



CITY COMMISSION OF THE CITY OF PAHOKEE

## **WORKSHOP**

Tuesday, April 26, 2016 6:30 p.m.

360 E. Main Street, Pahokee, Florida

This Workshop of the City Commission of the City of Pahokee is being held to discuss the April 26, 2016 Agenda.

A. INVOCATION & PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. TOPIC

1. **Old Hospital Site – City Attorney Gary Brandenburg Esq.**

D. DISCUSSION, COMMENTS, CONCERNS

E. ADJOURN

# AGENDA

CITY COMMISSION OF THE CITY OF PAHOKEE  
REGULAR COMMISSION MEETING  
TUESDAY, APRIL 26, 2016 7:00 P.M.



- A. INVOCATION & PLEDGE OF ALLEGIANCE
- B. ROLL CALL:
- C. ADDITIONS, DELETIONS, AND APPROVAL OF AGENDA ITEMS:
- D. CITIZEN COMMENTS (AGENDA ITEMS ONLY):
- E. PUBLIC SERVICE ANNOUNCEMENTS (FILL OUT PUBLIC COMMENT CARD):
- F. APPROVAL OF MINUTES:
  - 1. **April 12, 2016 Regular Scheduled Commission Meeting**
- G. CONSENT AGENDA:
- H. ORDINANCE:
  - 1. **ORDINANCE (second reading) 2016 -02 AN ORDINANCE OF THE CITY OF PAHOKEE AMENDING THE PAHOKEE CODE OF ORDINANCES TO APPEAL CHAPTER 10-1 THROUGH 10-55 TO ADOPT A NEW CHAPTER 10 TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**
  - 2. **ORDINANCE (first reading) 2016 - 03 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AMENDING SEC. 2-2. SALE OF ANY CITY REAL ESTATE PROPERTY, TO MODIFY THE SIGNAGE REQUIRED TO BE PLACED ON THE PROPERTY FOR SALE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.**
  - 3. **ORDINANCE (first reading) 2016 - 04 AN ORDINANCE OF THE CITY OF PAHOKEE, FLORIDA, PROVIDING FOR THE CITY'S CONTINUING CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF PAHOKEE'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT); PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS.**
- I. RESOLUTIONS:
- J. PUBLIC HEARINGS:
- K. PROCLAMATIONS (approval):
- L. PRESENTATIONS:
  - 1. **Glades Health Care Center**
  - 2. **Thriftway**
- M. REPORT OF THE MAYOR:
- N. REPORT OF THE CITY MANAGER:
- O. REPORT OF THE CITY ATTORNEY:
  - 1. **Palm Beach County Trespass Ordinance for Parks**
- P. OLD BUSINESS:
  - 1. **Gymnasium Update**
- Q. NEW BUSINESS:
- R. CITIZEN COMMENTS / GENERAL CONCERNS:
- S. CORRESPONDENCE /COMMENTS AND CONCERNS OF THE CITY COMMISSIONERS:
- T. ADJOURN:



**CITY COMMISSION OF THE CITY OF PAHOKEE  
REGULAR COMMISSION MEETING MINUTES  
Tuesday, April 12, 2016**

Pursuant to due notice the regularly scheduled Commission meeting was held in the Commission Chambers at 360 E. Main St., Pahokee, Palm Beach County, Florida on Tuesday, April 12, 2016.

The meeting was called to order by Mayor Walkes at 7:00p.m.

Official attendance was recorded as follows:

<b><u>Roll Call:</u></b>	Mayor Keith W. Babb, Jr.	Present
	Commissioner Allie Biggs	Present
	Commissioner Felisia Hill	Present
	Commissioner Nathaniel Holmes	Present
	Vice Mayor Diane Walker	Present
	City Manager Chandler Williamson	Present
	City Attorney Gary Brandenburg	Present
	Sergeant At Arms Lt. Daniel Picciolo	Present
	Deputy City Manager Tammy Jackson-Moore	Present
	City Clerk Tijauna Warner	Present

**Additions, Deletions, and Approval of Agenda Items:**

City Manager Mr. Williamson requested adding an amended Resolution 2016 – 15 to I7, 2016 – 16 to I8, and Mayors Proclamation to K1.

**Approval of Amendments to the Agenda.**

**Motion by Vice Mayor Walker. Seconded by Commissioner Biggs.**

**Motion carried on unanimously.**

**Approval of Minutes:**

1. March 22, 2016 Regular Scheduled Commission Meeting.

Mayor Babb advised he has to minor corrections to the March 22, 2016 Minutes. First correction, after the swearing in under the Roll Call it says Mayor Walkes, it should be Mayor Babb. Final minor correction, Mayor Babb recognizes the senior citizens facility, it should be the Glades Health Care Facility.

**Approval of Minutes with corrections.**

**Motion by Vice Mayor Walker. Seconded by Commissioner Biggs.**

**Motion carried on unanimously.**

**Public Service Announcements:**

Mrs. Regina Bohlen announced on Thursday night at 6:00 in the Pahokee Chamber of Commerce Office we are doing a "New Business Roundtable". We are partnering with the TED Center, the City of Pahokee, and the Chambers for an entrepreneurship course. If it goes well, we are going to do a series of five (5) and you receive a certificate at the end of the course. Please invited everyone interest in opening a business or has opened a business.

