, the city council shall conduct a regular meeting at least once each month, and at such other times as it may deem advisable, and shall schedule such meetings in accordance with the policies and procedures adopted by the city council.~~

~~(Code 1968, § 34-1; Ord. No. 02-15, § 1, 2-12-15)~~

### REPEAL SECTION 2-2-3.

#### ~~Sec. 2-2-3. Rescheduling of meetings.~~

~~If it shall become necessary, advisable or desirable to postpone a meeting from any officially designated date, the meeting may be postponed by the decision of the council president, which shall be communicated immediately to the members of council.~~

~~(Code 1968, § 34-2; Ord. No. 16-10, § 6, 9-9-10)~~

**Commented [JM13]:** Charter, sec. 4.03(a) and council rules and procedures covers the topic.

### REPEAL SECTION 2-2-4.

#### ~~Sec. 2-2-4. Introduction of ordinances and resolutions, enacting clause.~~

~~Ordinances and resolutions shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY OF PENSACOLA."  
(Laws of Fla. 1931, Ch. 15425, § 10; Ord. No. 51-73, § 2, 10-11-73)~~

**Commented [JM14]:** Transferred to Sec. 2-1-4.

Sec. 2-2-5. - Reserved.

### REPEAL SECTION 2-2-6.

#### ~~Sec. 2-2-6. Quorum; voting.~~

~~A majority of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time to compel the attendance of absent members, in such manner and under such penalties as may be prescribed by the council. The affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn or regarding the attendance of absent members may be adopted by a majority of the members present. No member shall be excused from voting, except on matters involving the consideration of his own official conduct or when his financial interests are involved.  
(Laws of Fla. 1931, Ch. 15425, § 9; Ord. No. 51-73, § 1, 10-11-73)~~

**Commented [JM15]:** Charter Sec. 4.03(c) covers the topic.

### REPEAL SECTION 2-2-7.

#### ~~Sec. 2-2-7. Compensation of members.~~

- ~~(1) The city shall pay to each member of the council, except the president of the city council, twenty-one thousand five hundred dollars (\$21,500.00), per year, payable in bi-weekly installments, as compensation for services rendered to the city. The council members shall be reimbursed for the actual expenses incurred in connection with his or her official duties while outside of and beyond the corporate limits of the city in accordance with city travel and expense reimbursement policies. No member of the council shall receive any monthly compensation or expenses from the city, except as provided herein.~~
- ~~(2) The compensation to be paid to the president of the city council shall be twenty-eight thousand five hundred dollars (\$28,500.00) per year, payable in equal bi-weekly installments as compensation for services rendered to the city. The president shall be reimbursed for the actual expenses incurred in connection with his or her official duties while outside of and~~

**Commented [JM16]:** Transferred to Sec. 2-1-5.

~~beyond the corporate limits of the city in accordance with city travel and expense reimbursement policies.~~

~~(Code 1968, § 42-34; Ord. No. 167-82, § 1, 10-14-82; Ord. No. 6-97, § 1, 1-30-97; Ord. No. 38-97, § 1, 11-19-97; Ord. No. 51-00, §§ 1, 5, 11-16-00; Ord. No. 15-04, § 3, 8-19-04; Ord. No. 07-07, § 1, 2-8-07; Ord. No. 16-10, § 7, 9-9-10; Ord. No. 30-10, § 1, 12-16-10; Ord. No. 24-16, § 1, 8-11-16)~~

**Editor's note** — Section 1 of Ord. No. 07-07 provided that the compensation of each member of the City Council shall be increased by 0.5 percent effective October 1, 2006.

#### REPEAL SECTION 2-2-8.

~~Sec. 2-2-8. Compensation of mayor.~~

**Commented [JM17]:** Transferred to Sec. 2-1-6.

~~The compensation to be paid to the mayor shall be one hundred thousand dollars (\$100,000.00) per year, payable in equal bi-weekly installments as compensation for services rendered to the city. The mayor shall also be offered participation in the Florida Retirement System, and shall be entitled to such health, dental and life insurance benefits as are available to the city workforce at the premiums paid by the city workforce. The mayor shall be compensated for mileage on a vehicle which is incurred in connection with city business at the rate established by city policy. The mayor shall be reimbursed for the actual expenses incurred in connection with his or her official duties while outside of and beyond the corporate limits of the city in accordance with the city travel and expense reimbursement policies.~~

~~(Code 1968, § 42-35; Ord. No. 167-82, § 2, 10-14-82; Ord. No. 6-97, § 2, 1-30-97; Ord. No. 38-97, § 2, 11-19-97; Ord. No. 51-00, §§ 2, 5, 11-16-00; Ord. No. 15-04, § 4, 8-19-04; Ord. No. 07-07, § 1, 2-8-07; Ord. No. 08-10, § 1, 3-11-10)~~

**Editor's note** — Section 1 of Ord. No. 07-07 provided that the compensation of the mayor shall be increased by 0.5 percent effective October 1, 2006.

