

TITLE XI. - TRAFFIC AND VEHICLES^[1]

CHAPTERS

11-1. GENERAL PROVISIONS

11-2. TRAFFIC

11-3. RAILROADS

11-4. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Footnotes:

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Cross reference— Administration, Title II; parks and recreation, Ch. 6-3; fire, liquidation and other sales, Ch. 7-7; 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; airports and aircraft, Ch. 10-2; advertising and signs, Ch. 12-4; fire prevention and protection, Ch. 7-13, Art. XII; planning, Ch. 12-0; streets, sidewalks and other public places, Ch. 11-4; subdivisions, Ch. 12-8.

CHAPTER 11-1. GENERAL PROVISIONS

Sec. 11-1-1. - Adoption by reference of Florida Uniform Traffic Control Law.

There is hereby adopted by reference the Florida Uniform Traffic Control Law, F.S. Ch. 316, as amended, which law shall be in full force and effect in the city as if fully set forth herein, and shall be considered as part of this Code.

State Law reference— Motor vehicles, F.S. § 316.001 et seq.; powers of local authorities, F.S. § 316.008; uniform disposition of traffic infractions act, F.S. Ch. 318.

Sec. 11-1-2. - Adoption by reference of Florida Uniform Disposition of Traffic Infractions Act.

There is hereby adopted by reference the Florida Uniform Disposition of Traffic Infractions Act, being F.S. Ch. 318, as amended, which act shall be in full force and effect in the city as if fully set forth herein, and shall be considered as part of this title.

CHAPTER 11-2. TRAFFIC^[2]

Footnotes:

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Cross reference— Administration, Title II; traffic regulations at Pensacola Regional Airport, § 10-2-12; vehicles other than taxicabs prohibited from using open stands and callbox stands, § 7-10-118; vehicles for hire, Ch. 7-10; wreckers and wrecker companies, Ch. 7-11; airports and aircraft, Ch. 10-2; harbors and waterways, Ch. 10-3; zoning districts, Ch. 12-2; signs, Ch. 12-4; trees, Ch. 12-6; railroads, Ch. 11-3.

State Law reference— Motor vehicles, F.S. § 316.001 et seq.; powers of local authorities, F.S. § 316.008; pedestrians obedience to traffic-control devices and traffic regulations, F.S. § 316.130.

ARTICLE I. - IN GENERAL

Sec. 11-2-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

Alley. Every street or way within a block set apart for public or private use, vehicular travel and local convenience, except footpaths.

Authorized emergency vehicle. ~~Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments, public service corporations or private ambulance companies or others as are designated or authorized by the council or other governing body, chief of police of this municipality, or by other governmental agency. Vehicles defined in F.S. section 316.003(1).~~

Bicycle. ~~Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is over twenty (20) inches in diameter (and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels). Vehicles defined in F.S. section 316.003(2).~~

Bus stand. A fixed area in the roadway parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Commercial vehicle. Any motor vehicle, trailer, or semi-trailer designed or used to carry passengers, freight, materials, or merchandise in the furtherance of any commercial enterprise.

Commercial vehicle—Large means any commercial vehicle greater than seven (7) feet wide, seven (7) feet high or twenty-five (25) feet long including but not limited to the following: construction equipment (bulldozers, graders etc.) semi-tractors and/or trailers, moving vans, delivery trucks, flat-bed and stake-bed trucks, buses, and similar vehicles over seven (7) feet wide, seven (7) feet high or twenty-five (25) feet long.

Commercial vehicle—Small means any commercial vehicle less than or equal to seven (7) feet wide, seven (7) feet high or twenty-five (25) feet long including but not limited to the following: automobiles, pick-up trucks, sport utility vehicles, vans, and other vehicles which are also commonly used as personal vehicles.

Common carrier. The term "regular common carrier of passengers" shall mean all common carriers of passengers operating between fixed termini, over regular routes and on fixed schedules.

Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Double parking or double standing or double stopping. The parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping, but not legally within or adjacent to an open parking space.

Freight curb loading zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Holidays. Where used in this chapter or on official signs erected by authorized official agencies, in addition to Sundays, the following entire days recognized as federal holidays: New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

Major recreational equipment means all travel trailers, camping trailers, truck campers, motor homes, boats, boat trailers, race cars, utility trailers, dune buggies and similar recreational equipment.

~~Parking meter.~~ A ~~mechanical timing~~ device authorized by ~~ordinance~~ of this municipality to be used for the purpose of regulating parking, ~~and which is actuated by the insertion of a coin and the operation of a lever or cranking device.~~

Commented [JM1]: Outdated definition.

Passenger curb loading zone. An area adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

~~Police chief and police officer.~~ ~~Sworn law enforcement officers employed, directed and supervised by the mayor.~~

Residence district. The territory contiguous to a street not comprising a business district or central business district when the frontage on the street for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for residence.

Restricted access street. Every street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such streets or roadway.

Taxi or taxicab stand. A fixed area in the roadway parallel and adjacent to the curb, set aside for taxicabs to stand or wait for passengers.

Taxi, taxicab. A licensed public motor vehicle for hire, designated and constructed to seat not more than seven (7) persons and operating on call or demand.

(Code 1968, § 155-1; Ord. No. 12-97, § 1, 3-13-97; Ord. No. 11-06, § 1, 4-13-06)

Cross reference— Definitions and rules of construction generally, Ch. 1-2.

Sec. 11-2-2. - Duties and powers of mayor.

- (a) The mayor of the city, except as otherwise directed by this chapter, shall have power and he is hereby authorized to regulate the operation and parking of vehicles within the city by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, through or arterial streets, stop streets, U-turns, play street, school zones, hospital zones, loading and unloading zones, quiet zones and other signs or markers indicating the place and manner of operating or parking vehicles within the corporate limits of the city. The mayor shall also have the power and he is hereby authorized to designate crosswalks, safety zones, bus stops and taxicab stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs in such stands. The mayor shall also have the power and he is hereby authorized to designate truck routes and to regulate the parking of vehicles of various sizes and weights. The mayor shall further have the power and he is hereby authorized to cause all such necessary signs or markers to be erected or placed on any street or part of a street when he deems such action necessary. It shall also be the general duty of the mayor to determine the installations and proper timing and maintenance of traffic-control devices.
- (b) The mayor is further empowered and authorized to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic when in his judgment that action is necessary.
- (c) The existence of signs, signals or markers at any place within the corporate limits of the city shall be prima facie evidence that the signs or markers were erected or placed by and at the direction of the mayor and in accordance with the provisions of this section.
- (d) Any person failing or refusing to comply with the directions indicated on any sign or marker erected or placed in accordance with the provisions of this section, when so placed or erected, shall be guilty of a violation of this Code and subject to the penalties as set out in section 1-1-8.

(Code 1968, § 155-2; Ord. No. 16-10, § 162, 9-9-10)

Editor's note— Ord. No. 16-10, § 162, adopted Sept. 9, 2010, changed the title of § 11-2-2 from "duties and powers of city manager" to "duties and powers of mayor." See also the Code Comparative Table.

Sec. 11-2-3. - ~~Traffic control devices~~Duties and powers of traffic engineer.

~~(a) Subject to the provisions of subsection 1-1-1(c), the office of the transportation engineer is hereby established. The transportation engineer shall be appointed by the mayor with the consent of council and shall exercise the powers and duties designated by the mayor. In the absence of an appointment, or at such times as the transportation engineer may be absent from the municipality or incapable of performing his duties, the duties and powers of the transportation engineer shall be vested in the mayor or other municipal official as determined and authorized by the mayor.~~

~~(b) —~~ It is the general duty of the director of public works & facilities transportation engineer, or the mayor, ~~if no transportation engineer is appointed,~~ to plan and determine the installation and proper timing and maintenance of traffic-control devices; to plan and direct the operation of traffic on the streets of this municipality, including parking areas; to conduct investigations of traffic conditions; to cooperate with other municipal and state officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets; and to carry out the additional powers and duties imposed by ordinances of this municipality ~~or as directed by the mayor.~~

(Code 1968, § 155-3; Ord. No. 16-10, § 163, 9-9-10)

Sec. 11-2-4. - Duties of law enforcement officers~~police department.~~

It shall be the duty of law enforcement officers the chief of police, with such aid as may be rendered by other members of the police department, to enforce the provisions of this chapter and the state vehicle laws applicable to traffic in this municipality; to make arrests for traffic violations; to assist in the prosecution of persons charged with traffic violations; to investigate accidents; to cooperate with all other officials of the municipality in the administration of the traffic laws and in developing ways and means to improve traffic conditions; and to carry out those duties especially imposed by this Code and the traffic laws of this municipality.

(Code 1968, § 155-4)

REPEAL SECTION 11-2-5.

Sec. 11-2-5. Drivers' files.

~~(a) The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, except those concerning standing or parking, which shall be filed alphabetically under the name of the driver concerned.~~

~~(b) The records shall accumulate during at least a three-year period, and from that time on the records shall be maintained complete for at least the most recent three-year period.~~

(Code 1968, § 155-9)

Sec. 11-2-6. - Authority of police and fire department officials.

Commented [JM2]: Public records laws control.

- (a) It is the duty of the ~~law enforcement officers~~officers of the police department or the officers assigned by the chief of police, to enforce all traffic laws of this municipality and of the state vehicle laws applicable to street and highway traffic in this municipality.
- (b) Officers of the police department or special officers assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, ~~officers of the police department~~may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) ~~Authorized city personnel~~Members of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code 1968, § 155-10)

Sec. 11-2-7. - Following wreckers and emergency vehicles unlawful.

No person shall follow in a motor vehicle any ambulance, police car or wrecker which is traveling on a public street in response to report of an automobile collision or accident.

(Code 1968, § 162-5)

Cross reference— Wreckers and wrecker companies, Ch. 7-11.

Sec. 11-2-8. - Farm tractors, trailers, semitrailers, trucks, commercial vehicles.

- (a) When signs are erected giving notice thereof, no person shall operate or stop, stand or park any farm tractor, trailer, semitrailer, truck or commercial vehicle with a gross weight in excess of the amounts specified by the signs at any time upon any street or part of a street where the signs are located.
- (b) It shall be unlawful to operate, park, stand or use upon any public street any commercial vehicle unless the vehicle is designated by lettering of three (3) inches minimum size on either side indicating the same for a commercial use.

(Code 1968, § 155-120)

Sec. 11-2-9. - Use of coasters, roller skates and similar devices.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this municipality.

(Code 1968, § 155-129)

Sec. 11-2-10. - Vehicles creating hazardous conditions on Pensacola Bay Bridge.

- (a) Any motor vehicle located on the Pensacola Bay Bridge, lying between Gulf Breeze, Florida, and Pensacola, Florida, is hereby determined to create a dangerous and hazardous condition jeopardizing lives and properties of all persons using said bridge whenever either of the following conditions occur:

- (1) When the fuel supply of a motor vehicle, be it gasoline or other substance, is insufficient to propel the motor vehicle off of the Pensacola Bay Bridge; or
 - (2) When the operator of a motor vehicle stops the motor vehicle on the Pensacola Bay Bridge for the purpose of changing a flat tire or making other repairs, rather than driving said vehicle off the Pensacola Bay Bridge or waiting for wrecker assistance;
 - (3) Abandoning the motor vehicle by leaving the immediate vicinity of the disabled vehicle.
- (b) It shall be unlawful for any person operating or having control of a motor vehicle to allow said motor vehicle to create a dangerous and hazardous condition as described in subsection (a) above.
 - (c) Any person or persons who shall violate any of the provisions of this section shall be punished by a fine in the amount of twenty-five dollars (\$25.00). This fine shall double in amount if payment is not received by the city, or if payment by mail is not postmarked, within seventy-two (72) hours of the time of notice of the violation.
 - (d) An appropriate notice regarding the prohibited conduct described herein shall be conspicuously posted on all approaches to the Pensacola Bay Bridge.

(Ord. No. 21-85, §§ 1—4, 6-13-85; Ord. No. 12-97, § 2, 3-13-97)

Editor's note— Ord. No. 21-85, §§ 1—4, adopted June 13, 1985, being not specifically amendatory of the Code, has been included as § 11-2-10 herein, at the discretion of the editor.

Sec. 11-2-11. - Reserved.

Editor's note— Ord. No. 30-16, § 2, adopted November 17, 2016, repealed § 11-2-11, which pertained to combat auto theft. See Code Comparative Table for complete derivation.

Sec. 11-2-12. - Port truck routes.

- (a) No person operating a commercial vehicle for ingress to or egress to and from the Port of Pensacola and between the Port of Pensacola and Interstate Highway I-110, shall operate such vehicle upon any street other than a designated port truck route.
- (b) A warning shall be issued first for any commercial vehicle found to be in violation of subsection (a). A fine of seventy-five dollars (\$75.00) shall be levied for a second violation by the same commercial vehicle or by the operator of a commercial vehicle. The amount of the fine shall be doubled if payment is not received by the city, or if payment by mail is not postmarked, within seventy-two (72) hours of the time of notice of the violation. Both the owner and the operator of the commercial vehicle shall be jointly and severably liable for any fine. A third violation of subsection (a) by either the same commercial vehicle or the same operator of any commercial vehicle shall result in the operator of the vehicle being prohibited from entering the Port of Pensacola for a period of thirty (30) days or until any unpaid fine is paid, whichever is later.

(Ord. No. 18-04, § 1, 9-9-04)

Secs. 11-2-13—11-2-20. - Reserved.

ARTICLE II. - STOPPING, STANDING AND PARKING^[3]

Footnotes:

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Cross reference— Stopping or parking of buses and taxicabs, § 7-10-5.

DIVISION 1. - GENERALLY

Sec. 11-2-21. - Application of regulations.

The provisions prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those herein specified or as indicated on official signs except when it is necessary to stop vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(Code 1968, § 155-111)

Sec. 11-2-22. - Regulations not exclusive.

The provisions of sections 11-2-31, 11-2-32, 11-2-33 and 11-2-34 imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1968, § 155-112)

Sec. 11-2-23. - Authority of police officer to impound or require removal of illegally parked vehicle.

Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the provisions of this title, the officer is hereby authorized to move the vehicles or require the driver or person in charge of the vehicle to move the same to a position off the paved or improved or main-traveled part of the street or alley.

(Code 1968, § 155-103)

Sec. 11-2-24. - Parking for certain uses prohibited.

No person shall park a vehicle upon any street, right-of-way, vacant lot or parking lot for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;
- (3) Displaying advertising;
- (4) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or
- (5) Storage for more than twenty-four (24) hours.

(Code 1968, § 155-105; Ord. No. 11-06, § 2, 4-13-06)

Sec. 11-2-25. - Permit required for loading and unloading at an angle to the curb.

No person shall stop, stand or park any vehicle at right angles to the curb for the purpose of loading or unloading of merchandise without a permit issued by the mayor or his authorized representative.

(Code 1968, § 155-97; Ord. No. 16-10, § 164, 9-9-10)

Sec. 11-2-26. - Obstruction of traffic.

- (a) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicle traffic.
- (b) Where streets are not completely paved or curbs provided, the parking of a car shall not use up more than twelve (12) inches of the paved portion of the street.

(Code 1968, § 155-101)

Sec. 11-2-27. - Alleys.

- (a) No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- (b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

(Code 1968, § 155-102)

Sec. 11-2-28. - Passenger curb loading zones.

No person shall stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

(Code 1968, § 155-106)

Sec. 11-2-29. - Freight curb loading zones.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to those zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- (b) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when the stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

(Code 1968, § 155-107)

Sec. 11-2-30. - Restricted parking zones.

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in that zone is restricted, except that a driver of a passenger vehicle may stop temporarily in the zone for the purpose of and while actually engaged in loading or unloading of passengers when the stopping does not interfere with any vehicle which is waiting

to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

(Code 1968, § 155-108)

Sec. 11-2-31. - Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any street whereon parking is thus prohibited.

(Code 1968, § 155-113)

Sec. 11-2-32. - Parking prohibited at all times at certain places.

No person shall park a vehicle at any time on any of the following parts of streets, sidewalks or sidewalk areas where signs are erected giving notice thereof:

- (1) In front of a theater entrance;
- (2) In front of the entrance or exit of a hotel;
- (3) In front of the entrance to any building where in the opinion of the mayor, parking should be prohibited for public safety.

(Code 1968, § 155-114; Ord. No. 16-10, § 165, 9-9-10)

Sec. 11-2-33. - Prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle within the block during the hours prohibited by the signs.

(Code 1968, § 155-115)

Sec. 11-2-34. - Parking time limited on certain streets.

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle in the block where the signs are located at any time during the hours prohibited by the signs.

- (a) Parking on blocks posted with a time limit is permitted free of charge for a period not to exceed the time limit posted.
- (b) No person shall move or reposition a vehicle parked on street to another on street location on the same block having a posted time limit for purposes of avoiding the posted time limits. Moving or repositioning a vehicle parked on street to another on street location on the same block having a posted time within eight (8) hours of initially parking within the same block having a posted time limit shall create a rebuttable presumption that the moving or repositioning of the vehicle parked was for the purpose of avoiding the posted time limits.

(Code 1968, § 155-116; Ord. No. 41-14, § 1, 10-23-14)

Sec. 11-2-35. - Parking of major recreational equipment and commercial vehicles in residential areas restricted.

It shall be unlawful for any person to park or store major recreational equipment or commercial vehicles (large commercial vehicle or small commercial vehicles) except in accordance with the provisions of subsections (A) and (B) below and sections 12-2-36 (parking and storage of major recreational equipment) and 12-2-43 (parking of commercial vehicles in residential neighborhoods).

(A) *Recreational equipment.*

(1) *General requirements.*

- (a) Parking or storage of major recreational equipment, except for loading and unloading not to exceed twenty-four (24) hours, shall not be permitted in any portion of any public right-of-way.
- (b) Repairing or maintaining major recreational equipment, except repairs necessitated by an emergency, shall not be permitted in any portion of any public right-of-way.
- (c) Major recreational equipment shall not be parked or stored on any vacant lot except where such vacant lot adjoins a lot on which a principal structure under the same ownership is located.
- (d) Major recreational equipment may not be parked or stored on a parking lot for the principal purpose of displaying such equipment for sale except on parking lots where the sale of vehicles and major recreational equipment is a duly authorized permitted use (i.e. new and used car lot, major recreational equipment sales lot).
- (e) Major recreational equipment may not be used for storage of goods, materials or equipment other than those items considered to be part of the vehicle or major recreational equipment essential for its immediate use.
- (f) Parking or storage of major recreational equipment is allowed in duly authorized facilities designed for storage and parking of major recreational equipment and on residential premises as provided in subsection 11-2-35(A)(2).

(2) *Residential requirements.* Parking or storage of major recreational equipment on residential premises shall be allowed subject to the following conditions:

- (a) May be parked or stored in:
 - 1. Permanent equipment enclosures such as carports or garages;
 - 2. The driveway of the owner's residence but not in any portion of any public right-of-way;
 - 3. Rear yards not closer than three (3) feet to the rear and side property lines;
 - 4. The front yard except in the required visibility triangle (refer to section 12-2-35) but only perpendicular to the front lot line and within fifteen (15) feet of either side lot line; or
 - 5. One of the required side yards but not both. May be parked on corner lots in the required street side yard except in the required visibility triangle.
- (b) May be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading.
- (c) Shall not be used for living, sleeping or housekeeping purposes while stored on a residential premises.
- (d) Shall not be connected to any utilities except electricity.
- (e) May not be parked or stored in required parking spaces of multiple-family developments.
- (f) Must be maintained in an operable condition and must be properly licensed in accordance with all laws of the State of Florida.

(B) *Commercial vehicles.*

(1) *Large commercial vehicles.*

- (a) Parking or storage of any large commercial vehicle, except for loading and unloading not to exceed twelve (12) hours, shall not be permitted in any portion of the right-of-way located within a residential district or development. Loading and unloading means that the commercial vehicle is attended and materials are being actively loaded/unloaded into and out of the commercial vehicle.
- (b) Parking or storage of any large commercial vehicle on any residential premises shall not be permitted except as follows:
 - 1. Temporary parking during loading and unloading not to exceed twelve (12) hours. Loading and unloading means that the commercial vehicle is attended and materials are being actively loaded/unloaded into and out of the commercial vehicle.
 - 2. Temporary parking of construction equipment and delivery vehicles on or adjacent to a properly permitted construction site.
- (c) Large commercial vehicles shall not be used for living, sleeping or housekeeping purposes while temporarily parked as provided above.
- (d) The mayor may, for good cause shown, grant a temporary permit with reasonable conditions exempting any large commercial vehicle from the provisions of this section for a period not to exceed seventy-two (72) hours.
- (e) Permanent parking or storage of large commercial vehicles on a residential premises may be permitted according to the following specific requirements:
 - 1. Must be contained within a garage or similar enclosed accessory structure meeting the requirements of subsection 12-2-31(D): residential accessory structures standards.
 - 2. Shall not be connected to any utilities.
 - 3. Shall not be used for living, sleeping or housekeeping purposes.
 - 4. Must be maintained in an operable condition and must be properly licensed in accordance with all laws of the State of Florida.

(2) *Small commercial vehicles.* Small commercial vehicles when not in active service shall not be parked or stored in any portion of the right-of-way located within a residential district or development between the hours of 6:00 p.m. and 6:00 a.m.

Permanent parking or storage of small commercial vehicles on residential premises is permitted subject to the following conditions:

- (a) May be parked or stored in:
 - 1. Garage, carport or similar enclosed accessory structure meeting the requirements of subsection 12-2-31(D): residential accessory structures standards.
 - 2. The driveway of the residential premises of the vehicles owner and/or operator.
- (b) Must be maintained in an operable condition and properly licensed in accordance with all laws of the State of Florida.
- (c) Must be owned and/or operated by a resident of the residential premises.
- (d) Shall not be connected to any utilities.
- (e) Shall not be used for living, sleeping or housekeeping purposes.

(f) Shall not be more than two (2) small commercial vehicles on a residential premises.

- (3) *Public school buses.* Public school buses operated by drivers employed by the Escambia County School District during the school year shall be permitted to park on the residential premises of the operator. Public school buses shall not be parked or stored in any portion of the right-of-way in a residential district or development between the hours of 6:00 p.m. and 6:00 a.m. ~~Effective with the end of the 2006—2007 school year, p~~Public school buses shall adhere to all provisions of subsections 11-2-35(B)(1) and 12-2-43(A).

(C) *Penalties.*

- (1) The owner of any recreational equipment or commercial vehicle found to be in violation of any of the provisions of this section shall be fined in the amount of fifty dollars (\$50.00) for the first offense, one hundred fifty dollars (\$150.00) for the second offense and two hundred fifty dollars (\$250.00) for the third and subsequent offenses. Each day the violation continues constitutes a separate offense. The amount of the fine shall be doubled if payment is not received, or if payment is not postmarked, within seventy-two (72) hours of the time of the notice of the violation.

- (2) Violations shall be enforced in the manner prescribed in sections 11-2-66 through 11-2-72.

(Ord. No. 35-84, § 1, 9-13-84; Ord. No. 11-06, § 3, 4-13-06; Ord. No. 16-10, § 166, 9-9-10)

Sec. 11-2-36. - Fine for unauthorized use of parking spaces reserved for physically disabled persons.

The fine to be imposed for the unauthorized use of specially designated and marked motor vehicle public parking spaces reserved for the exclusive use of disabled individuals, as provided by F.S., §§ 316.008, 316.1955, 316.1956, and 318.18, shall be two hundred and fifty dollars (\$250.00) per violation.

(Ord. No. 19-85, § 1, 5-23-85; Ord. No. 48-89, § 1, 9-21-89; Ord. No. 41-14, § 2, 10-23-14)

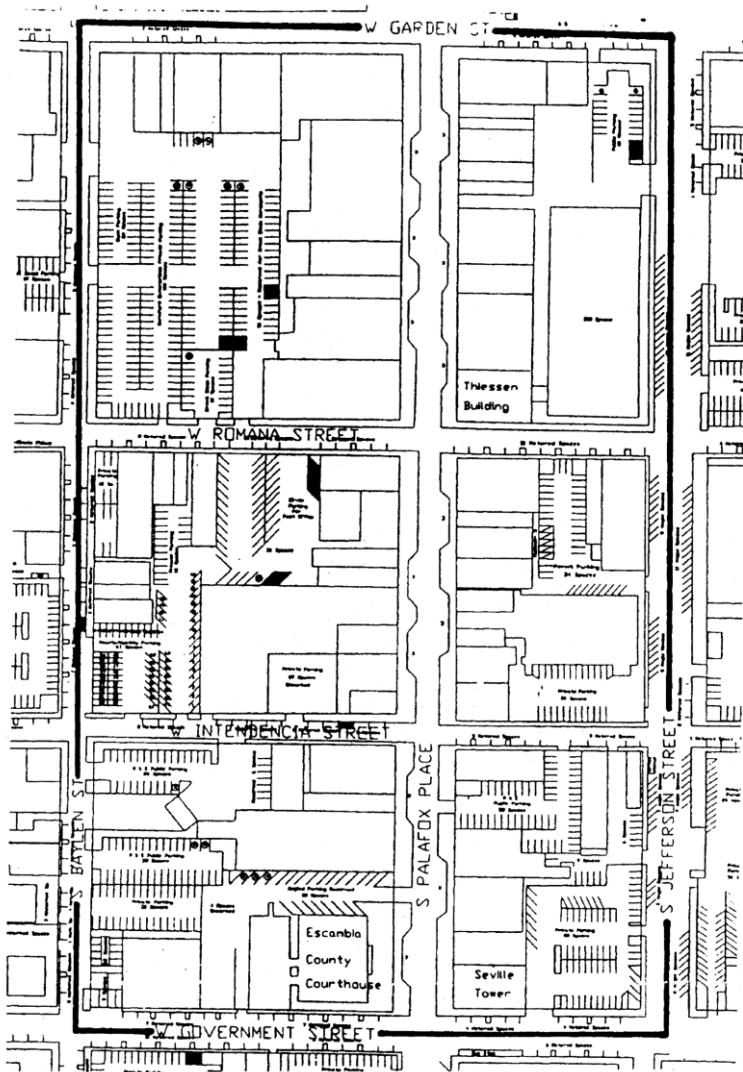
Sec. 11-2-37. - Parking fines.

- (a) Unless otherwise specified in this chapter, the owner of any vehicle found to be in violation of any of the provisions of this chapter within the city shall be fined in the amount of ten dollars (\$10.00) for the first offense; fifteen dollars (\$15.00) for the second offense, thirty dollars (\$30.00) for the third offense and forty dollars (\$40.00) for the fourth or subsequent offense, provided, however, such other fine amounts may be established, subject to the police power of the city, from time to time in the downtown parking management district by the Pensacola Downtown Improvement Board. The amount of the fine shall be doubled if payment is not received by the city or the Pensacola Downtown Improvement Board, or if payment by mail is not postmarked, within fifteen (15) days of the date of notice of the violation.
- (b) Notwithstanding the provisions of subsection (a), above, vehicles found to be in violation of posted parking regulations when the city has issued permits for special events as defined in section 11-4-171 of the Code of the City of Pensacola, Florida, within the area bounded on the north by Wright Street, on the south by Bayfront Parkway, on the east by 9th Avenue, and on the west by Baylen Street, shall be fined in the amount of twenty-five dollars (\$25.00) or such other amount as may be established, subject to the police power of the city, from time to time in the downtown parking management district by the Pensacola Downtown Improvement Board for each offense. The amount of this fine shall be doubled if payment is not received by the Pensacola Downtown Improvement Board, or if payment by mail is not postmarked, within seventy-two (72) hours of the time of notice of the violation.