Vice Mayor Walker inquires if Ms. Bohlen expected a small turn out because the location.

Mrs. Bohlen advised there's enough room around the table to fix ten (10) or twelve (12) people and extra chairs could be added, if needed.

Vice Mayor Walker announced the "Relay for Life" will take place at Parks & Recreation Field on May 13<sup>th</sup> & 14<sup>th</sup>. I would appreciate everyone attending and showing their support for this event.

Commissioner Biggs announced it has been a joy to serve her community for these fifteen (15) years. She has done the best to make sure our City is heading in the right direction. One (1) person among five (5) and we all try to work together. She didn't regret a moment of this, God made me to serve my community. People can see you, but they don't know your heart. The Lord speaks to her two, three, and four in the morning, waking her up, letting her know he wanted her here (City Commission). She's grateful because the Lord has given us (City of Pahokee) another soldier to carry this torch on. Ladies and Gentlemen lets embrace each other and Pahokee citizens let's stop fighting each other. Love like God wanted us to love, Pahokee is one of the greatest cities I've ever seen. I am so happy that Tasha Murvin will have this seat. Thank you all so much.

City Clerk Tijauna Warner swears in Mrs. Clara Murvin as City Commissioner.

Former Commissioner Biggs passed on the torch (Sunshine Law, City Ordinances, and Ethnics) to newly elected City Commissioner Clara Murvin.

Mayor Babb presents 2016-2017 City Commissioners unless Governor Scott recalls somebody.

Commissioner Murvin thanks the citizens of Pahokee for the opportunity to serve them as their Group Two (2) City Commissioner. I want to first give thanks to God for giving me the vision and courage to take on this new endeavor, to my husband and my family for giving me the motivation, and to County Commissioner Melissa Mckinlay for her trust and endorsement. I would like to send a special thanks to Commissioner Ms. Allie Biggs for leading by example, Commissioner Biggs if I could be just half the Commissioner you were that will be more than a blessing. To my fellow Commissioners, City Manager, and the Mayor I thank you for the space to work beside you and I pray that we in exemplify the first display of unity with one vision to elevate our City. To you (all the citizens of Pahokee), I thank you for all your undying support, it may have been just a valid choice to you, but each one is more than that to me. To me each voter signifies an individual that believed and trusted in me to be your voices, so now my work beings. I would like you the citizens to remember is that what's required to move the City forward, it's not just us (City Commissioners), but includes you all. We have to be like minded and willing to put aside our personal agendas, as well as feelings toward specific individual in order to gather the vision of building our City. Together we can make big progress and create bigger opportunities for all of us. We all have one main aspect in common, we all say that we have a love for Pahokee, now lest transform the words into action and put our minds and ideas together, and let's start attending the meetings in multitudes. I challenge you all to research your City, make yourself knowledgeable of the laws, and choose to hold your City Officials accountable. Thank you and God bless you.

Mayor Babb welcomes Commissioner Murvin to the dais and knows she's going to do a fantastic job. Congratulation to Mr. Herbert Crawford for running outstanding race, they both worked very hard doing their campaigning. Mr. Crawford you should be commended for coming to support your opposing candidate during their swearing in.

**Selection of Vice Mayor:**

Commissioner Murvin motioned appointing Commissioner Hill as Vice Mayor.

**Approval of Appointing Commissioner Hill as Vice Mayor.**

**Motion by Commissioner Murvin. Seconded by Commissioner Hill.**

**Motion carried (4) aye; (1) nay.**

Mayor Babb congratulates Commissioner Hill, the motion passed.

**Ordinances:**

1. **ORDINANCE (first reading ) 2016 -02 AN ORDINANCE OF THE CITY OF PAHOKEE AMENDING THE PAHOKEE CODE OF ORDINANCES TO APPEAL CHAPTER 10-1 THROUGH 10-55 TO ADOPT A NEW CHAPTER 10 TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR**

**OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**Approval of Ordinance 2016 - 02.**

**Motion by Commissioner Walker. Seconded by Vice Mayor Hill.**

**Motion carried on unanimously.**

Mayor Babb allows newly appointed Vice Mayor Hill to say a few words.

Vice Mayor Hill apologizes for her appearance. It's a lot been going in my life for the past week. I fell as though many burdens have been taken off of my shoulder. I don't normally speak about the law issues that I have been enduring, I have to talk about cause that's how I can deal with it. My legal issues as of the day before Thursday (the criminal charges) have been taken care of, I am now cleared. My issues with Mr. Crawford and the Election Commission will be cleared within the next two weeks. We have come to an agreement and everything worked out very well for me. I have waited for a very long time to say that, I've been here and I've been very quite. This has been a very bittersweet moment for me, but I promise the citizens that I'll do all I can to move this City forward. This is why I was placed in this seat and I know for a fact that God placed me here for this reason because I have true testimony for anybody. I know that I was put through that for a reason and it didn't make me stronger, it made me a different person and better. I want to say to our newly Elected Commissioner to just continue, don't allow fear of other folks to stop you. I want us all to try to move forward. I want to say to my citizens that I do apologize for what has been going on for the past four years. Again, I'll do all I can to move this City forward, I love you guys and I love the City.