#### REPEAL SECTION 2-2-9.

~~Sec. 2-2-9. Annual cost of living adjustment.~~

**Commented [JM18]:** Council has suspended this section for many years and has increased its compensation through additional code amendment specifying the increase.

~~(a) — The annual salary for each member of the council shall be increased effective October 1, 2001, and each fiscal year thereafter. All such increases shall be the lesser of three (3) percent or the increase in the Consumer Price Index (U)(CPI) issued by the United States Department of Labor since the date of the last increase which was granted pursuant to this section. In the event the United States Department of Labor ceases to issue a CPI (U) the city council shall utilize a CPI index that is the functional equivalent. The period to be used for calculation of any CPI increase shall be April 1 of the last calendar year in which an increase was given to March 31 of the calendar year in which the increase is to be given.~~

~~(b) — The annual cost of living adjustment shall not be made for any fiscal year for which the city council does not appropriate funds.~~

~~(Ord. No. 18-01, § 1, 9-27-01; Ord. No. 07-07, § 2, 2-8-07; Ord. No. 11-08, § 1, 2-13-08; Ord. No. 08-10, § 2, 3-11-10)~~

Sec. ~~2-2-10~~ 2-2-1. - Office of the city council.

Pursuant to the requirements of Sec. 4.02(a)(6) of the Charter of the City of Pensacola, Florida, there is hereby created and established the office of the city council, with staffing, duties and responsibilities in accordance with the following criteria:

- (1) The city council is authorized to employ staff to fill the following positions or discharge the following functions: Budget analyst, assistant city attorney, council executive, executive assistant, and such other staff as may be deemed warranted in the performance of council's legislative function.
- (2) All positions filled by the city council shall conform to the requirements of the City Charter.
- (3) Each approved position shall be filled by majority vote of the city council, and each employee so hired shall be regarded as an "at will" employee under Florida law and shall serve at the pleasure of the city council. A majority vote of city council shall be required to remove any employee so employed.
- (4) The compensation and fringe benefits of each employee hired shall be fixed by council in accordance with the pay plan and employee benefits extended to comparably employed employees of the City of Pensacola. Each employment contract shall be executed by the council president.
- (5) All employees of the office of city council shall be regarded as employees of the City of Pensacola, shall be responsible to the city council through the president of the council and shall be supervised by the council executive.
- (6) In the performance of their duties, the staff of the office of city council shall be directed by the council president or by formal council action.

(Ord. No. 05-15, § 1, 3-12-15)

#### CHAPTER 2-3. CITY PROPERTY

Sec. 2-3-1. - Reserved.

**Editor's note**— Ord. No. 02-03, § 1, adopted Jan. 23, 2003, repealed § 2-3-1 in its entirety.

Formerly, said section pertained to disposal of surplus lands and buildings authorized, as enacted by Laws of Fla., Ch. 57-1716, § 1.

Sec. 2-3-2. - Disposal of surplus tangible personal property.

Upon determination by ~~any department or office of the city~~ the mayor that any tangible personal property owned by the city ~~in the possession or custody of the department or office~~ is surplus, obsolete, unrepairable, unnecessary, unsuitable, or otherwise no longer useful, ~~to such department or office, the mayor shall be notified. If the mayor, or his designee, shall determine if such property is useful to another department or office of the city. If no such use for said property can be found, the mayor, or his designee,~~ may dispose of such property which has no substantial value or may sell the property, by auction, for fair consideration. If the item had an original purchase price of ten thousand dollars (\$10,000.00) or a lesser amount, the mayor may dispose of such property by appropriate methods other than by auction.

**Commented [JM19]:** The determination of surplus is an executive function.

(Ord. No. 53-89, § 1, 10-5-89; Ord. No. 43-98, § 1, 9-10-98; Ord. No. 16-10, § 8, 9-9-10)

Sec. 2-3-3. - Naming city property.