(Ord. No. 12-97, § 5, 3-13-97; Ord. No. 31-98, § 1, 8-27-98; Ord. No. 34-00, § 1, 8-17-00; Ord. No. 19-03, § 1, 11-6-03; Ord. No. 57-07, § 1, 12-13-07; Ord. No. 41-14, § 3, 10-23-14)

Sec. 11-2-38. - Obstruction of vehicular traffic lanes for pick-up and delivery in designated areas prohibited.

- (a) No vehicle shall stop, stand or park, even temporarily, for the purpose of pick-up and delivery of any goods, packages or other tangible items, on any portion of the street designated and intended for the flow of vehicular traffic, in any portion of the following streets: On Garden Street from Baylen Street to Jefferson Street; on Baylen Street between Garden Street and Government Street; on Palafox Street or Palafox Place between Garden Street and Government Street; on Jefferson Street between Garden Street and Government Street; on Romana Street between Baylen Street and Jefferson Street; on Intendencia Street between Baylen Street and Jefferson Street; and on Government Street between Baylen Street and Jefferson Street.
 - (b) The terms "stop," "stopping," "stand," "standing," "park" and "parking" shall have the definitions set forth in F.S. § 316.003.
 - (c) Stopping, standing or parking by commercial vehicles for the purpose of pick-up or delivery of goods, packages or any other tangible items, within the area specified in subsection (a) above, shall take place only in areas adjacent to the curb of those streets which areas shall be specifically designated for the use of commercial vehicles with appropriate signage.
 - (d) Stopping, standing or parking in any area designated for commercial delivery use, by a vehicle not engaged in commercial delivery or pick-up, is prohibited.
 - (e) The mayor is authorized to designate appropriate areas adjacent to the curb of any street defined in subsection (a) above, for the purpose and use of commercial delivery vehicles engaged in pick-up and delivery of goods, packages or any other tangible items, and the mayor ~~or his designee~~ is hereby authorized to provide for any appropriate signage suitable to that purpose.
 - (f) The owner or operator of any vehicle found to be in violation of any of the provisions of this section shall be fined in the amounts set forth in section 11-2-37, and violations shall be enforced in the manner provided in sections 11-2-66 through 11-2-72 of the Code of the City of Pensacola, Florida.
- (Ord. No. 18-00, § 1, 3-23-00; Ord. No. 16-10, § 167, 9-9-10)



Truck Delivery Restricted Area

Secs.

11-2-39—11-2-45.

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Reserved.

DIVISION 2. - PARKING METERS

Sec. 11-2-46. - Authority of mayor to designate metered parking zones.

- (a) The mayor is hereby authorized to determine and designate metered parking zones and to install and maintain upon any of the streets or parts of streets of the city as many parking meters as necessary in the parking zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking vehicles. The parking meters may be of whatever type as determined by the council.
- (b) Provided, however, that within the downtown parking management district determining and designating metered parking zones and the selection, purchase, installation, and maintenance of parking meters shall be the exclusive responsibility of the Pensacola Downtown Improvement Board as administrator for the city of the downtown parking management district. The downtown parking management district shall encompass that certain area bounded on the west by westernmost side of DeVilliers Street, on the north by northernmost side of Wright Street and the CSX railroad tracks, on the east by the easternmost side of Ninth Avenue, and on the south by the southernmost shoreline of Pensacola Bay.

(Code 1968, § 155-28; Ord. No. 57-07, § 2, 12-13-07; Ord. No. 16-10, § 168, 9-9-10)

Editor's note— Ord. No. 16-10, § 168, adopted Sept. 9, 2010, changed the title of § 11-2-46 from "authority of city manager to designate metered parking zones" to "authority of mayor to designate metered parking zones." See also the Code Comparative Table.

Sec. 11-2-46.1. - Time limits and rates for parking in metered spaces; fines.

The rate for parking in metered parking spaces within the city shall be twenty-five cents (\$0.25) per hour except for such other rates as may be established, subject to the police power of the city, from time to time in the downtown parking management district by the Pensacola Downtown Improvement Board. ~~No vehicle may be parked in any such space without the owner or an occupant thereof depositing a coin or coins in the meter for the full period during which the vehicle is parked in such space; provided, however, n~~No vehicle may park in any such space for longer than the maximum time permitted on the meter.

(Ord. No. 11-85, § 1, 4-11-85; Ord. No. 33-87, § 1, 9-24-87; Ord. No. 43-91, § 1, 9-26-91; Ord. No. 12-97, § 3, 3-13-97; Ord. No. 34-00, § 1, 8-17-00; Ord. No. 57-07, § 2, 12-13-07)

Sec. 11-2-47. - Parking beyond designated time limit prohibited; exceptions.

When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by the parking meters upon the deposit of a coin of United States currency of the designated denomination on any day except Sunday and holidays unless otherwise posted upon any of the streets of the city.

(Code 1968, § 155-29(A); Ord. No. 12-97, § 4, 3-13-97)

Sec. 11-2-48. - Vehicle to be parked wholly within space.

Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

(Code 1968, § 155-29(B))

Sec. 11-2-49. - Violations.

- (a) It is unlawful for any person to deposit or attempt to deposit in any parking meter anything other than a lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen; however other currency or credit cards may be accepted.
- (b) It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, and no person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.
- (c) It is unlawful for any person to deposit or cause to be deposited in a parking meter a coin for the purpose of increasing or extending the parking time beyond the maximum legal parking time limit which has been established for the parking zone.

(Code 1968, § 155-29(C),(D))

Secs. 11-2-50—11-2-65. - Reserved.

DIVISION 3. - COLLECTION OF PARKING FINES

Sec. 11-2-66. - Removal and impoundment for numerous unpaid citations—Authority.

- (a) Any motor vehicle registration having against it five (5) or more outstanding unpaid summonses, citations or other process, issued on or after October 1, 1983, charging that any vehicle licensed under the motor vehicle registration was parked, stopped or standing in violation of any law, ordinance or local authority of the city shall be deemed a public nuisance and shall constitute an emergency situation and the mayor police department and any other agent of the city assigned to traffic duty are hereby authorized to remove, or cause same to be removed from any public property within the city, at the sole cost and expense of the habitual violator; provided that the appropriate department of the city, after the fifth violation, shall first send the owner of the vehicle notice of the violations, informing him of the violations, briefly outlining the provisions of this scofflaw division and ordering that he comply therewith, and warning him that if the letter is disregarded for a period of five (5) days the vehicle subject of the letter shall be impounded.
- (b) The city police authority shall have the power and is hereby authorized to remove the vehicle by either private or governmental equipment to the city pound.

(Ord. No. 48-84, § 1, 11-15-84)

Cross reference— Impoundment procedures generally, § 11-2-22.

Sec. 11-2-67. - Same—Notice to owner.

Whenever the city police department has impounded a vehicle described above, a notice of such removal and the location of the city pound where such vehicle is stored shall be mailed to the last registered owner of such vehicle, if the name and address of such owner can be ascertained with reasonable diligence. Such notice shall state that a post-tow hearing may be had at a designated time within two (2) working days of receipt of the notice. Such notice shall state, if the owner fails to reclaim such vehicle within sixty (60) days from the date of the mailing, the city will treat the vehicle as abandoned property and such vehicle will be sold at public auction to be held no sooner than thirty (30) days after the expiration of the sixty-day period contained in the notice. Notice shall be mailed to the vehicle owner by certified mail, return receipt requested.

(Ord. No. 48-84, § 2, 11-15-84; Ord. No. 5-86, § 1, 1-30-86)

State Law reference— Reporting of the towing of motor vehicles, F.S. § 715.05.

Sec. 11-2-68. - Same—Records.

It shall be the duty of the ~~city police department~~ to safely keep any impounded vehicle until the vehicle shall have been repossessed by the owner or person legally entitled to possession thereof or otherwise disposed of as provided in this division. The ~~city police department~~ shall cause an accurate record of the description of the vehicle to be kept, including the name of the officer from whom the vehicle was received; the officer employed to tow or have delivered the same to the pound; the date and time when received; the place where found, seized or taken possession of; the make and color of car; style or body; kind of power; motor number; serial number; number of cylinders; year built, state license number, if any; equipment and general description of condition; the name and address of the person redeeming the vehicle; the date of redemption and the manner and date of disposal of the vehicle in case the same shall not be redeemed; together with cost of outstanding summonses and the towing charges. This record shall be in the form prescribed by the mayor.

(Ord. No. 48-84, § 3, 11-15-84; Ord. No. 16-10, § 169, 9-9-10)

Sec. 11-2-69. - Same—Release of vehicle.

Vehicles impounded pursuant to this division will be released to their lawful owner (or person entitled to possession) upon showing adequate evidence of a right to its possession and paying the amount due of all accrued fines and costs for each outstanding unpaid summons or citation, or depositing of the collateral required for his appearance in the county court to answer for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant, and, in addition thereto, the charges for towing. The release shall be signed by an authorized officer.

(Ord. No. 48-84, § 4, 11-15-84)

Sec. 11-2-70. - Same—Post-tow hearing.

If the owner or a person entitled to possession of a vehicle impounded pursuant to this division submits to the mayor a written request for a hearing within one (1) working day of the time that the person was notified that the vehicle was impounded, a post-towage hearing shall be held within two (2) working days of the receipt of the request for a hearing. The mayor shall appoint an impartial hearing examiner. Should the hearing examiner find in favor of the city, the owner of the vehicle must pay the appropriate fines, costs and charges, the reasonableness of which shall be determined by the hearing examiner unless they have been adopted by the city council. A decision for said owner would require the city to pay charges where there is a commercial tower and refund any bond.

(Ord. No. 48-84, § 5, 11-15-84; Ord. No. 5-86, § 2, 1-30-86; Ord. No. 16-10, § 170, 9-9-10)

Sec. 11-2-71. - Authority of mayor to promulgate rules.

The mayor is hereby authorized to promulgate all such rules and regulations that may be necessary to carry out the provisions of this division.

(Ord. No. 48-84, § 6, 11-15-84; Ord. No. 16-10, § 171, 9-9-10)

Editor's note— Ord. No. 16-10, § 171, adopted Sept. 9, 2010, changed the title of § 11-2-71 from "authority of city manager to promulgate rules" to "authority of mayor to promulgate rules." See also the Code Comparative Table.

Sec. 11-2-72. - Parking ticket enforcement.

- (1) The city shall ~~cause to be furnished~~ to the State of Florida Department of Highway Safety and Motor Vehicles, via an electronic means, a list of persons who have three (3) or more outstanding parking violations and any violations for parking in spaces designated for use by handicapped or disabled persons as set forth in F.S. §§ 316.1955 and 316.1956, and section 11 of the Code of the City of Pensacola, Florida. In addition, a list of such violators shall also be provided to the Clerk of the Court of Escambia County, Florida. The provisions of F.S. § 320.03(8), as amended, shall apply to each person whose name appears on such list.
- (2) Under the authority of F.S. § 320.03(8), as amended, if the name of an applicant for a license plate or revalidation sticker appears on the list referred to in paragraph (1) of this subsection and F.S. § 316.1967(6), as amended, the license plate or revalidation sticker shall not be issued until the applicant's name no longer appears on said list or until the applicant presents a receipt from the city showing the parking fines have been paid.

(Ord. No. 26-93, § 1, 10-28-93; Ord. No. 37-13, § 1, 10-24-13)

Secs. 11-2-73—11-2-79. - Reserved.

DIVISION 4. - ALTERNATIVE ON-STREET PARKING

Sec. 11-2-80. - Authority of mayor.

The mayor is hereby authorized to develop alternative on-street parking programs, and promulgate rules, identify suitable locations, and establish rates and fines for such programs within the city, except however for that certain area encompassing the downtown parking management district as defined in section 11-2-46 where such authority, subject to the police power of the city, shall be exclusively vested in the Pensacola Downtown Improvement Board. Such programs may include decal or permit parking programs, available to the public, at monthly rates to be established by the mayor and filed with the city clerk. Such rates shall be commensurate with rates established for parking in metered spaces. Fines for violations of the alternative on-street parking program shall be commensurate with the fines provided in section 11-2-46.1, and shall be enforced in the manner provided in section 11-2-66 through section 11-2-71.

(Ord. No. 3-92, § 1, 1-16-92; Ord. No. 57-07, § 3, 12-13-07; Ord. No. 16-10, § 172, 9-9-10)

Editor's note— Ord. No. 1925, § 172, adopted Sept. 9, 2010, changed the title of § 11-2-80 from "authority of city manager" to "authority of mayor." See also the Code Comparative Table.

Secs. 11-2-81—11-2-85. - Reserved.

ARTICLE III. - IMPOUNDMENT OF CERTAIN VEHICLES⁽⁴⁾

Footnotes:

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Cross reference— Wrecked, abandoned and junked property, Ch. 4-6.

Sec. 11-2-86. - Circumstances under which vehicles may be impounded.

~~Police officers~~ ~~Members of the department of police~~ are hereby authorized to remove a vehicle from a street to the nearest garage or other place of safety, or to a garage designated or maintained by the ~~city~~~~department of police or by this municipality~~, under the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, causeway or viaduct or in any subway, or where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are incapacitated by reason of physical injury to such an extent as to be unable to provide for its custody and removal.
- (3) When a vehicle is found being operated upon the streets and is not in proper condition.
- (4) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (5) When any vehicle is left unattended upon a street continuously for more than twenty-four (24) hours and may be presumed to be abandoned.
- (6) When the driver of the vehicle is taken into custody ~~by the department of police~~ and the vehicle would thereby be left unattended upon a street.
- (7) When removal of the vehicle is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.

(Code 1968, § 155-39(A))

Cross reference— Removal and impoundment for numerous unpaid parking citations, § 11-2-66.

Sec. 11-2-87. - Towing and storage charges to be paid before release of vehicle.

No vehicle impounded in an authorized impound area as herein provided shall be released therefrom until the charges for towing the vehicle into the garage and storage charges have been paid. The storage charges shall be fixed by the mayor ~~or his designee~~, such charges to be based upon a computation of all actual expenses entering into the current cost of such services. Such charge or charges shall be posted for public inspection in the police department of the city and in any authorized storage location.