**Resolutions:**

1. **RESOLUTION 2016 – 09 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE MAYOR TO APPLY FOR PNC BANK SIGNATURE BUSINESS OPTIONS CREDIT CARD WITH LIMIT OF \$40,000.**

Mayor Babb announced we are going to let the City Manager advise us of why the increase in the credit card limit is necessary.

City Manager Mr. Williamson informed that the City credit rate is currently \$10,000, which is a low amount for any municipality. The City has been making our payments on time and automatically for the past couple of months, so we have built that credit limit up. Normally municipalities have a credit limit of \$100,000 and more, an increase to \$40,000 suggest we are moving in the right direction. In the past, we have had situations where we had to adjust for a trip (when all the City Commissioners attend) because our credit limit is low. So, the opportunity for the City to increase the credit limit is a good thing, it doesn't mean the City is excessive spending. It allows us to pay our bills on time and have the funds in case of any emergency situation.

Commissioner Holmes believes that the City Attorney asked the City Manager for the credit card statement and there are some things on our credit cards I would like for you to explain. It looks like you are renting a car in College Park, Georgia.

Mr. Williamson advised that was a connected flight to Tallahassee which he was late for.

Commissioner Holmes advised that was one of them and inquired if all of them were connected late flights.

Mr. Williamson replied like I said there were to connected flight that I missed and had to book a rental. You can't flight to Tallahassee without it being a connected flight. Why? I don't know.

Commissioner Holmes advised last time we had a meeting I requested that our City Clerk have a take home vehicle. She took it home one day and the next you made her park it. Could you explain to me your reason?

Mr. Williamson replied the City Clerk lives two (2) miles from City Hall. First of all, we have never allowed the City Clerk to take a vehicle home. So, I thought that would be a challenge to explain to the public. Why we allowing our

City Clerk to drive a vehicle home (who live right here in town)? Also, that should be a conversation that the board has. I jumped out there kind of fast, so I pulled that back.

Commissioner Holmes acknowledged what the City Manager is saying. Now, we have never had a Deputy City Manager and you let her drive a City vehicle home and she's not a Charter Officer. Let me explain something, our City Clerk is a Charter Officer. If she can't take her car home, I don't see why you or the Deputy City Manager should take a car home. We need to start saving money and all of us need to park our vehicles at City Hall.

Mr. Williamson advised in my contract I am entitled to a City vehicle. Second, as the City Manager I have the authority over all the fleet vehicles. So, on my calendar I have over thirty (30) meetings and sometimes I go directly from my house to those meetings (not City Hall first). Therefore, I split these meeting with the Deputy City Manager which has to go to meeting before heading to City Hall. When there's an emergency in this City, they don't call the City Clerk; they call the City Manager or the Deputy City Manager. So, the decision to allow my Deputy City Manager to take a vehicle home is validated. Now, that I have a City vehicle it cuts the cost from flying to Tallahassee on a plane to driving. The City Manager has the final decision of the vehicles, even for the City Clerk.

Mayor Babb suggested having a workshop on it. But, the City Manager has a point. He has authorization over the fleet and an umbrella over day-to-day operations. Although, Commissioner Holmes has a point because she is a Charter Officer. In the future, we should make a motion, have a discussion and vote. We need to sit down and talk to the City Clerk and see the necessity of her using the City vehicle. That may put some additional responsibilities on her, if the vehicle is at her home. The vehicle can be vandalized or she can get up on a Saturday morning, jump inside without realizing it's the City vehicle.

Commissioner Holmes requested to see the credit card receipt every month.

Mayor Babb advised he thinks we were doing that in the past and I have that as part of my agenda. I think it's a good suggestion, that's part of the checks and balances of the Commission. I think we should do that.

Commissioner Holmes asked the City Attorney is the City Manager in charge of the City Clerks vehicle.

City Attorney Mr. Brandenburg answered the City Manager is in charge of deciding which one of the City's employees are entitled to a City vehicle. On the other hand, the City Clerk works directly for the Commission and the compensation for the Clerk (benefits and other items) are decided on by a majority vote. Then, the City Manager will accommodate the Commission.

Commissioner Holmes makes the motion for the City Clerk to be allowed to take her City vehicle home, just like the City Manager and the Deputy City Manager.

Commissioner Walker advised at a pervious making it was brought up by Commissioner Holmes and the City Manager replied we will discuss it. So, I don't know if that happened or not (apparently didn't).

Mayor Babb advised I can't justify a City Clerk using a City vehicle when she only lives two (2) miles away from her job. I would have a talk or dialog with the City Clerk to see if it's necessary for her to have the City vehicle. Again, I can't see any justification for that.

Commissioner Hill asked where you have to relocate.

City Clerk Ms. Warner replied Canal Point.

Commissioner Walker inquired if any of us had a conversation with the City Clerk.

Commissioner Holmes advised I've had a conversation with the City Clerk. She is a Charter Officer which means we have the umbrella over our City Clerk. I motion that we let the City Clerk drive her City vehicle to Canal Point.

Mayor Babb asked have you spoken with her and there was actually a need for the City car.

Commissioner Holmes replies yes, I have.