- (a) *Intent of criteria.* The criteria provided herein are intended to provide an identifiable process which citizens may utilize to propose the recognition of individuals who have made a significant contribution to the city, region or nation and whose memory may be honored by the designation of their name and achievements associated with a structure, street, park or other public place in the City of Pensacola. Such individuals may be city residents, historic figures, former elected officials or former city employees whose work, actions or life has made a significant contribution to the community or society. Consideration of such recognition will be made by the city council without reference to such immutable characteristics as race, religion, ethnicity, gender, age or disability. These criteria are intended to be flexible so that there will be an opportunity for recognition of any individual deserving of such, who may not meet all of the objective criteria contained herein. In addition, the city council recognizes that many of the facilities of the city have established interest groups such as neighborhood associations or other affinity groups, and it is the intent of the council to solicit input from all such interest groups when appropriate.
- (b) *Criteria.*
- (1) Parks may be named after streets, geographical locations, historical figures, events, concepts or as otherwise determined by the city council.
  - (2) Parks may be named for individuals or groups that have made exceptional contributions to the Pensacola community.
  - (3) Parks may be named for an historical figure or an individual or family or organization that has made a significant land, monetary or service contribution to the acquisition of the property, park system or the community in general. These may include the names of early residents or citizens and/or events of significance to the area's history or development which have directly impacted the park's development.
  - (4) Current elected officials and currently employed city staff shall not be eligible for consideration until they are no longer in office or have been retired from city service for at least four (4) years.
  - (5) In order to accommodate the interest in recognizing or honoring individuals deserving such recognition or honor, the city council may elect to honor individuals by the erection of informational signage or plaques at a particular facility, structure or portion thereof, without naming the entire park, structure or facility after one individual or preempting the opportunity to recognize more than one person's achievements or contributions. However, the renaming of a park, structure or facility from one name to another will be discouraged and accepted only for exceptional reasons.
- (c) *Procedure.*
- (1) Members of council or other individuals or groups that propose to name or rename a park, structure, facility or portion thereof must submit a letter to the city clerk with sufficient information or evidence to support a naming or name change. The clerk shall forward a copy of the letter to the offices of the mayor, and the city council president ~~and the director of neighborhood services~~. If a renaming is being proposed, the letter must document why the existing name no longer holds any historical significance, or otherwise why the existing name is no longer appropriate.
  - (2) If the property or facility under review is within the purview of the parks and recreation board, that board will review such request and discuss the request at a meeting of the board. Following board consideration, the board will make its recommendations to the city council. If the property or facility under review is within the purview of another organization or board, that organization or board will be given the opportunity to consider the request for naming or renaming and make its recommendation to the city council.
  - (3) The city council will make the final decision on all naming or renaming requests.



(Ord. No. 34-14, § 1, 9-11-14)

Sec. 2-3-4. - Disposition of property south of Bayfront/Main Streets.

Real property owned by the city or by the Pensacola Community Redevelopment Agency, which is located south of Bayfront Parkway/Main Street between the Pensacola Bay Bridge and A Street shall not be declared surplus or disposed of by sale of such property, in the absence of any exigent circumstance expressly declared to exist by the city council, but such property may be leased or otherwise be put to beneficial use in the best public interests of the city.

(Ord. No. 14-15, § 1, 6-18-15)

#### CHAPTER 2-4. ADMINISTRATIVE ORGANIZATION

##### ARTICLE I. - IN GENERAL<sup>[3]</sup>

Footnotes:

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**Cross reference**— Finance and taxation, Title III; leisure services, Title VI; licenses and business regulations, Title VII; personnel, Title IX, public enterprises and utilities, Title X; zoning development and structures, Title XII; code enforcement, Title XIII, Art. XII; planning, Ch. 12-0; fire codes, Ch. 14-2.

##### REPEAL SECTION 2-4-1.

~~Sec. 2-4-1. Table of organization.~~

~~The chain of authority for the administration of the city government shall be as set forth in a table of organization approved by the mayor.~~

~~(Code 1968, § 22-4; Ord. No. 16-10, § 9, 9-9-10)~~

##### REPEAL SECTION 2-4-2.

~~Sec. 2-4-2. Departments established; authority to change.~~

~~Subject to the provisions of subsection 1-1-1(c), the council hereby establishes the departments enumerated in section 2-4-3 within the city.~~

~~(Code 1968, § 22-1(A); Ord. No. 16-10, § 10, 9-9-10)~~

##### REPEAL SECTION 2-4-3.

~~Sec. 2-4-3. Departments enumerated.~~

~~\_\_\_\_\_ Subject to the provisions of subsection 1-1-1(c), there shall be the following departments within the organizational structure of the city government: legal, city clerk, Energy Services of Pensacola,~~

**Commented [JM20]:** The Charter places authority to establish departments and organize the City with the Mayor. Charter, Sec. 4.01(a)(1) and (15), and Sec. 5.04

**Commented [JM21]:** The Charter places authority to establish departments and organize the City with the Mayor. Charter, Sec. 4.01(a)(1) and (15) and Sec. 5.04.

