



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 42-20

City Council

9/24/2020

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Jewel Cannada-Wynn

SUBJECT:

PROPOSED ORDINANCE NO. 42-20 - ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 42-20 on second reading.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE MANNER OF AMENDING AND SUPPLEMENTING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

It has been some 35 years since the Code of the City of Pensacola has been comprehensively brought up to date. The current code was adopted in 1986 and previously in 1968; over this period of time there have been changes in forms of government, changes in Legislation, Court rulings, and Legislative changes by this and previous Council's which render the current code out of date.

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

There have been a great many changes in the law since the current code was last updated. Many Florida statutes referenced in the current code have changed, United States Supreme Court decisions have affected several sections such as sign regulations, and the City's 2010 Charter has affected several sections pertaining to the details of city employment that are now found in the City's Human Relations Manual and in pension and retirement plans. As the Council learned at the

workshop, there are a great many provisions in the City Code that are no longer applicable and the Code requires updating. Periodic recodification of the City's code of ordinances is necessary to ensure the Code remains in compliance with federal, state, local law and current procedures of the City.

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

In 2016, the City Council authorized the Mayor to execute a contract with Municode, the national publisher of most of the city and county codes in the United States, to assist the city staff in preparing a new, updated City code. For approximately 7 months in 2016 -2017, the Municode legal staff reviewed the Pensacola Code in great detail. Municode provided the City with an extensive set of suggested revisions with accompanying commentary for the city staff to digest. Many more months were spent with each affected City department, giving each department director the opportunity to have input and suggest revisions to the sections of the code pertaining to their responsibilities. The City Clerk's office and the City Council's Executive Director and staff have been integrally involved in preparing the proposed revisions for the Council's consideration.

PRIOR ACTION:

September 10, 2020 - The City Council approved Proposed Ordinance No. 42 - 20 on first reading.

January 30, 1986 - City Council adopted Ordinance No. 02-86 recodifying the then existing code.

May 18, 1970 - City Council adopted Ordinance No. 18-70 recodifying the then existing code.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive
Susan Woolf, City Attorney

ATTACHMENTS:

- 1) Proposed Ordinance No. 42-20

- 2) Index of Changes
- 3) Title 1 - General
- 4) Title 2 - Administration
- 5) Title 3 - Finance
- 6) Title 4 - Health & Sanitation
- 7) Title 5 - Human Resources
- 8) Title 6 - Parks & Recreation
- 9) Title 7 - Licenses & Business Regulations
- 10) Title 8 - Offenses
- 11) Title 9 - Personnel
- 12) Title 10 - Public Enterprises & Utilities
- 13) Title 11 - Traffic
- 14) Title 12 - Land Development Code
- 15) Title 13 - Code Enforcement
- 16) Title 14 - Building Construction & Fire Codes

PRESENTATION: No