Mayor Babb asked Commissioner Holmes have you conducted any research that have the similar distance that allows the City Clerk to drive a vehicle home.

Commissioner Holmes replied yes, I have.

Mayor Babb asked Commissioner Holmes which one of those.

Commissioner Holmes advised the City of Opa Locka, everybody drives a car.

**Approval of City Clerk taking the City vehicle home.**

**Motion by Commissioner Holmes. Seconded by Commissioner Walker.**

**Motion carried (3) aye; (2) nay.**

Mayor Babb advised to let the record reflect that Commissioner Holmes had to be excused from the meeting.

**Approval of Resolution 2016 – 09.**

**Motion by Commissioner Walker. Seconded by Vice Mayor Hill.**

**Motion carried on unanimously.**

2. RESOLUTION 2016 – 10 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, PALM BEACH COUNTY, FORIDA, SUPPORTING PALM BEACH COUNTY AND THE SCHOOL DISTRICT OF PALM BEACH COUNTY’S PLAN TO ENACT A ONE-CENT SALES TAX TO PAY FOR NEEDED IMPROVEMENTS TO PUBLIC INFRASTRUCTURE, PARKS, PUBLIC SAFETY INITIATIVES AND ECONOMIC DEVELOPMENT, AND TO PLACE REFERENDUM ON THE NOVEMBER 8, 2016 BALLOT FOR VOTER APPROVAL OF SUCH SALES TAX; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
3. RESOLUTION 2016 – 14 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY AND MUNICIPALITIES IN PALM BEACH COUNTY FOR THE SHARED DISTRIBUTION AND USE OF A PROPOSED ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.

**Approval of Resolution 2016 – 10 and 2016 - 14.**

**Motion by Commission Walker. Seconded by Commissioner Murvin.**

**Motion carried on unanimously.**

4. RESOLUTION 2016 – 11 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, RATIFYING THE APPOINTMENT OF TIJAUNA WARNER AS CITY CLERK.

City Attorney Mr. Brandenburg advised when looking through the resolutions, it appears that the City Commission never made a resolution appointing her as the City Clerk and this corrects that issue.

Commissioner Walker inquired so we do this before we do her ninety (90) day evaluation (which has pasted).

City Attorney advised in the past when a person is designated as City Clerk we do a resolution right then.

Commissioner Walker thanks the City Manager for the clarification.

**Approval of Resolution 2016 – 11.**

**Motion by Commissioner Walker. Seconded by Vice Mayor Hill.**

**Motion carried on unanimously.**

5. RESOLUTION 2016 – 12 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT WITH

EARLY LEARNING COALITION OF PALM BEACH COUNTY FOR STATEWIDE SCHOOL READINESS  
CHILD CARE SERVICE.

Approval of Resolution 2016 – 12.

Motion by Commissioner Walker. Seconded by Vice Mayor Hill.

Motion carried on unanimously.

6. RESOLUTION 2016 – 13 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT WITH EARLY LEARNING COALITION OF PALM BEACH COUNTY FOR CSC SCHOLARSHIP PROVIDER FISCAL YEAR 2016-2017.

Approval of Resolution 2016 – 13.

Motion by Commissioner Walker. Seconded by Vice Mayor Hill.

Motion carried on unanimously.

7. RESOLUTION 2016 -15 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT WITH THE OFFICE OF COMMUNITY RELATIONS (OCR) OF PALM BEACH COUNTY FOR THE COMMUNITY BACK TO SCHOOL BASH.

Approval of Resolution 2016 – 15.

Motion by Commissioner Walker. Seconded by Commissioner Murvin.

Motion carried on unanimously.

8. RESOLUTION 2016 – 16 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, APPROVING VARIOUS INTERNAL AMENDMENTS TO THE FY2016 BUDGET.

Approval of Resolution 2016 – 16.

Motion by Commissioner Walker. Seconded by Commissioner Murvin.

Motion carried on unanimously.

Proclamation:

1. Mayors Day of Recognition for National Service

Approval of Proclamation Mayors Day of Recognition for National Service.

Motion by Commissioner Walker. Seconded by Commissioner Murvin.

Motion carried on unanimously.

Mayor Babb announced I will be presenting this proclamation on April 29 at the State College to the volunteers.

Report of the Mayor:

Mayor Babb advised I just like to encourage the City Commission to take a look at the Glades Regional Master Plan. The dialogue of the City Manager encouraged me to read it, so I encourage the Commissioners. It's a document that the County received \$1.9million from the Federal Government to conduct a study of the Glades, to identify problems and find solutions. Why the County hasn't moved forward in implementing that document is a mystery to us. I think it would be beneficial for all (City Commissioners and citizens) to take a look at the documents. Go on the website and google Glades Regional Master Plan and it will come up. We just going to encourage you to do that because we are going to have some dialogue with the County Commissioners. Palm Beach County unemployment rate fell to 4.5% in January, so the unemployment rate for the County is going down; but, for the Glades area we are still at unemployment rate of around 40%. So, I want to challenge this Commission to create jobs for our residents. We need to do whatever it takes to bring unemployment rate down in our area. Bringing in new businesses is still our goal, but our current businesses are struggling because they don't have support from our community. We want to recognize shops at home as much as possible and recognize our locate businesses. Thriftway is planning on a \$200,000-\$300,000 expansion and they also own some property next to the Church of God. They are considering doing some



low-income affordable housing. There are a lot of things going on in Pahokee, just at the bottom you'll be able to see some of the things that's going on.