**Commented [JM22R21]:**

~~financial services, Port of Pensacola, human resources, engineering, airport, parks and recreation, West Florida Public Library, sanitation services and fleet management, police, fire, public works, housing, community development, and management information services.~~

~~(Code 1968, § 22-1(B); Ord. No. 27-90, § 1, 6-14-90; Ord. No. 24-93, § 1, 9-30-93; Ord. No. 47-96, § 1, 9-26-96; Ord. No. 26-99, § 1, 7-22-99; Ord. No. 39-00, § 1, 9-28-00; Ord. No. 25-02, § 1, 9-26-02; Ord. No. 18-03, § 1, 9-25-03; Ord. No. 20-06, § 3, 9-14-06; Ord. No. 32-09, § 1, 9-24-09; Ord. No. 16-10, § 11, 9-9-10)~~

**Editor's note**—Section 6 of Ord. No. 32-09 provided for an effective date of Oct. 1, 2009.

**Cross reference**—~~Department of finance, director of finance, § 3-1-1; purchasing agent, appointed, § 3-3-11; department of cultural activities, § 6-4-16 et seq.; department of human resources, § 9-2-1.~~

#### REPEAL SECTION 2-4-4.

~~Sec. 2-4-4. — Duties of directors.~~

~~Subject to the provisions of subsection 1-1-1(c), there shall be a director who will be the head of and responsible for the supervision and control of each department. Each director shall be responsible for the efficient administration of the business of the department in accordance with the laws of the state and the city.~~

~~(Code 1968, § 22-3; Ord. No. 16-10, § 12, 9-9-10)~~

Secs. 2-4-5, 2-4-6. - Reserved.

**Editor's note**—Ord. No. 16-10, §§ 13, 14, adopted Sept. 9, 2010, repealed § 2-4-5, which pertained to "appointment of directors, city clerk, administrative officials; compensation" and repealed § 2-4-6 which pertained to "authority of city manager, exceptions." See also the Code Comparative Table.

#### TRANSFER THIS SECTION TO SEC. 2-1 (GENERAL PROVISIONS)

~~Sec. 2-4-7. — Authority of mayor and council president to conform regulations and procedures.~~

~~\_\_\_\_\_The mayor and the city council president are hereby jointly conferred the authority to conform the provisions of any regulation or procedure mandated by any provision of the Code of the City of Pensacola, Florida, to the requirements of law as may be determined by statute, regulation or by applicable judicial determination. Upon the recommendation of the city attorney, when the mayor and the council president concur that a practice or procedure should be altered or amended to conform to the current state of the law as reflected by statute, regulation or controlling judicial precedent, they shall exercise that authority in writing and shall notify the city clerk and the city council. This authority shall continue in effect until such time as the city council shall have an opportunity to address the matter.~~

**Commented [JM23]:** Repeal as outdated - some departments no longer exist or have been renamed or combined and the Charter places authority to establish departments and organize the City with the Mayor. Charter, Sec. 4.01(a)(1) and (15) and Sec. 5.04.

**Commented [JM24]:** Charter Sec. 4.01(a)(15) places authority for determining supervision and control of each department with the Mayor.

**Commented [JM25]:** This section more properly related to Administration - General Provisions, Ch. 2-1, and it should be transferred to become Sec. 2-1-7.

(Ord. No. 08-03, § 1, 3-27-03; Ord. No. 16-10, § 15, 9-9-10)

**Editor's note**—Ord. No. 16-10, § 15, adopted Sept. 9, 2010, changed the title of § 2-4-7 from "authority of city manager and city attorney to conform regulations and procedures" to "authority of mayor and council president to conform regulations and procedures." See also the Code Comparative Table.

#### TRANSFER THIS SECTION TO SEC. 2-1 (GENERAL PROVISIONS)

#### Sec. 2-4-8. Authority of mayor during state of emergency.

- (a) ~~Upon declaration of a state of emergency by the president of the United States, by the governor of the State of Florida or by Escambia County for any area which includes the City of Pensacola, the mayor shall be authorized and directed to take such emergency measures as he determines necessary to protect the health, safety and welfare of the citizens and to ensure the timely reconstruction and repair of structural damage caused by the emergency event and the continued functioning of local government. The mayor shall further be authorized to exercise such emergency management powers granted to political subdivisions by Florida law and may alter normal work schedules and grant the nonessential work force time off with pay. The mayor will make the determination of which employees are deemed essential during each emergency. The mayor is authorized to pay essential employees, both non-exempt and certain ranges of exempt under the Fair Labor Standards Act, at overtime rates when required to report for duty during the time the remaining work force is not required to report. The mayor shall further be authorized to waive or suspend all ordinances, policies, procedures or customs of the city as the mayor determines necessary for purchase of commodities and services, for contracts of no more than one (1) year duration, for the assignment of employees and for the facilitation of reconstruction and repair, both public and private, as the mayor determines necessary. The mayor is authorized to delegate such powers to staff as determined necessary to the effective administration of the government of the City of Pensacola. This authorization is subject to the limits of the Constitution and Laws of the United States and the State of Florida.~~
- (b) ~~The mayor's exercise of authority pursuant to this section shall exist for a period of thirty (30) days following declaration of a state of emergency unless extended or shortened by action of the city council.~~

**Commented [JM26]:** This section more properly belongs in Ch. 2-1, General Provisions, and has been transferred to become Sec. 2-1-8.