(Code 1968, § 155-39(B); Ord. No. 17-86, § 1, 6-12-86; Ord. No. 16-10, § 173, 9-9-10)

Sec. 11-2-88. - Notice of impoundment.

Whenever ~~the city an officer~~ removes a vehicle from a street as authorized in this article and the officer knows or is able to ascertain the name and address of the owner thereof, the ~~city officer~~ shall immediately give or cause to be given notice in writing to the owner of the fact of the removal and the reasons therefor and of the place to which the vehicle has been removed.

(Code 1968, § 155-40(A))

~~REPEAL SECTION 11-2-89.~~

~~Sec. 11-2-89. Abandoned vehicles.~~

Commented [JM3]: Topic covered by Sec. 4-6-1 and F.S. section 705.101.

- ~~(a) Authority of chief of police to take into custody. The chief of police is hereby authorized and directed to take into the custody and possession of the department of police any and all abandoned vehicles within the corporate limits of the city.~~
- ~~(b) Redemption by owner. The abandoned vehicles shall remain in the custody and possession of the department of police for a period of ninety (90) days or until same are redeemed by the owner or owners thereof. During said period of ninety (90) days the chief of police shall use reasonable diligence in an effort to locate the owner of or anyone having an interest in any abandoned vehicle, and if the owner or anyone having an interest in the vehicle be located, he shall be given thirty (30) days' notice in writing requesting that he pay all charges, fees, fines, damages and expenses due the city, and upon making such payment the vehicle shall be forthwith delivered to such owner, or if not claimed by the owner, to anyone having an interest in the vehicle who pays the city its expenses and charges.~~
- ~~(c) Sale of vehicle at public auction. After the expiration of the ninety (90) days, if the vehicle has not been redeemed by the owner thereof, the chief of police shall sell the vehicle at public auction, retaining out of the proceeds of the sale an amount sufficient to defray the cost of the sale. Notice of said public auction shall be advertised in a newspaper of general circulation published in the city once a week for two (2) weeks immediately prior to the auction. The notice shall contain a description of the vehicles to be sold and the time and place of sale.~~
- ~~(d) Records. The chief of police shall keep a record of unclaimed or abandoned vehicles taken into the custody of the department of police, the dates same were confiscated, the amount received at the sale for each vehicle sold thereat, and the balance, if any, remaining after the expenses of the sale have been paid. The chief of police shall immediately after the sale pay to the director of finance the balance remaining after the sale.~~
- ~~(e) Balance remaining after sale. The director of finance shall at any time within one year after the sale of any abandoned vehicle refund any balance so retained to any person furnishing satisfactory proof of ownership of any article sold at the sale. If the balance remaining after the sale of any abandoned vehicle shall not be claimed by the rightful owner thereof within one year after the sale, then the director of finance shall pay the unclaimed balance into the general fund of the city.~~

~~(Code 1968, § 155-40(B) — (G))~~

CHAPTER 11-3. RAILROADS^[5]

Footnotes:

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Cross reference— Administration, Title II; traffic, Ch. 11-2; streets, sidewalks and other public places, Ch. 11-4.

State Law reference— Duties of railroads in operating trains, F.S. § 351.001 et seq.; duties to railroad passengers and freight, F.S. § 352.01 et seq.

Sec. 11-3-1. - Blocking certain crossings for longer than ten minutes; exception.

- (a) It shall be unlawful for a railroad company or any of its agents or employees to knowingly order, allow, permit or to so operate its system so that its trains, equipment or any cars and equipment carried by it blocks the crossings of railroad tracks in public streets or roads of the city for a period of more than ten (10) minutes.
- (b) This section shall not apply to local streets but shall apply only to the streets in the city which are deemed to be interstate routes, intrastate routes or collector streets as follows:

(1) *Interstate routes:*

9th Avenue

Alcaniz Street

Garden Street

Gregory Street (east of 9th Avenue)

(2) *Intrastate routes:*

Fairfield Drive

Pace Boulevard

(3) *Collector Streets:*

14th Avenue

"A" Street

Barcelona Street

Barrancas Avenue

Baylen Street

Blount Street

Chase Street

"E" Street

Gadsden Street

Gregory Street

Gonzalez Street

Government Street

Intendencia Street

Jefferson Street

Jordan Street

Main Street

Maxwell Street

Palafox Street

Romana Street

Wright Street

Local streets are all other streets located within the city limits.

- (c) This section shall not apply to any bona fide emergency situation wherein compliance with the above regulations would endanger life, person or property or in a situation which is wholly beyond the control of the company or its agents or employees.

(Code 1968, § 129-1)

State Law reference— Blocking highway crossing for unreasonable period prohibited, F.S. § 351.032; liability of company for violations of local ordinances relating to crossings, F.S. § 351.036.

Sec. 11-3-2. - Speed of locomotives, railroad car, etc.

It shall be unlawful to run any locomotive, railroad car or other railroad rolling stock at a speed greater than set down by the various laws and regulations set forth by the state. It shall also be unlawful for any such locomotive, railroad car or other railroad rolling stock to travel at more than a reasonably safe speed as safety may dictate in any particular situation pursuant to pertinent regulations and other standards set forth by the railroad industry.

(Code 1968, § 129-10)

Sec. 11-3-3. - Planking or paving crossings required.

The council shall require persons or companies owning or leasing or operating any track or tracks along or across any alley, avenue or street of the city, to plank such track or tracks at the street crossings, between the rails and for the space of one and one-half (1½) feet outside of the rails of such tracks, with good, sound and whole pine planks, whenever any such railroad crossing shall not be required by ordinances to be paved or flagged, and to keep same in good repair and so as to permit vehicles to pass across same without damage or hindrance.

(Code 1968, § 129-7)

Sec. 11-3-4. - Planking or paving by city; lien for costs.

If any person or company shall fail to comply with the provisions of section 11-3-3 within ten (10) days after receiving notice of the adoption by the council of a resolution requiring them to construct and maintain any such crossing, the mayor shall have the work done at the expense of the person or railroad company, and the city shall have a lien for the total costs thereof against the property of the persons or companies interested.

(Code 1968, § 129-8; Ord. No. 16-10, § 174, 9-9-10)

REPEAL SECTION 11-3-5.

Sec. 11-3-5. - Boarding moving train or car prohibited; exceptions.

It shall be unlawful for any person to board, enter, climb upon, hold to or in any manner attach himself to any railway train, locomotive or car propelled by steam, electricity or other power while the same shall be in motion and running in or through the corporate limits; provided this section shall not apply to any person who has the right as a passenger on any train, locomotive, car or to any person employed thereon, nor to any person who may be acting by permission or under the rules of the company then operating any train, locomotive or car.

Commented [JM4]: Preempted by state and federal law. F.S. section 351.03, et seq.

~~(Code 1968, § 129-11)~~

Sec. 11-3-6. - Interference with railroads prohibited.

It shall be unlawful for any person to knowingly or willfully interfere with, obstruct, or cause damage to any railroad track, wherever situated within the corporate limits of the city, for the purpose of preventing or delaying the movement of railroad cars, cargo, engines, or other railroad equipment along such track.

(Ord. No. 13-01, § 1, 7-19-01)

CHAPTER 11-4. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES^[6]

Footnotes:

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Editor's note— The provisions of inadvertently repealed Ch. 12-6.5 were reenacted by § 4 or Ord. No. 27-92, adopted Aug. 13, 1992, and redesignated at the direction of the city as Ch. 11-4.

Cross reference— Administration, Title II; health and sanitation, Title IV; certain deposits prohibited on streets and sidewalks, § 4-3-17(c); placement of refuse in gutters or streets prohibited, § 4-3-61; litter control, Ch. 4-5; parks and recreation, Ch. 6-3; public library, Ch. 6-4; fire prevention and protection, Ch. 7-13, Art. XII; garage and other sales, Ch. 7-7; pawnbrokers, junk and secondhand dealers, Ch. 7-8; peddlers and solicitors, Ch. 7-9; vehicles for rent to the public, Ch. 7-10; airports and aircraft, Ch. 10-2; traffic and vehicles, Title XI; traffic, Ch. 11-2; railroads, Ch. 11-3; zoning districts, Ch. 12-2; signs, Ch. 12-4; tree/landscape regulations, Ch. 12-6; subdivisions, Ch. 12-8; flood damage prevention, Ch. 12-10; code enforcement, Title XIII; buildings, construction and fire codes, Title XIV.

State Law reference— Supplemental and alternative method of making local improvements, F.S. Ch. 170; municipal public works, F.S. Ch. 180; classification of roads, F.S. § 335.05; uniform minimum standards for roads, F.S. § 335.075; road and bridge funds, F.S. § 336.59.

ARTICLE I. - IN GENERAL

Sec. 11-4-1. - Uncovered or unguarded cellars, pits, vaults and other subterraneous openings.

It shall be unlawful for any person to leave open, uncovered or unguarded any cellar door, pit, vault or other subterraneous opening leading from, into or upon any street.

(Code 1968, § 146-12; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-2. - Business using streets and sidewalks; permit required.

No person shall use any portion of the streets or sidewalks of the city for the location or operation of any private business unless such person obtains a permit or franchise for the use of such streets or sidewalks from the council.

(Code 1968, § 146-27; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-3. - Interference with movement of vehicles or cargo at port prohibited.

It shall be unlawful for any person to knowingly or willfully interfere with or obstruct the movement of vehicles or cargo at the Port of Pensacola or any entrance thereto.

(Ord. No. 13-01, § 2, 7-19-01)

Secs. 11-4-4—11-4-15. - Reserved.

ARTICLE II. - SIDEWALKS

DIVISION 1. - GENERALLY

Sec. 11-4-16. - Cleanliness of sidewalks and gutters.

It shall be unlawful for any person occupying or owning any lot or part of any lot in the city to fail to keep the paved sidewalk clean and in good order and the gutters adjoining the same free from any encumbrance and obstruction.

(Code 1968, § 146-1; Ord. No. 22-87, § 31, 5-28-87)

REPEAL SECTION 11-4-17.

~~Sec. 11-4-17. - Water, soap and cleaning compounds restricted.~~

~~No person shall place water, soap or other cleaning compounds or materials containing liquid or oils upon any sidewalk in the city within the hours of 8.00 a.m. and 6.00 p.m.~~

~~(Code 1968, § 146-2; Ord. No. 22-87, § 31, 5-28-87)~~

Sec. 11-4-18. - Prohibition of skateboards on sidewalks.

- (a) Skateboarding shall be prohibited on public sidewalks and on walkways and parking lots in an area bounded on the west by the west right-of-way line of Baylen Street, on the north by the north right-of-way line of Cervantes Street, on the east by the east right-of-way lines of Guillemard Street and Jefferson Street, and on the south by the waterfront. A map depicting this area is on file in the office of the city clerk.

Editor's note— Said map is included immediately following this section.

- (b) Within the city limits of the City of Pensacola no person shall skateboard on any property that has been posted by the owner to prohibit skateboarding thereon. Posting shall mean that a sign or signs have been placed on the property, with letters of not less than two (2) inches in height with the words "No Skateboarding", and stating the name of the owner of the property. One (1) or more signs shall be placed in a manner so as to be clearly visible from outside the property boundaries to provide reasonable notice to the public that the property is posted as no skateboarding. As used herein, the term "owner" shall include any person having any interest in said property under and by virtue of which the person is entitled to possession thereof, and shall include the agents or authorized employees of the owner. Any owner of property who posts "No Skateboarding" signs on their property shall notify the police department of such posting.
- (c) A violation of this section shall be deemed a noncriminal infraction. The penalty for violations of this section shall be fines according to the following schedule:
- (1) First offense \$ 10.00
 - (2) Second offense 20.00
 - (3) Third offense 35.00

(4) Fourth and subsequent offenses, per offense 50.00

- (d) Notwithstanding the fines provided in subsection (c) above, the penalty for skateboarding on a device intended to serve as a handrail, a fence, a wall, a step, a fountain, or a bench shall be a fine up to five hundred dollars (\$500.00), and/or an obligation to perform up to eighty (80) hours of supervised community service. The amount of the fine and the extent of the community service obligation are to be determined by the county court. The violation of this section shall be deemed a noncriminal infraction.



(Ord. No. 23-96, § 1, 5-23-96; Ord. No. 16-01, § 1, 8-23-01)

Secs. 11-4-19—11-4-40. - Reserved.

DIVISION 2. - CONSTRUCTION AND REPAIR

REPEAL SECTION 11-4-41.

Sec. 11-4-41. - Duty of owner of adjoining property.

- (a) ~~It shall be the duty of the owner of any lot or piece of land in the city to construct and keep the sidewalks in front of the premises owned by him at all times in good repair and in a safe condition for public use.~~
- (b) ~~It shall be the duty of an owner of any multiple residence development in the city to keep the sidewalks on and about the multiple residence development at all times in good repair and in safe condition for public use.~~

~~(Code 1968, § 138-12; Ord. No. 22-87, § 31, 5-28-87)~~

Sec. 11-4-42. - Specifications and grades; construction supervision by city engineer.

- (a) All public sidewalks within the street lines in the city shall be constructed according to specifications and grades designated by the city engineer, and no public sidewalk shall be constructed ~~be constructed~~ within the street lines in the city without first obtaining the approval of the ~~the specifications~~ and grades by the city ~~engineer~~.
- (b) The construction of all sidewalks by the city, either by contract or direct labor, shall be under the authority direct supervision of the city engineer, and it shall be his duty to prepare all contours, profiles, grades and specifications for the construction and to supervise the manner and method employed in the construction.

(Code 1968, § 138-1; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-43. - Minimum widths.