Also, I like to recognize local businesses (on a monthly bases) to get them to continue to serve Pahokee and allow them to share with the public what they are doing. I think we should recognize two (2) businesses a month and rotate it between the City Commissioners. I would like to recognize at our next meeting Thriftway Super Market and Glades Health Care Center. Also, I would like you the Commission to take the initiative to support creating jobs for college and high school students during the summer break. We can ask each business to hire at least one (1) student for six (6) weeks. That will help that student get supplies and clothing for school.

Commissioner Walker announced Glades Career Source had a discussion yesterday on Job Readiness (age ranging 16-24), which place the students or individuals on a job.

Mayor Babb advised I would like for us to have a job fair (which would be competitive) with twenty (20) businesses. Also, the Chambers have been working with a gentleman by the name of Mr. Jimmy, who has been working for six (6) years with an Apprentice Program (which pays you while you study, receive training, and work). About two (2) years ago, we had a Job Fair and about 150 people showed up (which was successful), but only one (1) of them followed through. In June, we are having a Career Educational Fair to explain to them about this opportunity.

Mayor Babb motioned that the credit card report be sent to the City Commissioners every month.

Mr. Williamson advised I will send you the credit cards report each month, but you may motion if you think is necessary.

Mayor Babb encourage the City Commissioners if there are some major questions, let's do it in the workshop instead of our regular Commission meeting.

Mr. Williamson suggested attending the one-on-ones (with the City Manager) will give them the opportunity to address any issue or concerns.

Mayor Babb advised that the credit card reports needs ratification by the City Commissioners at the Commission meetings. Look at the incident with Senator Rubio and Commissioner Clinton, they all had some problems with credit cards. Therefore, we need transparency and accountability.

Commissioner Walker mentioned we also did a monthly report with the gas cards as well. Also, related to the credit card report I noticed Commissioner Holmes had one and I hope you are sharing the information with all the Commissioners (I didn't receive this information).

Mayor Babb recommends honoring two (2) previous mayors like we did with Commissioner Biggs, that's something we don't normally do. I was here for twelve (12) years and we I left last year, I didn't get that recognition (I am focusing on me). It's just a courtesy we should do. JP Sasser and Mayor Whitaker didn't get recognized. In addition, we want to recognize every past mayor by putting their portraits on the wall.

Commissioner advised I brought the forth and they decided to just recognize deceased mayors.

Mayor Babb replied if that was voted on, then let's just do the deceased mayors (portraits on the wall). Mayor Padgett is the longest serving mayor and commissioner in the history of Pahokee, he serve a term of twenty-five (25) years.

In addition, I was asked that we include some additional information on our website. They gave an example, South Bay has were you can click on the code of ordinance, public notices, document center, and you go to their budget. Belle Glade also has a quick link that goes to their pension plan, financial statement, so they have a lot more information. I'm not saying we can do this over night, but look into it and provide an update.

#### **Report of the City Manager:**

Mr. Williamson thanks Commissioner Walker for mentioning the "Relay for Life", I forgot that in my save the dates. We have finished on the construction project on the picnic shelter on the public side of the Marina. We are expecting the delivery of the picnic benches that being prepared by West Tech. We are in the process of selecting a company to place the MLK Playground equipment in the play (I know that was Commissioner Walkers' concern). Right now, we trying to get the roof repair the Parks and Recreation and we are breaking down that project into sections. I am excited

about the direction the City is going in. I didn't grow up here, but when I listen to the citizens about how this community was I know we are going to get this community back like it was. It's going to take all of us working together to ensure that Pahokee receives its fair share from the government. We need to get aggressive about the federal funding from the federal government. Lastly, I want to personally thank my Director of Public Workers Mr. Alvin Johnson for them doing a tremendous job here in the City of Pahokee. When issues arise here in the City of Pahokee, Mr. Johnson goes right out with his team (once they're aware of the issue). So, I encourage the community when you see illegal dumping or trash outside on the streets, please give us a call. We may not address it that day, but the day after we will try. Thank you Mr. Johnson for doing all you do.

My grandmother past about a week and a half ago, I was out last week. I was raised up poor, for most of my life I was raised by my grandmother. My grandmother has thirteen (13) kids, my mother was the oldest kid, and I was the oldest grandchild. I would come home from college and she would always say "Alright now, do the right thing". So, my grandmother didn't graduate from high school, but she had thirteen (13) kids and ten (10) of them sent to college. My grandfather's ninety-two (92) and they have been married for sixty-four (64) years and he's still living. Last week when I went home, it was a happy time. It reminded me why I'm here in the City of Pahokee, I am here to do the work for the City of Pahokee. My grandmother gave me the strength that I needed. I've been here a year and I want to ensure the essence of how I was raised as a child has allowed me to be patient here, has allowed me to understand this community, and I know I am not from Pahokee. So, that's why we (Mr. Williamson and Mrs. Moore) fight so hard for the City of Pahokee. I'm not going until the job is done. I am to take this opportunity to thank the staff who gave me the cards, flowers, called, or texted. I greatly appreciate that and it makes me feel like I am home.