(Ord. No. 08-05, § 1, 8-11-05; Ord. No. 16-10, § 16, 9-9-10)

**Editor's note**—Ord. No. 16-10, § 16, adopted Sept. 9, 2010, changed the title of § 2-4-8 from "authority of city manager and city attorney to conform regulations and procedures" to "authority of mayor during state of emergency." See also the Code Comparative Table.

Secs. 2-4-9—2-4-20. - Reserved.

#### REPEAL ARTICLE II. LEGAL DEPARTMENT

#### ARTICLE II. LEGAL DEPARTMENT

#### Sec. 2-4-21. Qualifications and duties of city attorney.

~~The city attorney shall serve as the chief legal adviser to, and shall represent, elected or appointed officials, boards and commissions, and employees in the course and scope of their official duties or employment, respectively. The city attorney shall represent the city in legal proceedings and shall~~

**Commented [JM27]:** This section is already covered by Charter sec. 5.03 and sec. 4.02(a)(6).

~~perform any other duties prescribed by state law, by the Charter, or by ordinance or resolution. The mayor shall appoint the city attorney, with the consent of the city council by an affirmative vote of a majority of city council members. The city attorney may be removed from office with the concurrence of the mayor and a majority of the city council.~~

~~(Laws of Fla. 1931, Ch. 15425, § 24; Laws of Fla., Ch. 71-855, § 1; Ord. No. 16-10, § 17, 9-9-10)~~

Secs. 2-4-22—2-4-35. - Reserved.

ARTICLE III. - RESERVED<sup>[4]</sup>

Footnotes:

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**Editor's note**— Ord. No. 23-13, § 1, adopted September 26, 2013, repealed §§ 2-4-36—2-4-39, which pertained to West Florida Public Library Department. See Code Comparative Table for complete derivation.

Secs. 2-4-36—2-4-50. - Reserved.

ARTICLE IV. - OFFICERS AND EMPLOYEES<sup>[5]</sup>

Footnotes:

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**Cross reference**— Code of Ethics, Ch. 2-6; Employer-employee relations, Ch. 9-4.

**State Law reference**— Code of ethics for public officers and employees, F.S. § 112.311 et seq.; workers compensation, F.S. Ch. 440; unemployment compensation, F.S. Ch. 443; oath, F.S. § 876.05.

#### REPEAL SECTION 2-4-51.

~~Sec. 2-4-51. Oaths or affirmations of office.~~

~~Every officer of the city 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 city clerk, that he will support, protect and defend the Constitution and laws of the United States and of the state, and in all respects discharge the duties of his office.~~

~~(Laws of Fla. 1931, Ch. 15425, § 95)~~

~~**State Law reference**— Oath, F.S. § 876.05.~~

Sec. 2-4-52. - Budget analyst.

- (a) *Legislative findings.* The city council is authorized to create the position of budget analyst in accordance with section 4.02(6) of the City Charter.

**Commented [JM28]:** The oath of office is mandatory under state statutes, F.S. section 876.05 through 876.10.

- (b) *Establishment.* There is hereby created the position of budget analyst whose designated function is to assist the city council in the conduct of budgetary inquiries, analyses and making budgetary decisions.
- (c) *Qualifications.* Appointees serving as the budget analyst shall have the professional qualifications of a college degree in accounting, finance, or budget analysis and one (1) year of experience in accounting, finance and budget analysis. Two (2) years of pertinent experience may be substituted for each year of college lacking.
- (d) *Classification and salary.* The city's position classification code classifies the position of budget analyst as C-03. This classification carries a salary range of \$40,456.00—\$82,742.40 as set forth in the city's pay scale summary.
- (e) *Duties.* The duties of the budget analyst shall include:
  - (1) Providing a formal, comprehensive review and analysis of the proposed annual budget.
  - (2) Gathering, organizing, and analyzing data and information relative to budgetary issues.
  - (3) Providing comparative studies of other cities as they relate to municipal finance.
  - (4) Engaging in fiscal forecasting and planning.
  - (5) Analyzing the city's past, current, and proposed revenues and expenditures.
  - (6) Reviewing existing and potential tax revenues.
  - (7) Analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options.
  - (8) Reviewing the economic effects of proposed legislation.
  - (9) Preparing fiscal and economic project analysis as directed by the city council.
  - (10) Providing policy research and fiscal analysis on proposed legislation.
  - (11) Preparing such other reports relating to budgetary and legislative policy concerns directed by the city council.
  - (12) Making recommendations to the city council in connection with the analysis, studies, and reports described herein.
- (f) *Appointment and removal.* The city council shall appoint and may remove the budget analyst from office by a majority vote of the members of the city council at any time, with or without cause.

(Ord. No. 10-16, § 1, 4-14-16; Ord. No. 14-17, § 1, 6-8-17)

Secs. 2-4-53—2-4-65. - Reserved.