- (a) All sidewalks required to be constructed within the city shall be a minimum of six (6) feet in width, except that hereafter in residential areas, in blocks where there are no sidewalks in existence, it is hereby permitted that the city engineer may approve sidewalks of a width of four (4) feet.
- (b) Sidewalks on the following streets shall be fifteen (15) feet wide:
 - (1) On both sides of Palafox Street, from the north side of Garden Street to the south side of Wright Street;
 - (2) On both sides by pedestrians, and to take such steps as he deems necessary to prevent injury to any pedestrian of Garden Street, between Tarragona Street on the east and Spring Street on the west.
- (c) Sidewalks on the following streets shall be ten (10) feet wide:
 - (1) On both sides of Palafox Street, between the north line of Hickory Street and the south line of Garden Street;
 - (2) On the north side of Wright Street, from Palafox Street to Hayne Street;
 - (3) On the south side of Wright Street, from Palafox Street to Alcaniz Street.
- (d) Sidewalks on the following streets shall be eight (8) feet wide:
 - (1) On both sides of Palafox Street, between Wright Street and DeSoto Street;

Commented [JM5]: Under Florida case law, the city is responsible for its sidewalks.

- (2) On both sides of Government Street, between Baylen Street and Adams Street;
 - (3) On the north side of Zarragossa Street, between Palafox Street and Tarragona Street;
 - (4) On the south side of Zarragossa Street, between Palafox Street and Barracks Street;
 - (5) On both sides of Garden Street, west of Spring Street and east of Tarragona Street.
- (e) Nothing contained in this section shall be construed to compel any person now having sidewalks complying with existing ordinances to remove them and to broaden them to the width hereinbefore provided, until the existing sidewalk shall be in bad condition or require renewal.

(Code 1968, § 138-2; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-44. - Defective and unsafe sidewalks—Declaration of; reconstruction, repair.

- ~~(a) The mayor is hereby empowered and authorized to declare a sidewalk defective and unsafe for use by pedestrians, and to take such steps as he deems necessary to prevent injury to any pedestrian using the sidewalk.~~
- ~~(b) The mayor shall be responsible for the reconstruction and repairs of all sidewalks abutting the premises of any owner whenever the owner shall fail to reconstruct or repair the sidewalks after being ordered to make the repairs by the council.~~

Commented [JM6]: Under Florida case law, the city is responsible for its sidewalks

(Code 1968, § 138-3; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 175, 9-9-10)

REPEAL SECTION 11-4-45.

~~Sec. 11-4-45. - Same—Declared nuisances.~~

~~All defective and unsafe sidewalks are hereby declared to be a public nuisance.~~

~~(Code 1968, § 138-4; Ord. No. 22-87, § 31, 5-28-87)~~

REPEAL SECTION 11-4-46.

~~Sec. 11-4-46. - Same—Authority of mayor to order repair.⁽⁷⁾~~

~~The mayor shall order defective and unsafe sidewalks removed or repaired, providing the owner of the abutting property with a period of thirty (30) calendar days following receipt of notice within which to make necessary repairs.~~

~~(Ord. No. 40-91, § 2, 8-29-91; Ord. No. 16-10, § 176, 9-9-10)~~

Editor's note— Ord. No. 1925, § 176, adopted Sept. 9, 2010, changed the title of § 11-4-46 from "same—authority of city manager to order repair" to "same—authority of mayor to order repair." See also the Code Comparative Table.

Footnotes:

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Editor's note— Ord. No. 40-91, § 1, adopted Aug. 29, 1991, repealed the provisions of §§ 11-4-46—11-4-52 (former §§ 12-6.5-46—12-6.5-52), relative to sidewalk construction and § 2 of said ordinance enacted new §§ 11-4-46—11-4-55 (12-6.5-46—12-6.5-55) to read as herein set out. The provisions of former §§ 11-4-46—11-4-52 derived from Code 1968, §§ 138-5—138-11 and Ord. No. 22-87, § 31, adopted May 28, 1987

REPEAL SECTION 11-4-47.

~~Sec. 11-4-47. Same—Contents of notice; service by mail or delivery; posting of notice.~~

- (a) ~~Generally.~~ The notice provided herein shall describe the condition requiring repair of the sidewalk. The notice shall direct the abutting property owner to commence and complete the construction, reconstruction, or repair within the time specified in such notice, which time shall not be less than thirty (30) days after the day on which the property owner shall be served with said notice, or upon which said notice may be posted on the abutting property. The notice shall contain an estimate of the costs of reconstruction or reformation if completed by the city upon the failure of the owner to reconstruct, repair, or reform said sidewalk. The notice shall also advise the abutting property owner that in the event that the city is required to complete reconstruction or repair, or in the event that the city has already completed an emergency reconstruction or repair, the city council of the city of Pensacola may consider adopting a resolution assessing the reasonable costs of such reconstruction or repair upon the abutting property and that a lien upon the property would thereby be created and recorded. Finally, the notice shall state that the abutting property owner will be notified in advance of the date upon which the city council of the city of Pensacola would consider a resolution assessing the reasonable costs of reconstruction or repair, and that the abutting property owner would have the opportunity at that time to present the city council of the city of Pensacola with any objections he may have to the assessment of costs upon his property.
- (b) ~~Service by mail or delivery.~~ Such notice shall be mailed by certified mail or hand delivered to the address or last known address of each affected record owner of property.
- (c) ~~Posting of notice.~~ Whenever the certified mailing of such notice has not been acknowledged by the recipient or hand delivery of such notice cannot be accomplished, such notice shall be posted in a conspicuous place on the abutting premises to which it relates. Such mailing, hand delivery or posting shall be deemed adequate service of notice.

(Ord. No. 40-91, § 2, 8-29-91)

REPEAL SECTION 11-14-48.

~~Sec. 11-14-48. Same—Emergency repairs.~~

~~In the event that there is reason to believe that a condition of a sidewalk, or the absence of a sidewalk, is creating a hazardous condition of imminent danger to public safety, the mayor shall take all appropriate steps which may be required to protect the public safety, which steps may include, but not be limited to, the placement of warning signs or other devices, preventing public access to the vicinity, closing the sidewalk, or making emergency repairs. In the event that it is determined that there is an existing or imminent danger to the public safety, such that emergency repairs must be made immediately, such repairs are hereby authorized in advance of notification to the record property owner of the existing property as otherwise provided herein. When such exigent circumstances exist requiring the city to make emergency repairs prior to the giving of notice to the record property owner of the abutting property, the property owner is not relieved of his obligation under the Code to bear the reasonable costs for such repair.~~

(Ord. No. 40-91, § 2, 8-29-91; Ord. No. 16-10, § 177, 9-9-10)

REPEAL SECTION 11-4-49.

~~Sec. 11-4-49. Same—Failure of owner to comply with order; reconstruction, repair by city.~~

- (a) ~~In the event that any owner of property abutting any defective sidewalk that is unsafe or dangerous for use by pedestrians shall fail to comply with an order by the mayor to reconstruct or repair said defective sidewalk within the time specified by the order, the mayor may order the reconstruction or repair of said sidewalk by city crews or by other means as deemed appropriate by the mayor.~~
- (b) ~~Upon the completion of the sidewalk reconstruction or repair accomplished by use of city crews or through the use of labor and material otherwise acquired by the city, the director of engineering and field operations shall certify to the director of finance the amount of costs incident to and required by the reconstruction or repair of the said defective sidewalk, allocating costs to the abutting parcels of property so improved and the nature of the improvements.~~

~~(Ord. No. 40-91, § 2, 8-29-91; Ord. No. 16-10, § 178, 9-9-10)~~

SECTION 11-4-50.

~~Sec. 11-4-50. Assessment for work performed by city—Costs assessed against property; lien.~~

~~Whenever the owner of any lot or parcel of land in front or along side of which the mayor shall require a sidewalk to be constructed, reconstructed, reformed or repaired, shall fail to construct, reconstruct, reform or repair any such sidewalk after having been notified so to do, and the city shall cause the sidewalk to be constructed, reconstructed, reformed or repaired, upon recommendation by the mayor, the council by resolution may apportion and assess the total cost thereof against the abutting lot or parcel of land according to its frontage on the sidewalk, and the cost shall be paid by the respective owners. The amount shall be a lien on the respective lot or parcel of land. Special assessments for the amounts shall be issued in favor of the city or the contractor or other persons whom the city shall procure to construct, reconstruct, reform or repair the sidewalks.~~

~~(Ord. No. 40-91, § 2, 8-29-91; Ord. No. 16-10, § 179, 9-9-10)~~

REPEAL SECTION 11-4-51.

~~Sec. 11-4-51. Same—Issuance.~~

~~Whenever any work as described in section 11-4-48 or section 11-4-49 has been completed and accepted by the mayor, assessments in such form as the council provides and authorizes shall be issued by the director of finance, subject to the provisions of subsection 1-1-1(c).~~

~~(Ord. No. 40-91, § 2, 8-29-91; Ord. No. 16-10, § 180, 9-9-10)~~

REPEAL SECTION 11-4-52.

~~Sec. 11-4-52. Same—Payment, due date; installments.~~

~~All assessments mentioned in section 11-4-51 shall be payable thirty (30) days after their date, unless the owner of the property against which the same are issued shall, within thirty (30) days apply for the privilege of paying the amount thereof in installments, in which event the same shall be payable in installments, one-fourth cash and one-fourth each year thereafter during a period of three (3) years, with interest on all deferred payments at the rate of eight (8) percent per annum until paid.~~

(Ord. No. 40-91, § 2, 8-29-91)

REPEAL SECTION 11-4-53.

~~Sec. 11-4-53. — Same — Default in payment; foreclosure of lien.~~

~~In the event of default in the payment of any installment described in section 11-4-52, with interest for thirty (30) days after it becomes payable, all installments with interest shall thereby become payable immediately, and the lien to secure the amount shall be foreclosed in the manner provided by law.~~

(Ord. No. 40-91, § 2, 8-29-91)

REPEAL SECTION 11-4-54.

~~Sec. 11-4-54. — Same — Service; registration.~~

~~No assessment described in this chapter shall be delivered to any contractor or other person before the expiration of thirty (30) days after its date and until it has been registered in a book to be kept in the office of the city clerk for such purposes.~~

(Ord. No. 40-91, § 2, 8-29-91)

REPEAL SECTION 11-4-55.

~~Sec. 11-4-55. — Enforcement of sections 11-4-48 and 11-4-49.~~

~~Streets and traffic is hereby authorized and directed to carry out the provisions of sections 11-4-48 and 11-4-49 upon notification by the mayor or his designee.~~

(Ord. No. 40-91, § 2, 8-29-91; Ord. No. 26-99, § 5, 7-22-99; Ord. No. 16-10, § 181, 9-9-10)

Secs. 11-4-56—11-4-65. - Reserved.

ARTICLE III. - STREETS⁽⁸⁾

Footnotes:

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Cross reference— Depositing trash or rubbish on streets or sidewalks prohibited, § 4-3-17(c).

DIVISION 1. - GENERALLY

Sec. 11-4-66. - Obstructions on public rights-of-way—Prohibited.

It shall be unlawful for any person to plan, place, maintain or have any tree, shrub or other obstruction upon or extending from private property into any street, sidewalk, grass plot area, property, right-of-way or easement, either dedicated or occurring by operation of law, belonging to the city, that interferes with the normal and safe passage of vehicles or pedestrians traveling within their designated portions of the public right-of-way.

(Code 1968, §§ 146-13, 146-31; Ord. No. 22-87, §§ 31, 35, 5-28-87)

Sec. 11-4-67. - Same—Removal.

The mayor is hereby authorized and directed to remove or cause to be removed or pruned, any tree, shrub or any other obstruction or any part thereof within the designated areas within the city; provided, however, before pruning or making any removal of any tree, shrub or other obstruction, the mayor shall give the owner of the abutting property upon which the obstruction is located an opportunity to make the removal, by written notice to the owner ten (10) days in advance of the removal. If the property owner does not remove the obstruction within the ten-day period, then the ~~city director of leisure services~~ will cause it to be removed or pruned and the property owner will be assessed for the cost thereof. Upon the completion of the pruning or the removal of such obstructions, the ~~city shall determine director of leisure services shall certify to the director of finance~~ the costs incident to and required by the removal of the obstruction described above, specifying the lots and parcels so affected and the nature of the removed materials. Thereafter, the ~~city director of finance~~ shall assess the lands, lots and parcels of land for the removal and cost thereof, and shall take appropriate action as necessary to place a lien upon the lands, parcels or tracts of land, which lien shall be collected in the same manner as other special assessments for benefits are collected, and the ~~mayor director of finance~~ is hereby authorized and directed to perform and to do all things necessary to the recording, perfecting and collection of such lien. No such lien shall be recorded unless thirty (30) days have expired without payment of the special assessment after the ~~city director of finance~~ has served notice of the nature and amount of the special assessment in the manner set forth in section 4-3-20 of the Code.

(Code 1968, §§ 146-13, 146-32; Ord. No. 22-87, §§ 31, 36, 5-22-87; Ord. No. 16-10, § 182, 9-9-10)

Sec. 11-4-68. - Grades.

The grades of all streets in the city shall be according to the profiles and maps of the streets as prepared by the city engineer ~~and filed in the engineer's office of the city.~~

(Code 1968, § 146-23; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-69. - Vacation of public streets or rights-of-way—Reservation of easements for public utilities.

If the council determines that any portion of a public street or right-of-way is used or in the reasonably foreseeable future will be needed for public utilities, the street may be vacated only upon the condition that appropriate easements be reserved for such public utilities, which shall include, but not be limited to, the Escambia County Utilities Authority.

(Code 1968, § 146-32.2; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-70. - Same—Fee.

Upon the request of any individual, firm, partnership or corporation to the city for vacation of any street, alley or other public way, a fee of two hundred dollars (\$200.00) shall be paid to the city by the individual, firm, partnership or corporation to cover the administrative costs involved therein.

(Code 1968, § 146-32.1; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 57-89, § 1, 12-7-89)

Sec. 11-4-71. - Oil wastes, combustible or inflammable materials.

It shall be unlawful to allow any oil waste from motors, gasoline pumps or filling stations, or any other liquid waste, or inflammable or combustible material or substance, to run or to be poured or emptied upon or into the ground of any premises or street.

(Code 1968, § 146-18; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-72. - Maintenance of right-of-way by owner of abutting property.