Mayor Babb asked for an update status on the hiring of three (3) vacancies (financial director, code enforcement officer, and a grant specialist).

Mr. Williamson advised we are shifting out to get a grant writer and adjusting Mr. Raju salaries to cover the cost of a full-time grant writer. We are currently in the process of transferring one (1) of other staff to the code enforcement officer position (which should occur in the next week or so). I have given our HR Director to go head and start formatting the advertisement for the financial director position. Physically, we would have someone in this position by mid part of June.

Mayor Babb announced the City Manager assured me of a nice entrance sign to welcome people home.

#### **Report of the City Attorney:**

City Attorney Mr. Brandenburg advised there's three (3) ordinances he would like the Mayors advice on. First, a new County Ordinance is being adopted that relates to public parks, allowing the police to give trespass notices which don't allow them to come back to the park for a period of time. Is that an ordinance that you would like me to prepare and for you to consider here in the City?

Mayor Babb asked for some examples and how much time are the suspended from the park.

Mr. Brandenburg advised he don't have the schedule of how long their expelled for, but I can put it on the agenda for the next meeting.

Mr. Brandenburg asked would you like me to amend the ordinance in reference to the sale of property because of the size of the signs.

Mayor Babb replies long as it's visible enough for people to know the property is for sale.

Mr. Brandenburg asked would you like a provision that requires dumpster enclosures.

Mr. Williamson advised I think we should move forward with that. We need to start cleaning up the eye sores and improve our quality of life.

Mayor Babb advised the City Attorney to move forward.

Mr. Brandenburg announced in the past we weren't able to find the company that owned the Old Hospital site. We have located and served the owners of the Old Hospital site, they have hired a local attorney that has responded to the lawsuit. The attorney inquired about potential for settlement and suggested replacing all the broken windows with glass (not board them up), all the doors would be replaced with new doors, the building would be locked/secured, the entire exterior would be cleaned, grounds would be cleared of trash/cut, and hiring an on-site caretaker. The City's goal was to obtain titles and ask other agencies for funds to demolish it, because we didn't own it we lost an opportunity from SWA. Yet, we don't know the amounts that will be available next year. Those amounts next year won't be sufficient funds at one time to demolish the Old Hospital site.

Mayor Babb advised the offer is something they should be doing and I didn't hear anything about them reimbursing the funds the City has put into this site. If we get this property and demolish it, then we can build a hotel. There are only a few sites that if a hotel chain came in that available, that's the Old City Hall/Water Plant and the Old Hospital site. That's a weak offer and we can counter offer. The Old Hospital site is a great space for a hotel.

Mr. Williamson advised there are over \$2million in code violations and they haven't offered anything. Typically, we get 10% of the code violations and they didn't mention that. We have to hold this company accountable.

Mr. Brandenburg explains when you foreclose on a code enforcement lien, you get the property (you don't get the money). The issue is, is the property underneath that building worth more than \$250,000 because if it's not you've just bought yourself a loss. The \$250,000 you get from the County you can spend somewhere else on a solid budget in the City. If you spend it on knocking down a building and the land is worth \$180,000, you have lost \$70,000. You don't ever get the amount of the lien above the value of the property and that property is not near \$2million.

It is very difficult to try to estimate the cost of an asbestos abatement and it's possibility it could run higher than \$250,000.

Vice Mayor Hill asked where does this stop and why can't we have a sit down with the owners. This is a very big building in our company and it can make a big difference in our community.

Mr. Brandenburg advised the owners are constantly traveling and it's not likely that we will get these owners to come in and sit down to talk to you. They are trying to get someone to purchase the property.

Vice Mayor Hill suggested moving forward with the foreclosure.

Mayor Babb suggested having a workshop on the Old Hospital site with more details.

#### **Old Business:**

##### **1. Gymnasium Update**

City Manager Mr. Williamson advised the City is still working with a private benefactor and a cost analyst.

#### **New Business:**

##### **1. Community Relations Board (alternate member)**

City Clerk Ms. Warner advised we have two (2) applicants, Ms. Patricia Wilson and Ms. Annie Coor.

Commissioner Murvin motioned appointing Ms. Patricia Wilson as the alternate to the Community Relations Board.

#### **Approval of Appointing Patricia Wilson as Community Relations Board (alternate member).**

#### **Motion by Commissioner Murvin. Seconded by Vice Mayor Hill.**

#### **Motion carried on unanimously.**

#### **City Commission Comments:**

Commissioner Murvin quotes "Surrender to what is, Let go of what was, and have faith in what will be". Goodnight.

Commissioner Walker asked have we set a date for the Town Hall meeting.

Mr. Williamson responded no ma'am.

Commissioner Walker motioned canceling the May 24, 2016 City Commission meeting because that's the same night as the Pahokee High School Graduation at 7pm.

**Approval of Canceling May 24, 2016 City Commission Meeting.**

**Motion by Commissioner Walker. Seconded by Commissioner Murvin.**

**Motion carried on unanimously.**

Commissioner Walker inquired about the restroom situation on the Marina.

Mr. Williamson suggested having port-a-potties around the Marina as we research that information.