**Editor's note—** Ordinance No. 17-98, § 2, adopted May 28, 1998, deleted § 2-4-53. Formerly, such section pertained to liability of comptroller for unauthorized warrants and derived from Laws of Fla. 1931, Ch. 15425, § 45. Ord. No. 16-10, § 19, adopted Sept. 9, 2010, repealed § 2-4-52, which pertained to "Bonds." See also the Code Comparative Table.

ARTICLE V. - RESERVED<sup>[6]</sup>

Footnotes:

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**Editor's note**— Ordinance No. 17-98, § 4, adopted May 28, 1998, deleted § 2-4-66. Formerly, such section pertained to advertisements for competitive bidding and derived from § 37-2(A) of the 1968 Code.

Secs. 2-4-66—2-4-80. - Reserved.

## REPEAL ARTICLE VI. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### ARTICLE VI. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

#### Sec. 2-4-81. Department of housing established; director; powers and duties.

~~Subject to the provisions of subsection 1-1-1(c), there shall be a department of housing within the administrative service of the city, the director of which department shall serve at the pleasure of the mayor. The department shall review, monitor, and make recommendations concerning city policy and administration in the subjects of housing, community development and rehabilitation programs, shall assist the public and provide the leadership for the city's affordable housing program, and shall perform such other duties as prescribed by the mayor.~~

~~{Ord. No. 25-90, § 1, 6-14-90; Ord. No. 16-10, § 20, 9-9-10}~~

**Editor's note**— Ord. No. 25-90, adopted June 14, 1990, did not specifically amend this Code; hence, inclusion of § 1 as § 2-4-81 was at the discretion of the editor with the consent of the city. Ord. No. 16-10, § 20, adopted Sept. 9, 2010, changed the title of § 2-4-81 from "department of housing and community development established; director; powers and duties" to "department of housing established; director; powers and duties." See also the Code Comparative Table.

## CHAPTER 2-5. ELECTIONS<sup>[7]</sup>

### REPEAL CHAPTER 2-5

Footnotes:

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**Charter reference**— Elections, § 9 et seq.

**Cross reference**— City council, Ch. 2-2.

**State Law reference**— Florida Election Code, F.S. Chs. 97—106.

### REPEAL SECTION 2-5-1.

#### Sec. 2-5-1. Districts and precincts designated; map adopted by reference.

~~The respective districts and election precincts dividing the city shall be and are hereby designated as set forth on that certain map entitled: "City of Pensacola District and Precinct Map, Revised June 20, 2002," which is on file with the city clerk and which is hereby adopted by reference for the year 2004 elections and subsequent elections.~~

**Commented [JM29]:** The Charter places authority to establish the organization of the city and the responsibilities of departments with the Mayor. Charter Sec. 4.01(a)(1) and (15), and Sec. 5.04.

**Commented [JM30]:** This section is outdated and the map referred to is no longer used.

(Code 1968, § 25-1; Ord. No. 52-83, § 1, 2-24-83; Ord. No. 50-84, § 1, 12-13-84; Ord. No. 2-85, § 1, 1-24-85; Ord. No. 4-87, § 1, 1-29-87; Ord. No. 7-89, § 1, 2-9-89; Ord. No. 3-91, § 1, 2-14-91; Ord. No. 41-92, § 1, 12-17-92; Ord. No. 3-93, § 1, 2-11-93; Ord. No. 5-95, § 1, 2-9-95; Ord. No. 7-97, § 1, 2-13-97; Ord. No. 2-99, § 1, 1-14-99; Ord. No. 4-01, § 1, 1-11-01; Ord. No. 5-02, § 1, 1-24-02; Ord. No. 14-02, § 1, 6-20-02; Ord. No. 07-04, § 1, 2-12-04)

**Charter reference**—Redistricting, § 10; creation and composition of council, § 11.

#### REPEAL SECTION 2-5-2.

Sec. 2-5-2. Arrangements for elections, dates of elections, inspectors, clerks and deputies of elections.

(a) The council shall make all necessary arrangements for holding the regular municipal general and runoff elections and shall declare the results thereof. The general election for contests with three or more candidates shall be held on the date of the primary election established by general law for election of state and county officers. The general election for contests between two candidates, and the runoff election for candidates receiving the greatest number of votes, but none receiving a majority, shall be held on the first Tuesday following the first Monday in November of each even numbered year.

(b) Inspectors, clerks and deputies of the elections shall be appointed by the supervisor of elections for the general election and, if necessary, by the city clerk for the runoff election. The inspectors, clerks and deputies so acting at a runoff election shall receive for their services for one (1) day an amount to be set by resolution of the council each election year, and an amount to be set by said resolution for mileage incurred in attending instruction procedure schools for inspectors, clerks and deputies and transporting election return material to the city clerk's office as required. Election expenses above authorized shall be payable from the general fund of the city. One (1) clerk, three (3) inspectors and one (1) deputy shall be appointed to serve at each polling place.