The owner of property abutting a public right-of-way shall maintain and keep clean and free of litter and debris, that portion of the right-of-way lying between the curb, or other edge of the pavement or roadbed, and the property line, but excluding the curb. Where vegetation is present, said owner shall mow, prune and irrigate it on a frequent basis as the season requires to maintain an attractive appearance. Provided, however, said owner shall not be responsible for the maintenance of street signs, utility apparatus or trees not planted in the right-of-way by the owner.

(Ord. No. 22-87, § 37, 5-28-87)

Editor's note— Section 37 of Ord. No. 22-87, adopted May 28, 1987, added provisions to the Code, but did not specify manner of inclusion. At the discretion of the editor, therefore, said provisions have been included as § 11-4-72 herein.

Sec. 11-4-73. - Signs prohibited in the public rights-of-way.

(a) *Prohibition.* Except as otherwise provided in this Code, it shall be unlawful and a violation of this section for any person, business, entity, or organization to erect, post, or maintain a sign of any type or size on, in, or upon the following public rights-of-way, parkways, sidewalks, easements, or other streetscape property:

<i>East/West</i>	
Main St.	Barrancas to Tarragona
Bayfront Pkwy.	Tarragona to Pensacola Bay Bridge
Government St.	Pace to Bayfront
Garden St.	Pace to Alcaniz
Navy Blvd.	Bayou Chico to Pace Blvd.
Chase St.	"A" to Bayfront
Gregory St.	"A" to Bayfront
Jackson St.	"S" to "A"

Cervantes	"V" to Chipley
Jordan	"A" to 12th
Maxwell	"A" to 12th
Blount	"A" to 12th
Texar	Davis to 12th
Fairfield	Palafox to 12th
Brent Ln.	Linden to 9th
Airport Blvd.	Davis to the Airport
Langley	Everything within city limits
Burgess Rd.	Davis Hwy. to Sanders
Creighton Rd.	Schwab to Scenic
Summit	12th to Scenic
Hyde Park	Bayou to Scenic
<i>North/South</i>	
"W" St.	Navy to Idlewood
Pace Blvd.	Cypress to Strong
Barrancas	Pace to Garden
"E" St.	Main to Avery
"A" St.	Main to Maxwell
Palafox	Leonard to Cypress

MLK Dr.	Texar to Cervantes
Alcaniz	Cervantes to Bayfront
Davis Hwy.	Wright to Selina
Davis Hwy.	Airport to Village Oaks
9th Ave.	Bayfront to Olive
12th Ave.	Cervantes to 9th
17th Ave.	Bayfront to Texar
Bayou Blvd.	Cervantes to 9th
Firestone	Bayou to Summit
College Blvd.	Bayou to Langley
Tippin	John Carroll to Creighton
Spanish Trail	Summit to Bonway
Scenic Hwy.	Chipley to Baywood

Any such sign not regulated elsewhere in this Code may be removed from the subject right-of-way and disposed of by the city. This section may be enforced pursuant to Chapter 13 of this Code.

(b) *Penalties for violations.* A code enforcement officer designated by the mayor or a police officer may issue a notice to appear in court or a civil penalty citation for a fine to the person found to be in violation of this section for each sign in the amount specified below:

- (1) First citation, one hundred fifty dollars (\$150.00);
- (2) Second citation, two hundred twenty-five dollars (\$225.00);
- (3) Third citation, three hundred twenty-five dollars (\$325.00);
- (4) Fourth citation and all subsequent citations, four hundred fifty dollars (\$450.00).

For purposes of this section, a single violation shall occur when a person places one (1) or more similar subject matter signs in the public rights-of-way as prohibited herein. The person in violation shall be presumed to be the person, business entity, or organization whose name or other identifying information is displayed in the sign's text or illustrations and that person ordered, directed, or otherwise

allowed the subject sign to be placed in the public right-of-way. This presumption may be rebutted by competent and substantial evidence to the contrary.

In addition to the penalties provided above, the violator shall be responsible for the reasonable costs incurred by the city in the removal and disposal of such signs which shall be specified on the subject citation.

- (c) *Mandatory court appearance.* Court appearance shall be mandatory for violations of this section involving fourth or subsequent violations. In the event a mandatory court appearance is required, the citation must clearly inform the violator of such mandatory appearance, and records shall be maintained by the city code enforcement office regarding such cases. Violators required to appear in court do not have the option of paying the civil penalty instead of such an appearance.
- (d) *Payment of civil penalty.* Subject to subsection (c), a violator may pay the civil penalty and the costs of removal and disposal of the violator's signs within fifteen (15) days of the date of receiving the citation. If the person cited follows this procedure, he or she shall be deemed to have admitted the civil infraction and to have waived his or her right to a trial on the issue of the commission of the violation.
 - (1) If a violator fails to pay the civil penalty within fifteen days of receipt of the citation, the clerk of the circuit court shall issue a notice to appear. An additional amount of twenty-five dollars (\$25.00) and clerk of the circuit court service charges shall be assessed as a late fee for each penalty paid after the initial fifteen-day period.
 - (2) If a violator fails to pay the civil penalty or fails to appear in court to contest the citation as required by subsection (c) of this section, the court then may issue an order to show cause upon the request of the city. This order shall require such person to appear before the court to explain why no action on the citation has been taken by the person. If any person, who is issued such order, fails to appear in response to the court's directive, that person shall be held in contempt of court.
- (e) *Refusal to sign or accept citation.* Any person refusing to sign and accept a citation shall be in violation of this section and shall be punished as provided for in section 13-2-2.

(Ord. No. 36-08, § 1, 7-24-08; Ord. No. 16-10, § 183, 9-9-10; Ord. No. 24-11, § 1, 9-22-11)

Secs. 11-4-74—11-4-85. - Reserved.

DIVISION 2. - PARKWAYS

Sec. 11-4-86. - Designation.

The portion of the paved streets between the sidewalk and the curb is hereby set aside for and designated as street greenway.

(Code 1968, § 146-7; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 04-14, § 1, 2-13-14)

Sec. 11-4-87. - Use.

Street greenways shall be used exclusively for the purpose of planting trees, grass and shrubbery, and for the location of such poles as are now allowed on the streets, except in front of business houses, where, by permission from the mayor, the space in front of the business houses may be paved with the same material used in the sidewalk and laid to conform to the sidewalk under the supervision of the city engineer. The space, when so paved, may be used as sidewalks are used. No person shall park a vehicle on a designated greenway which has signs in place restricting such use.

(Code 1968, § 146-8; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 184, 9-9-10; Ord. No. 04-14, § 1, 2-13-14)

Sec. 11-4-88. - Placement of trees and poles.

In greenways of a width of six (6) feet or more, poles and trees shall be planted three (3) feet from the sidewalk, in those less than six (6) feet, trees must be planted in the center.

(Code 1968, § 146-10; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 04-14, § 1, 2-13-14)

Sec. 11-4-89. - Crosswalks, driveways.

Nothing in section 12-11-87 shall be construed to prevent the building of one permanent crosswalk for each main entrance to each property and one driveway as may be required to each property.

(Code 1968, § 146-9; Ord. No. 22-87, § 31, 5-28-87)

Secs. 11-4-90—11-4-100. - Reserved.

DIVISION 3. - NAMES

Sec. 11-4-101. - Designations, locality, dimensions.

- (a) The streets and other public places in the corporate limits of the city, except in the Lakeview Subdivision, shall have the designation, locality and dimensions delineated on the map caused to be lithographed and copyrighted by Thomas C. Watson in the year 1906.
- (b) The streets in that portion of the city designated as Lakeview shall have the designation, locality and dimensions delineated on the map filed in the office of the city clerk by the heirs of Henry Baars, as approved by ordinance.
- (c) Streets in the waterfront shall have the designation, locality and dimensions delineated on the map of the waterfront drawn by Galt Chipley, city engineer, in 1889, except as herein otherwise provided.
- (d) The street designated as Peterson Street on the map is hereby changed in its entirety to Pace Boulevard. The streets designated as Muldon Street, Watson Street, Hyer Street and Green Street, lying north of Navy Boulevard, are hereby changed and designated as P Street, Q Street, R Street and S Street, respectively.
- (e) The official names of the following described streets as shown by location, be, and the same are, hereby altered and changed to read as follows throughout the entire length:

Present name	New name	Location
Allora Avenue	Windwood Drive	South of Dunmire Street between Lot 9, Block E, and Lot 12, Block J, Second Addition to Nobles Subdivision
Barcelona Street	Spring Street	That portion of the existing Barcelona Street situated and lying between the southerly right-of-way line of Romana Street to the northerly right-of-way line of Main Street

Bennington Place	Langley Avenue	Broadview Farms Subdivision
Bonifay Drive	Tree Line Drive	The entire length of Bonifay Drive from Mariana Drive to the end of the cul-de-sac south of Balmoral Drive
Dahlia Drive	April Road	The entire length of Dahlia Drive east from Leesway Boulevard
Denkler Place	McClellan Circle	Entire length of Denkler Place from McClellan Road northeasterly to the end of the cul-de-sac
Eastgate Drive	Keating Terrace	Soto Grade Subdivision north of Keating Road, south of I-110, and east of Ninth Avenue
Eighth Avenue	Cevallos Street	Between Zaragossa and Romana Streets
Godwin Road	Godwinson	Cordova Park Area
Gregory Street	Gregory Square	That portion of Gregory Street (58-foot right-of-way) situated and lying between the easterly right-of-way line of Tarragona Street and the westerly limited access right-of-way line of ramp D of State Road 8A (I-110)
Holly	Kenneth Drive	The entire length of Holly from Chadwick Street to Boxwood Drive
Holyoke Place	Farmington Road	Broadway Farms Subdivision
Juanita	Future Street	The entire length of Juanita west of Capri Drive to the end of the cul-de-sac west of Ottoman Drive
LaPaz Road	Durango Drive	West of Leesway Boulevard
Lemington Lane	Chastain Way	South off Lemington Road and continuing east across Montaigne Drive and including the cul-de-sac. All in Baycliff Estates, Unit 3, west of Scenic Highway, South of I-110

Main Street	Bayshore Parkway	From Pensacola Bay Bridge westward to Barrancas Avenue
Monteigne Court	Riddick Drive	West of Monteigne Drive, south of Arizona Drive and north of Brookshire Drive
New Hope Road	Montessori Drive	East of Pensacola Regional Airport and the north portion of New Hope Road that runs north and south
Old Spanish Trail Road	Monteigne Drive	Eastward fork of Old Spanish Trail Road
Sierra	Slaback	Lavallet Subdivision, Unit No. 3
South Palafox Street	Palafox Place	South of Garden Street and north of Government Street
Tronjo Place	Stonewood Place	Perpendicular to Tronjo Road between Semur Road and Tronjo Terrace in Cordova Park Subdivision, Unit No. 74

- (f) The names as designated above shall hereafter be placed upon all of the maps, road signs and street designations along the entire length of the streets and the intersections, and shall be designated and known as set out in (e) herein.
- (g) A copy of subsection (e) of this section shall be forwarded to the county commissioners of the county, the state and the U.S. Postmaster of the city, with a request that the state and county designate the streets as designated in (e) herein.

(Code 1968, § 146-22; Ord. No. 77-83, § 1, 5-26-83; Ord. No. 93-83, § 1, 7-14-83; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-102. - Placement.

The names of the streets as the council shall designate shall be placed upon the corners thereof in such a way as the council shall determine.

(Code 1968, § 146-24; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-103. - Damaging and injuring street name signs.

It shall be unlawful for any person to destroy, injure or deface the names of any street or any sign put up under the provisions of this chapter or by any official.

(Code 1968, § 146-25; Ord. No. 22-87, § 31, 5-28-87)

Secs. 11-4-104—11-4-120. - Reserved.

ARTICLE IV. - EXCAVATIONS

Sec. 11-4-121. - Permit required; application; deposit; restoration of street or sidewalk.

After any paved street or sidewalk shall have been laid under the provisions of any ordinance, it shall be unlawful for any person or their agents to dig into or disturb any such paved street or sidewalk or parts of same for any purpose whatever without a written permit from the mayor. Any person desiring to dig up or disturb any paved street or sidewalk shall make written application to the mayor for permission to dig up and disturb the paved street or sidewalk, and shall pay to the city in cash at the time the application is made such sum of money as the mayor may deem sufficient to pay all cost incurred in restoring the portion of any paved street or sidewalk disturbed to its original condition. Immediately after the repairs, causing the digging up or disturbing, have been made, the mayor shall be notified, whereupon the mayor shall cause the excavation in or under the street to be filled up under his direction by men in his employ, and shall cause that portion of the paved street or sidewalk thus disturbed to be placed in its original condition as near as practicable. Should the cost of the work be less than the amount paid the city as above, the excess shall be returned to the owner, and if it should be more, the owner shall pay the difference to the city.

(Code 1968, § 145-1; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 185, 9-9-10)

Sec. 11-4-122. - Repairs to utility property by owner or operator.

It shall be the duty of the mayor to notify all persons or their agents owning or operating any gas or water mains or private sewer systems, electric light, power, telephone or telegraph poles, on the streets or portions of streets for which ordinances shall be passed providing for the paving or the repaving thereof, to overlook, examine and test all the property owned and maintained by them on, under or across any of the streets. It shall thereupon be the duty of the persons or their agents to forthwith proceed to overlook, examine and test all of the property owned and maintained by them on, under or across the street or portion of streets to be paved or repaved, and to make all repairs, renewals or extensions thereto necessary to properly operate and maintain the property without subsequent disturbance for a period of five (5) years after the completion of the paving or repaving. All persons or their agents owning water or gas mains and sewerage systems, electric light, power, telephone or telegraph poles, shall, within sixty (60) days after the date of notice from the mayor, lay and build all connections and make all renewals and extensions on, across and under the portion of the streets or parts of streets to be paved behaved or repaved which may be necessary to properly apply their patrons and carry on their business for a period of five (5) years after the completion of the paving or repaving as aforesaid.