Commissioner Walker required recognizing the students for Pahokee High that are participating in the Youth Entrepreneurs at Central Palm Beach Chamber of Commerce. They did a great presentation with submitting their business proposals. We did have two (2) presentations yesterday at the Roundtable. Thanks everyone for being here and welcomes Commissioner Murvin to the Commission.

Vice Mayor Hill asked the Commission will they approve me attending a grant writing workshop to get certified as a grant writer. I will be able to assist the City with the grant writer situation. The entire workshop is \$999 and I will pay for airfare/hotel in Atlanta.

Mr. Williamson advised the funds are in the budget.

Commissioner Walker questions will this interfere with day-to-day operations, you probably need to hear from the attorney about this.

Mr. Brandenburg replied we will have to be careful and make sure it doesn't interfere with staff. The trip and expense have to be primarily for the benefit of the City not for the betterment of individual. This is knowledge you will bring back and share with the City.

Mayor Babb required seeing addition information and then voting on it.

There being no further business to discuss, Mayor Babb adjourns the meeting at 9:40p.m.

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Keith W. Babb, Jr., Mayor

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ATTEST: Tijauna Warner, City Clerk

# CONSENT AGENDA

NOTICE

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

# ORDINANCES

## NOTICE

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ORDINANCE NO. 02

**AN ORDINANCE OF THE CITY OF PAHOKEE AMENDING THE PAHOKEE CODE OF ORDINANCES TO REPEAL CHAPTER 10-1 THROUGH 10-55 TO ADOPT A NEW CHAPTER 10 TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Pahokee and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of Pahokee was accepted for participation in the National Flood Insurance Program on May 15, 1978 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

**WHEREAS**, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*; and

**WHEREAS**, the City Commission adopted a requirement to require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a three year period, and to limit partitioning of enclosed areas below elevated buildings and to limit access to enclosed areas for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

**WHEREAS**, the City Commission, based upon review of local conditions and as demonstrated by evidence has determined that there is a local need to limit new installations of manufactured homes in certain high risk flood hazard areas;

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Pahokee

that the following floodplain management regulations are hereby adopted.

## **SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s):** Chapter 10, Sections 10-1 through 10-87.

## **ARTICLE I ADMINISTRATION**

### **SECTION 1 GENERAL**

**10-1. Title.** These regulations shall be known as the *Floodplain Management Ordinance* of the City of Pahokee, hereinafter referred to as "this ordinance."

**10-2. Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

**10-3. Intent.** The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.



**10-4. Coordination with the *Florida Building Code*.** This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

**10-5. Warning.** The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

**10-6. Disclaimer of Liability.** This ordinance shall not create liability on the part of the City of Pahokee or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

## SECTION 2 APPLICABILITY

**10-7. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**10-8. Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard areas within the City of Pahokee, as established in Section 10-9 of this ordinance.

**10-9. Basis for establishing flood hazard areas.** The Flood Insurance Study and Wave Height Analysis for the City of Pahokee, Florida, Palm Beach County, dated April 15, 1982, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall.

**10-10. Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Article I, Section 5 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

**10-11. Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

**10-12. Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

**10-13. Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

### **SECTION 3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**10-14. Designation.** The Zoning Officer is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

**10-15. General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Article I, Section 7 of this ordinance.

**10-16. Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures

and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

**10-17. Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

**10-18. Modifications of the strict application of the requirements of the *Florida Building Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Article I, Section 7 of this ordinance.

**10-19. Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

**10-20. Inspections.** The Floodplain Administrator shall make the required inspections as specified in Article I, Section 6 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**10-21. Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 10-17 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Pahokee are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

**10-22. Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at City Hall.

#### **SECTION 4 PERMITS**

**10-23. Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

**10-24. Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**10-25. Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

**10-26. Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Article I, Section 5 of this ordinance.
- (5) State the valuation of the proposed work.

- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

**10-27. Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

**10-28. Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

**10-29. Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

**10-30. Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

## SECTION 5 SITE PLANS AND CONSTRUCTION DOCUMENTS

**10-31. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood

Insurance Study, they shall be established in accordance with Section 10-32(2) or (3) of this ordinance.

- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10-32(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

**10-32. Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**10-33. Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 10-34 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 10-34 of this ordinance.
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

**10-34. Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## SECTION 6 INSPECTIONS

**10-35. General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.



**10-36. Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**10-37. Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**10-38. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 10-32(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

**10-39. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 10-38 of this ordinance.

**10-40. Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

## **SECTION 7 VARIANCES AND APPEALS**

**10-41. General.** The Board of Adjustments shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Board of Adjustments shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

**10-42. Appeals.** The Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

**10-43. Limitations on authority to grant variances.** The Board of Adjustments shall base its decisions on variances on technical justifications submitted by applicants, the considerations for

issuance in Section 10-47 of this ordinance, the conditions of issuance set forth in Section 10-48 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustments has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

**10-44. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 10-33 of this ordinance.

**10-45. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

**10-46. Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 10-44, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**10-47. Considerations for issuance of variances.** In reviewing requests for variances, the Board of Adjustments shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**10-48. Conditions for issuance of variances.** Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Board of Adjustments that:
  - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## **SECTION 8 VIOLATIONS**

**10-49. Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

**10-50. Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**10-51. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to

perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## ARTICLE II DEFINITIONS

### SECTION 1 GENERAL

**10-52. Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

**10-53. Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

**10-54. Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

### SECTION 2 DEFINITIONS

**Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

**ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

**Coastal construction control line.** The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal high hazard area.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as

"high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the "start of construction" commenced before May 15, 1978. [Also defined in FBC, B, Section 202.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 15, 1978.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

**Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost

depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after May 15, 1978 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 15, 1978.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [See section 320.01, F.S.]