(Code 1968, § 25-10; Ord. No. 50-84, § 1, 12-13-84; Ord. No. 3-99, § 1, 1-14-99; Ord. No. 26-01, § 1, 11-15-01; Ord. No. 21-08, § 1, 3-13-08)

**Editor's note**—Ord. No. 21-08, § 5, adopted March 13, 2008, provides for an effective date of Jan. 1, 2009 for subsection 2-5-2(a).

**State Law reference**—Polling places, F.S. § 98.031.

#### REPEAL SECTION 2-5-3.

Sec. 2-5-3. Notice of elections.

The city clerk shall cause a notice of the time and place of holding all regular municipal general and runoff elections, to be published in a newspaper published in the city, for at least once a week for two (2) consecutive weeks immediately preceding each regular municipal general or runoff election.

(Code 1968, § 25-12; Ord. No. 50-84, § 1, 12-13-84)

#### REPEAL SECTION 2-5-4.

**Commented [JM31]:** This provision is covered by Charter Sec. 6.04(a) and (b).

**Commented [JM32]:** This provision is covered by Charter Sec. 6.04(c).

~~Sec. 2-5-4. Returns; canvassing; canvassing board.~~

~~The general election shall be conducted and its results shall be tabulated, returned and canvassed by county election officials in accordance with general law. The city clerk shall report the results determined by the county canvassing board to the council at a meeting to be held at 12:00 noon on the day following the election, and the results as shown by the return shall be certified as the results of the election by the council. The results of the voting in any runoff election, when ascertained, shall be certified by returns in duplicate, signed by the clerk and a majority of the inspectors in each precinct. One (1) copy shall be delivered, along with the ballot boxes, by the clerk or inspectors to the city clerk, who shall make tabulation of the results. The other copy shall be sealed and delivered to the chairman or a member of the canvassing board. The canvassing board shall canvass the returns and report the results thereof to the council at a meeting to be held at 12:00 noon on the day following the election, and the result as shown by the return shall be certified as the result of the election by the council.~~

~~(Code 1968, § 25-11; Ord. No. 50-84, § 1, 12-13-84; Ord. No. 26-01, § 2, 11-15-01; Ord. No. 16-10, § 21, 9-9-10)~~

~~REPEAL SECTION 2-5-5.~~

~~Sec. 2-5-5. Absentee voting.~~

~~All electors qualified to vote in any municipal election, but are unable to cast their vote at the polls on the day of election, are authorized to vote absentee in any city election in conformity with the general law on absentee voting.~~

~~(Code 1968, § 25-14(A); Ord. No. 50-84, § 1, 12-13-84)~~

~~State Law reference—Absentee ballots, F.S. §§ 101.62, 101.64 et seq.~~

Secs. 2-5-6—2-5-9. - Reserved.

**Editor's note—** Ord. No. 16-10, §§ 22—25, adopted Sept. 9, 2010, repealed § 2-5-6—2-5-9, which pertained to "candidate qualifying period," "same—ballots," "same—runoff elections," and "alternative method of qualifying." See also the Code Comparative Table.

CHAPTER 2-6. CODE OF ETHICS

Sec. 2-6-1. - Created.

There is hereby created a Code of Ethics for the City of Pensacola, which shall be applicable to all elected and appointed officials of the city, including all city employees, ~~whether classified or unclassified,~~ regardless of capacity of employment.

(Ord. No. 07-11, § 1, 4-7-11; Charter, Sec. 8.02(a))

Sec. 2-6-2. - Definitions.

**Commented [JM33]:** This section is covered by Charter Sec. 6.04(e).

**Commented [JM34]:** The procedures for absentee voting (and early voting) are provided for in F.S. section 101.6105 through 101.662.



*Appear* or *appear before* means to communicate in any form, including, without limitation, personally, through another person, by letter, or by telephone. This definition also applies to the noun form, "appearance."

*Appearance of a conflict of interest* means objective circumstances that would lead a reasonable person to conclude that a proposed decision by an individual official or employee may be reasonably criticized on the basis of bias, favoritism, or partiality, regardless of whether the circumstances meet the definition of a conflict of interest in F.S. Ch. 112, Pt. III.

~~City means the City of Pensacola, Florida.~~

*Commission on ethics* means the Florida Commission on Ethics established and created by Article II, § 8(f) of the Florida Constitution, and F.S. §§ 112.3191—112.3241.

*Consultant* means an independent contractor or professional person or entity engaged by the city or advising a city official, and in a position to influence a city decision or action, or have access to confidential information.

*Financial benefit* includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law. A "financial interest" is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.

A *gift* is a financial benefit as defined in F.S. Ch. 112, Pt. III.

*Household* includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not rent payers or domestic employees.

An *interest in a contract* is a relationship to a contract such that a direct or indirect financial or other material benefit has been or will be received as a result of that contract. The official or employee does not need to be a party to the contract to have an interest in it. Indirect benefit includes a benefit to the official's family or outside business or employer.