(Code 1968, § 145-4; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 186, 9-9-10)

Secs. 11-4-123—11-4-140. - Reserved.

ARTICLE V. - NUMBERING OF HOUSES

Sec. 11-4-141. - Required; dividing lines.

All houses fronting on streets shall be numbered, and the numbering shall be as follows:

- (1) All streets running north and south shall be numbered from Garden Street as a dividing line.
- (2) Those portions of the streets lying north of Garden Street shall be known as north.

- (3) Those portions of the streets lying south of Garden Street shall be known as south.
- (4) All streets running east and west shall be numbered from Palafox Street as a dividing line.
- (5) Those portions of the streets lying east of Palafox Street shall be known as east.
- (6) Those portions of the streets lying west of Palafox Street shall be known as west.

(Code 1968, § 115-1; Ord. No. 22-87, § 31, 5-28-87)

Sec. 2-6.5-142. - Designation for each successive block.

The numbers of each successive block from the place of beginning shall begin with a new one hundred (100).

(Code 1968, § 115-2; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-143. - Designation of numbers by city engineer.

The allotment of numbers and the manner of numbering houses and buildings shall be designated by the city engineer to conform to the foregoing sections, and it shall be his [or her](#) duty to designate house numbering in all new subdivisions or areas newly opened to building and development. In allotting the numbers, the city engineer shall as nearly as practicable maintain a uniform system applicable to all sections of the city.

(Code 1968, § 115-3; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-144. - Odd and even numbers.

The odd numbers shall be on the south and west of all streets, and the even numbers shall be on the north and east.

(Code 1968, § 115-4; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-145. - Numbers assigned to each block to use entire allotment.

The numbers shall be assigned in each block so as to use the entire allotment; for instance, in a block three hundred (300) feet front, one odd or even number shall be allotted to each six (6) feet front; in a block four hundred (400) feet front, one odd or even number shall be allotted to each eight (8) feet front.

(Code 1968, § 115-5; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-146. - Streets running east and west, west of A or Oliva Street.

Houses on the streets running east and west, west of A or Oliva Street, shall be assigned numbers as outlined in the foregoing sections, except that the first block west of A or Oliva Street shall be numbered eight hundred (800) irrespective of its distance from Palafox Street, and each succeeding block shall have a new one hundred (100) ascending from eight hundred (800).

(Code 1968, § 115-6; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-147. - Barcelona Street.

The lowest number on Barcelona Street, north or south of Garden Street, shall (at Chase Street on the north, and Romana Street on the south) be one hundred (100), and it shall then be numbered as the streets parallel to it.

(Code 1968, § 115-7; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-148. - Streets running north and south, north of Wright Street.

All houses fronting on streets which run north and south and lie north of Wright Street shall be assigned numbers by the city engineer as outlined in sections 12-11-142 to 12-11-145 inclusive, except that houses in the first block on the streets north of Wright Street shall be numbered from three hundred (300) to four hundred (400) irrespective of the number of blocks which lie between Wright Street and Garden Street, and the numbers on each succeeding block shall be increased by one hundred (100).

(Code 1968, § 115-8; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-149. - Streets north of Garden Street, south of Wright Street, east of Eighth Avenue and Cevallos street.

All houses fronting on streets or avenues which are north of Garden Street, south of Wright Street and on Eighth Avenue or Cevallos Street, and streets east thereof, shall be numbered as follows:

- (1) From Garden Street to Salamanca Street, numbers from zero to forty-nine (49) shall be used.
- (2) From Salamanca Street to Chase Street, numbers from fifty (50) to ninety-nine (99) shall be used.
- (3) From Chase Street to DeLeon Street, numbers from one hundred (100) to one hundred forty-nine (149) shall be used.
- (4) From DeLeon Street to Gregory Street, numbers from one hundred fifty (150) to one hundred ninety-nine (199) shall be used.
- (5) From Gregory Street to Heinberg Street, numbers from two hundred (200) to two hundred forty-nine (249) shall be used.
- (6) From Heinberg Street to Wright Street, numbers from two hundred fifty (250) to two hundred ninety-nine (299) shall be used.

(Code 1968, § 115-9; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-150. - Magnolia, Whaley and Yates Avenues in Lakeview Subdivision.

All houses fronting on Magnolia Avenue, Whaley Avenue and Yates Avenue in the Lakeview Subdivision shall be numbered as though the avenues were intersected by continuations of the streets running east and west out of the new city tract.

(Code 1968, § 115-10; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-151. - Magnolia, Blackshear and Osceola Avenues north or northeast of Cross Street in Lakeview Subdivision.

All houses fronting on Magnolia Avenue, Blackshear Avenue and Osceola Avenue, lying north or northeast of Cross Street in the Lakeview Subdivision, shall be numbered as follows:

From	To	Numbers
Cross Street	Escambia Avenue	2,700 to 2,799
Escambia Avenue	20th Avenue	2,800 to 2,899
20th Avenue	19th Avenue	2,900 to 2,999
19th Avenue	18th Avenue	3,000 to 3,099

(Code 1968, § 115-11; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-152. - Meaning of numbers.

The first figures of a house number shall indicate its position east or west of Palafox Street, or north or south of Garden Street; the balance of the figures, its position in the particular block. The streets running east and west, or north and south, lying north of Wright Street, shall govern the distribution of the first figures, and the frontage of the particular block shall govern the distribution of the balance.

(Code 1968, § 115-12; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-153. - Size, type, location of numerals.

All numbers shall be neatly and legibly painted on the front of the building to be numbered, or upon a metal plate not less than three (3) by six (6) inches, or in separate numerals not less than three (3) inches high, securely fastened to the building.

(Code 1968, § 115-13; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-154. - Owner, occupant to number building; penalty for violations.

The owner, occupant or agent of any building shall number the building in accordance with the provisions hereof, and any owner, occupant or agent thereof who shall fail or refuse to so number his house or building or to change the number if wrong, when so notified by the mayor shall, upon conviction, be punished as provided for in section 1-1-8.

(Code 1968, § 115-14; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 187, 9-9-10)

Sec. 11-4-155. - Damaging or defacing numbers.

It shall be unlawful for any person to tear down or deface any number or sign put upon any house in accordance with this article.

(Code 1968, § 115-15; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-156. - Waiver or modification of article provisions in certain instances.

Upon petition by two (2) or more affected property owners, the city council may, in its discretion, waive or modify the provisions of this article, in whole or in part, for areas annexed by the city when houses and buildings located therein are not numbered in conformity with the provisions hereof.

(Ord. No. 32-90, § 1, 7-12-90)

Secs. 11-4-157—11-4-170. - Reserved.

ARTICLE VI. - SPECIAL EVENTS⁹¹

Footnotes:

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Cross reference— Parades and processions permit required, exceptions, § 8-1-13.

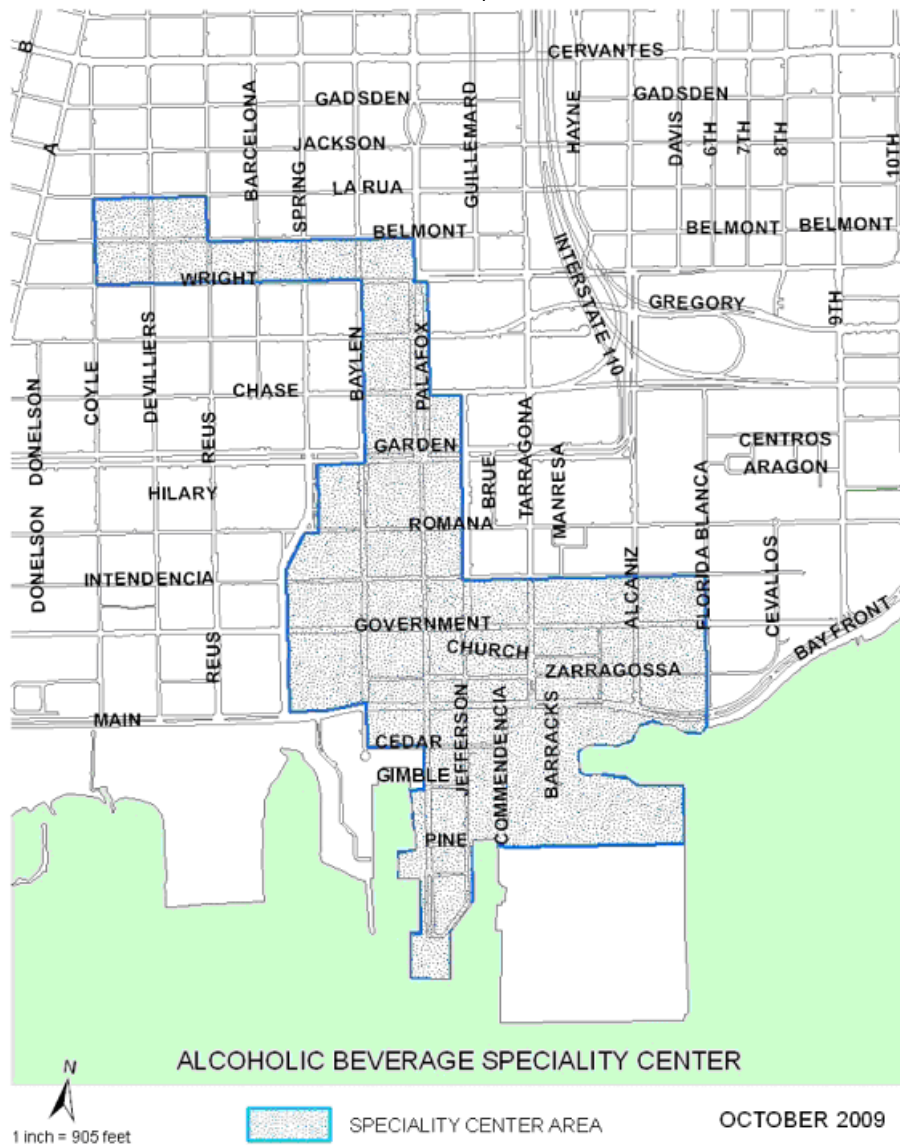
Sec. 11-4-171. - Definitions.

As used in this article, the following terms, phrases, words and their derivatives shall have the meanings given herein, unless the context otherwise requires:

Director. The Director of the Parks and Recreation Department.

Specialty Center District. The area starting at the southeast corner of Coyle Street and La Rua Street rights-of-way; thence east on south right-of-way of La Rua Street to west right-of-way of Reus Street; thence south on west right-of-way of Reus Street to south right-of-way line of Belmont Street; thence east on south right-of-way line of Belmont Street to the west right-of-way line of Palafox Street; thence south on the west right-of-way line of Palafox Street to south right-of-way line of Wright Street; thence east on south right-of-way line of Wright Street to the east right-of-way line of Palafox Street; thence south on the east right-of-way line of Palafox Street to the south right-of-way line of Chase Street; thence east on the south right-of-way line of Chase Street to the west right-of-way line of Jefferson Street; thence south on the west right-of-way line of Jefferson Street to the south right-of-way line of Intendencia Street; thence east on south right-of-way line of Intendencia Street to the west right-of-way line of Florida Blanca Street; thence south on the west right-of-way line of Florida Blanca Street to the shoreline of Pensacola Bay; thence westerly and southerly along the shoreline of Pensacola Bay to south right-of-way line of Pine Street right-of-way; thence west on the south right-of-way line of Pine Street to the west shoreline of Commendencia Slip; thence southerly and westerly and northerly following the shore line of Commendencia Slip and Pensacola Bay to south right-of-way line of Gimble Street; thence east on Gimble Street to the west right-of-way line of Palafox Street; thence north on the west right-of-way line of Palafox Street to the north right-of-way line of Cedar Street; thence west on the north right-of-way line of Cedar Street to the east right-of-way line of Baylen Street; thence north on the east right-of-way line of Baylen Street right-of-way to the north right-of-way line of Main Street; thence west on the north right-of-way line of Main Street to the east right-of-way line of Spring Street; thence north on the east right-of-way line of Spring Street to the south right-of-way line of Garden Street; thence east on the south right-of-way line of Garden Street to the east right-of-way line of Baylen Street; thence north on the east right-of-way line of Baylen Street to the north right-of-way of Wright Street; thence west on the north right-of-way line of Wright Street to the east right-of-way line of Coyle Street; thence north on the east right-of-way line of Coyle Street to the south right-of-way line of La Rua Street to the point of beginning. See the Specialty

Center map below.



Special event. Temporary use of public property by thirty (30) or more persons or three (3) or more vehicles for the purposes of conducting certain outdoor, short-term events such as a festival, parade, rodeo, fund raising, walkathon, bikeathon, jogging activity, or any other similar organized activity whether for profit or not for profit wherein public streets, parks, or other public areas are to be utilized.

Specified area. The public park, plaza, square or public street wherein the special event is held. In addition, it shall include two (2) blocks on either side of a parade route and the parade route, a four-block radius from any park, plaza or square, or any area mutually agreed upon by the event sponsor and the city during a pre-permit coordination meeting.

Nonprofit. Any bona fide charitable, benevolent, eleemosynary, educational, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for-profit or nonprofit organization.

(Ord No. 107-83, § 1, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 17-90, § 1, 3-22-90; Ord. No. 27-09, § 1, 8-13-09; Ord. No. 17-10, §§ 1, 3, 9-9-10)

Cross reference— Definitions and rules of construction generally, Ch. 1-2.

Sec. 11-4-172. - Application, contents.