*Ministerial act* means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

*Official* or *employee* means any elected or appointed official or employee of the city, whether paid or unpaid, and includes all members of a board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, committee, or subcommittee of the city. This definition includes members of council and the mayor.

*Personal benefit* includes benefits other than those that are directly financially advantageous. These include financial benefits to relatives and business associates, as well as non-financial benefits to these people and to oneself, including such intangible matters as reputation and the success of one's career. A "personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by action or inaction with respect to it.

*Relative* means a spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal income tax return.

*State Code of Ethics* means F.S. §§ 112.311—112.326, as those provisions are interpreted and applied by the Florida Commission on Ethics, and as those provisions may be amended from time to time.

*Subordinate* means another official or employee over whose activities an official or employee has direction, supervision, or control.

(Ord. No. 07-11, § 1, 4-7-11)

Sec. 2-6-3. - Prohibitions.

- (a) All provisions of the State Code of Ethics are hereby adopted and incorporated by reference into the Code of the City of Pensacola, Florida, as they currently exist upon the effective date and as they may be modified or amended from time to time.
- (b) The code of ethics adopted by the city council in its rules and procedures of the city council, effective at noon, January 10, 2011, applying to the members of council and incorporating the council's regulations of council travel policies and procedures, as that code of ethics may be altered or amended by council from time to time, is hereby adopted and incorporated by reference into this chapter.
- (c) The code of ethics, adopted by the mayor and applicable to all city employees within the mayor's employment, as provided in the City of Pensacola Employment Manual, as that code of ethics may be altered or amended by the mayor from time to time, is hereby adopted and incorporated by reference into the provisions of this chapter.
- (d) All members of council shall abstain from casting their vote and shall so declare upon the record and execute the appropriate form to be filed with the city clerk, whenever they have established that they would have an appearance of a conflict of interest by casting such vote.
- (e) The mayor shall refrain from taking any action or conferring any benefit upon any person, group of persons or entity, when to do so would create a conflict of interest or circumstances establishing the appearance of a conflict of interest. In lieu of taking such action, the mayor shall designate an alternative decision-maker who shall have no interest in the transaction, no conflict of interest and no appearance of a conflict of interest, to execute the responsibility of the office of the mayor in that matter.
- (f) An official or employee must refrain from acting upon or participating in, formally or informally, a decision-making process with respect to any matter before the city, if acting on the matter, or failing to act upon the matter, may personally or financially be of personal benefit to himself, herself or a relative or business associate.
- (g) An official or employee of the City of Pensacola may not, directly or indirectly, treat anyone, including himself or herself and his or her family or business associates, preferentially or in any other manner that is not generally accorded to city residents.
- (h) An official or employee of the City of Pensacola, or a former official or employee, a contractor or a consultant, may not disclose any confidential information obtained formally or informally as part of his or her work for the city or due to his or her position with the city, or use any such confidential information to further his or her own or any other person or entity's personal or financial interests.
- (i) No official or employee may promise an appointment or use his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.
- (j) No official or employee of the City of Pensacola may use, or permit others to use, any property owned by the city for profit or personal convenience or benefit, except (i) when such use is available to the public generally, or to a class of residents, on the same terms or conditions, (ii) when permitted by policies approved by the city's legislative body or executive, or (iii) when, in the conduct of official business, used in a purely incidental way for personal convenience. This applies not only to property such as vehicles, computers, office equipment, telephones and other tangible and intangible city property, but also to travel and other expense reimbursements, which may not be requested or spent on anything other than official business of the city.
- (k) No official or employee in his or her official capacity may publicly endorse products or services in any manner that associates that official or employee with the City of Pensacola. A consultant retained by the city may not represent a person or entity other than the city in any matter, transaction, action, or proceeding in which the consultant participated personally and substantially as a consultant to the city; nor may a consultant represent a person or entity in any matter, transaction, action, or proceeding against the interest of the city unless the city provides a written waiver of any such conflict.

- (l) No person seeking to become an official or employee, consultant or contractor of the City of Pensacola may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or rendering service to the city.

(Ord. No. 07-11, § 1, 4-7-11)

Sec. 2-6-4. - Enforcement.

- (a) The provisions of the State Code of Ethics are interpreted and enforced by the commission on ethics pursuant to state law.
- (b) The provisions of the code of ethics adopted by the city council in its rules and procedures of the city council, shall be enforced by the city council.
- (c) The provisions of the code of ethics applicable to city employees as set forth in the City of Pensacola Employment Manual, shall be enforced by the mayor.
- (d) Enforcement of the remaining provisions of this code of ethics shall be enforced by the mayor, if violated by any employee of the City of Pensacola, and by the city council to the extent authorized by law if violated by the mayor or any member of council. Any violation of this Code may be subject to a penalty imposed by the city council or the mayor, as applicable, at their discretion.

(Ord. No. 07-11, § 1, 4-7-11)