Application to conduct a special event shall be made to the mayor, in writing, by the person or persons in charge or responsible therefor. The application shall set forth the following information:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name and address of the organization or group he or she is representing;
- (3) The name, address and telephone number of the person or persons who will act as chairman of the special event and be responsible for the conduct thereof;
- (4) The number of monitors to be provided and the identifying marks, badges or symbols to be worn or used by the monitors;
- (5) The purpose of the event, the estimated number of persons to participate and otherwise attend, and the number and types of vehicles (if any) to participate;
- (6) The method of notifying participants of the terms and conditions of the special event;
- (7) The date the event is to be conducted and the hours it will commence and terminate;
- (8) The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal;
- (9) Whether any music will be provided, either live or recorded;
- (10) The number, types and locations of all loudspeakers and amplifying devices to be used;
- (11) Assurance that the applicant will make provision for adequate police presence, if any, and that the applicant will conform to necessary fire prevention rules, regulations and guidelines;
- (12) Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area, to include a signed statement by Pensacola-Escambia Clean Community Commission that satisfactory arrangements have been made. For events ending by 6:00 p.m. all cleaning activities shall be completed within six (6) hours after the end of the event; and for events ending after 6:00 p.m., all cleanup activities shall be completed by 8:00 a.m. the following morning. The assurance shall also include the posting of a performance bond in the amount hereinafter provided, which bond shall be forfeited to the city if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the mayor ~~or his designee~~;
- (13) Assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event;
- (14) If the event is to take place within the boundaries of the Specialty Center District and the applicant wants to invoke the Specialty Center District exception to the open container ordinance in section 7-14-13, then the applicant shall indicate such on the application, including

the street boundaries of the special event if the boundaries are less than the entire Specialty Center District.

- (15) Such other information as the mayor may deem necessary in order to properly provide for traffic-control, street and property maintenance and the protection of the public health, safety and welfare.

(Ord. No. 107-83, § 2, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 17-90, § 2, 3-22-90; Ord. No. 16-10, § 188, 9-9-10; Ord. No. 17-10, §§ 2, 3, 9-9-10)

Sec. 11-4-173. - Time limitation for application.

No permit shall be issued for a special event unless application has been made not less than ten (10) days in advance of the date on which the special event is sought to be held.

(Ord. No. 107-83, § 4, 9-8-83; Ord. No. 22-87, § 31, 5-28-87)

Sec. 11-4-174. - Issuance or denial of permit; appeal.

- (a) If an application for a permit or waiver of the user fee, clean-up deposit and insurance requirement is denied, then the applicant shall be informed by the director of the reason(s) for the denial of the permit or waiver.
- (b) An applicant who has been denied a permit or waiver may file a written appeal of the director's decision with the mayor within ten (10) days of the denial. The mayor will issue his/her decision on the appeal within ten (10) days of receipt of the appeal. The time for a decision shall be shortened in extenuating circumstances.
- (c) An applicant whose appeal has been denied by the mayor may file a written appeal with the city council within ten (10) days of the denial of the permit by the mayor. The written appeal shall be filed with the city clerk. The city council shall hear the appeal no later than at its next regularly scheduled meeting after receipt of the notice of appeal.
- (d) An applicant whose appeal has been denied by the city council may seek review by the Circuit Court in and for Escambia County, Florida by filing a writ of certiorari.

(Ord. No. 107-83, § 3, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 27-09, § 2, 8-13-09; Ord. No. 16-10, § 189, 9-9-10)

Sec. 11-4-175. - Conditions contained in permit; closing of streets; parking prohibited.

Any permit granted under this article may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in time, duration or number of participants. For the purposes of public safety and welfare, the mayor may order the temporary closing of streets and/or may temporarily prohibit parking along same during the event, and shall direct the posting of proper warning signs in connection therewith.

(Ord. No. 107-83, § 5, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 190, 9-9-10)

Sec. 11-4-176. - Determination of time specified area will be used.

The maximum amount of time that the specified area will be utilized for the purpose of holding the special event will be determined by the mayor ~~or his designee~~ based upon the information contained in the application.

(Ord. No. 107-83, § 4, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 191, 9-9-10)

Sec. 11-4-177. - Indemnification of city; liability insurance.

The applicant for a permit to hold a special event shall agree to indemnify and hold harmless the city, its servants, agents and employees, for any and all claims caused by or arising out of the activities permitted. The applicant shall provide an appropriate policy of insurance as determined by the ~~Mayor or his designee~~, listing the city as an additional insured to protect the city from liability which might arise from the special event.

(Ord. No. 107-83, § 6, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 16-10, § 192, 9-9-10; Ord. No. 31-10, § 1, 12-16-10; Ord. No. 16-10, § 192, 9-9-10; Ord. No. 31-10, § 1, 12-16-10)

Sec. 11-4-178. - Schedule of fees, performance bonds, and exemptions.

(a) The schedule of fees, bonds, and exemptions for special events shall be as follows:

Event	User Fee	Performance Bond
Run, walk or bikeathon		
Up to 5K	\$100.00	\$500.00
Over 5K to 10K	150.00	500.00
Over 10K	250.00	500.00
Parades	150.00	500.00
Police escorts (except for funerals)	250.00	.00
Single day event, projected to be attended by less than 2,500 persons	250.00	500.00
Multiday event or event projected to be attended by 2,500 or more persons	250.00	1,000.00
Event in public right-of-way for which admission is charged	500.00	1,000.00

For-profit event	Actual cost to service the event as determined by mayor	1,000.00
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- (b) The city may waive one (1) or more of the enumerated charges for nonprofit organizations based upon experience with previous events, size, duration, location, nature of the event and the likelihood of unremoved litter or damage to property. In the event that the nonprofit organization demonstrates that it has contracted for cleanup activities with a city-approved group, the performance bond shall be waived.
- (c) Neighborhood or block parties shall be exempt from the provisions of this article so long as no commercial activity is conducted, no admission fee is charged, and members of the general public are not allowed access. Provided, however, that individuals or organizations should notify the mayor's office when a neighborhood party is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event.
- (d) The closing fee set forth in this article shall not be construed as being in lieu of or replacing other fees or charges imposed for labor, materials, police or fire protection services, or any other charges for city services incidental to the assembly or street closing and other fees shall still be levied and collected in addition to the closing fee herein provided.
- (e) Political or public issue events shall be exempt from the provisions of section 11-4-173. Individuals or organizations planning such an event shall notify the mayor's office when a political or public issue event is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event and the name or names of persons in charge.
- (f) Funeral processions shall be exempt from the terms of this article.

(Ord. No. 107-83, § 7, 9-8-83; Ord. No. 22-87, § 31, 5-28-87; Ord. No. 17-90, § 3, 3-22-90; Ord. No. 27-94, § 1, 7-28-94; Ord. No. 16-10, § 193, 9-9-10)

Sec. 11-4-179. - Admissions charge.

The city may grant permission to the sponsor of an event in a public right-of-way to charge an admission fee for attendance at the event. Consideration and granting of such permission shall be based upon the location and duration of the event, its impact upon traffic circulation, provisions for emergency access and crowd safety and control, the frequency of events at the location, and other appropriate factors.

(Ord. No. 17-90, § 4, 3-22-90)

Sec. 11-4-180. - Reduction or waiver of fees, deposit or insurance.

- (a) The director may reduce or waive the user fee, insurance requirements and/or clean-up deposit if the director, in consultation with the risk manager and city attorney's office, determines that (1) the event is exclusively or primarily for speech or other expressive activity protected by the First Amendment to the United States Constitution, and (2) these requirements would be unduly burdensome or cannot be met due to the applicant's indigency or insolvency.
- (b) The applicant shall file an affidavit approved by the director ~~or his/her designee~~ stating that it is made under oath, under penalty of perjury, that the applicant believes the special event's purpose is exclusively or primarily for such First Amendment speech or expression purposes, and that the applicant has determined that the cost of obtaining the required insurance, the cost of the clean-up

deposit, and/or the user fee is so financially burdensome that it would constitute an unreasonable restriction on the right of First Amendment expression.

- (c) The director shall grant or deny a waiver within seven (7) days of receipt of the waiver by the parks and recreation department. An applicant that is denied a waiver may appeal the denial to the city council using the same procedure as that described in section 11-4-174. If a waiver is not denied within seven (7) days after receipt of same, then it shall be deemed granted.

(Ord. No. 27-09, § 3, 8-13-09; Ord. No. 16-10, § 194, 9-9-10)

Sec. 11-4-181. - Ancillary, temporary off-street parking.

- (1) The mayor ~~or his designee~~ may issue single event or multiple date event permits to applicants who are, or are acting on behalf of, the owners of undeveloped or partially developed property for the purpose of allowing that property to be utilized as an ancillary, temporary parking lot for the use of patrons attending a permitted special event, a sporting event or an entertainment event to which the public or a segment thereof has been invited. When such use of property for purposes of parking has been permitted by the mayor ~~or his designee~~, the provisions of section 12-3-3 of the Land Development Code shall not be applicable during the period of time covered by the permit. In the application of a permitting process, the mayor ~~or his designee~~ may develop reasonable criteria for such use, and the criteria shall include, at a minimum, the following elements:
 - (a) The special event, sporting event or entertainment event must conform to all requirements of the City Code.
 - (b) The owner of the property to be used for temporary parking must provide a suitable hold harmless agreement in favor of the City of Pensacola.
 - (c) Proper ingress and egress to the property must be provided in order to insure that no damage to a sidewalk or curb occurs and that the flow of traffic on adjacent city streets, sidewalks and rights-of-way are not unduly interfered with.
 - (d) The property must be maintained in such a manner that erosion or other stormwater control measures are not adversely impacted.
 - (e) Immediately following the use of the property as a permitted, ancillary temporary parking lot, the owner shall insure that it is cleaned of any litter or debris.
 - (f) The applicant must certify that the temporary off-street parking area is ADA compliant.
 - (g) The mayor ~~or his designee~~ shall develop a form for the use of applicants, and application must be made no less than ten (10) days prior to the event taking place. Each individual parcel shall require a separate permit. One (1) permit may be issued to cover more than a single date where events are scheduled to occur over or on more than one (1) such date, but each permit shall specify the date or dates to which it is directed.
 - (h) An application fee in the amount of ten dollars (\$10.00) per day for each day covered by a permit shall be charged for each permit issued.
- (2) The use of undeveloped or partially developed property which does not otherwise meet the requirements of the City Code for use as a parking lot without having obtained a permit pursuant to the provisions of this section of the Code will subject the owner or person acting on behalf of the owner of the property to the penalties set forth in section 13-1-7 and section 13-2-3 of the City Code.

(Ord. No. 11-12, § 1, 5-24-12)

Sec. 11-4-182. - Use of rights-of-way by wireless communications facilities.

- (a) *Definitions.* The definitions of all applicable terms shall be as provided in Chapter 12-14 of the Code of the City of Pensacola, Florida, with the exception that the following terms shall be defined as provided in F.S. § 337.401(7)(b):
- (1) Antenna;
 - (2) Applicable codes;
 - (3) Applicant;
 - (4) Application;
 - (5) Authority;
 - (6) Authority utility pole;
 - (7) Collocate or collocation;
 - (8) FCC;
 - (9) Micro wireless facility;
 - (10) Small wireless facility;
 - (11) Utility pole;
 - (12) Wireless facility;
 - (13) Wireless infrastructure provider;
 - (14) Wireless provider;
 - (15) Wireless services;
 - (16) Wireless service provider;
 - (17) Wireless support structure.
- (b) *Generally.* The placement of telecommunication towers and antennae anywhere in the corporate limits of the City of Pensacola shall in all cases be subject to the city's zoning and land use regulations, including those set forth in Title XII, the Land Development Code. Where placement of a wireless antenna in the public right-of-way has been approved by the city and to the extent not inconsistent with any city zoning and land use regulations, a wireless antenna attached to a permitted and legally maintained vertical structure in the public right-of-way, such as a utility pole, shall, unless otherwise agreed to by the city in writing:
- (1) Not extend more than ten (10) feet above the highest point of the vertical structure;
 - (2) Not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
 - (3) Comply with any applicable Federal Communications Commission Emissions Standards;
 - (4) Comply with any applicable local building codes in terms of design, construction and installation; and
 - (5) Not contain any commercial advertising thereon.
- (c) *Rules and regulations.* The mayor is authorized to administratively promulgate such rules and regulations as may be necessary and appropriate to regulate the placement of wireless facilities and infrastructure in the public right-of-way in conformity with applicable provisions of state law, and to designate such staff as necessary to receive, process and make determinations with respect to applications for the placement of wireless facilities and infrastructure. Such rules and regulations shall be subject to the following criteria:
- (1) The registration fee required of applicants for the placement of wireless facilities and infrastructure shall be reasonably calculated to equal the city's cost of receiving, assessing, determining, awarding and maintain records with respect to each application, whether for an

individual facility or for multiple facilities covered by a single application, but such fee shall not exceed one hundred dollars (\$100.00) per placement of each wireless facility.

- (2) The permit fee for the placement of wireless facilities on poles or other structures owned by the City of Pensacola shall be one hundred fifty dollars (\$150.00) per facility per year.
 - (3) All fees imposed shall be reasonable and nondiscriminatory and not based upon any services provided by the applicant.
 - (4) All provisions of federal and state statutes, rules and regulations, and the provisions of the Code of the City of Pensacola, Florida, pertaining to historic preservation and the historic districts regulated by the city, which have not been preempted or superseded by F.S. § 337.401(7), shall continue to be enforced and shall not be repealed, abated or waived by this section.
 - (5) All applications by small and micro wireless facilities providers and installers to place utility poles and other supporting structures in the public rights-of-way shall be processed in accordance with F.S. § 337.401(6), and shall be subject to the codes, policies, practices, and rules and regulations of the city with respect to the placement of such poles and other supporting structures in the public rights-of-way.
- (d) *Prohibited collocations, attachments, installations and services.* The provisions of this section 11-4-182 of the Code of the City of Pensacola, Florida, does not authorize, and the City hereby prohibits, the following:
- (1) This section does not authorize a person or entity to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a privately owned wireless support structure, or other private property without the consent of the property owner.
 - (2) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section does not authorize the provision of any voice, data, or video services or the installation, placement, maintenance, or operation of any communication facilities other than small wireless facilities in the public right-of-way.
 - (3) This section does not affect any provisions relating to pass-through providers contained in this Code of Ordinances and contained in F.S. § 337.401(6), Florida Statutes.
 - (4) This section does not authorize a person or entity to collocate small wireless facilities or micro wireless facilities on a city utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

(Ord. No. 03-18, § 1, 2-8-18)