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

**Start of construction.** The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]



**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

**Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a three-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the three-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to the date of adoption of this ordinance. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
  
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

## ARTICLE III FLOOD RESISTANT DEVELOPMENT

### SECTION 1 BUILDINGS AND STRUCTURES

**10-55. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to Section 10-25 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Article III, Section 7 of this ordinance.

**10-56. Buildings and structures seaward of the coastal construction control line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, *Building Section 3109* and Section 1612 or *Florida Building Code*, *Residential Section R322*.

- (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

## **SECTION 2 SUBDIVISIONS**

**10-57. Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**10-58. Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 10-32(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Article III, Section 3 of this ordinance.

## **SECTION 3 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

**10-59. Minimum requirements.** All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**10-60. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment

and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**10-61. Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**10-62. Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 10-33(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**10-63. Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

**10-64. Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of shoreline or native vegetation shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 10-33(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration under or around elevated buildings and structures shall comply with Section 10-87(3) of this ordinance.

#### SECTION 4 MANUFACTURED HOMES

**10-65. General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

**10-66 Limitations on installation in floodways and coastal high hazard areas (Zone V).** New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

**10-67. Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 10-71 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

**10-68. Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**10-69. Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 10-709 or 10-71 of this ordinance, as applicable.

**10-70. General elevation requirement.** Unless subject to the requirements of Section 10-71 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

**10-71. Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to Section 10-70 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

**10-72. Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

**10-73. Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

## SECTION 5 RECREATIONAL VEHICLES AND PARK TRAILERS

**10-74. Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type

utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

**10-75. Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in Section 10-74 of this ordinance for temporary placement shall meet the requirements of Article III, Section 4 of this ordinance for manufactured homes.

## SECTION 6 TANKS

**10-76. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**10-77. Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 10-78 of this ordinance shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

**10-78. Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**10-79. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## SECTION 7 OTHER DEVELOPMENT

**10-80. General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 10-62 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**10-81. Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 10-62 of this ordinance.

**10-82. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 10-62 of this ordinance.

**10-83. Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 10-62 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 10-33(3) of this ordinance.

**10-84. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).** In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

**10-85. Decks and patios in coastal high hazard areas (Zone V).** In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is

constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**10-86. Other development in coastal high hazard areas (Zone V).** In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

**10-87. Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

**SECTION 3. The Pahokee Code of Ordinances, Chapter 6 Buildings and Building Regulations, is hereby amended by the following technical amendment to the *Florida Building Code, Building*.**

Modify the definitions as follows:

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a three-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each

building or structure, the three-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to the date of adoption of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Modify section 1612.4.1 as follows:

**1612.4.1 Additional requirements for enclosed areas.** In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

**SECTION 4. The Pahokee Code of Ordinances, Chapter 6 Buildings and Building Regulations, is hereby amended by the following technical amendment to the *Florida Building Code, Existing Building*.**

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a three-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the three-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to date of adoption of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SECTION 5. The Pahokee Code of Ordinances, Chapter 6 Buildings and Building Regulations, is hereby amended by the following technical amendment to the *Florida Building Code, Residential*.**

**R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

*Remainder of R322.2.2 unchanged.*



**R322.3.4 Walls below design flood elevation.** Walls and partitions are not permitted below the elevated floor, ~~provided that such walls and partitions are not part of the structural support of the building or structure and:~~

- ~~1—Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and~~
- ~~2—Are constructed with insect screening or open lattice; or~~
- ~~3—Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or~~
- ~~4—Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
  - ~~4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.~~
  - ~~4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.~~~~

**R322.3.5 Enclosed areas below design flood elevation.** Enclosed areas below the design flood elevation are not permitted ~~shall be used solely for parking of vehicles, building access or storage.~~

**Exception:** Areas enclosed by insect screening or open lattice.

## **Section 6. FISCAL IMPACT STATEMENT.**

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**Section 7. Applicability.** For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Pahokee. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**Section 8. Severability.** If any section, subsection, clause or provision of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 9. Conflict.** All sections or parts of sections of the revised Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 10. Inclusion in the Code of Ordinances.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and are made a part of the Code of Ordinances of the City of Pahokee, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

**Section 11. Effective Date.** This Ordinance shall be effective immediately upon passage by the City Commission in second reading.

PASSED AND ADOPTED on first reading this 12<sup>th</sup> day of April, 2016.

PASSED AND ADOPTED in second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
KEITH W. BABB, JR., MAYOR

Attest: \_\_\_\_\_  
Tijauna Warner, CITY CLERK

	First Reading	Second and Final Reading
MAYOR BABB	<u>yes</u>	_____
COMMISSIONER HILL	<u>yes</u>	_____
COMMISSIONER HOLMES	<u>yes</u>	_____
COMMISSIONER MURVIN	<u>yes</u>	_____
COMMISSIONER WALKER	<u>yes</u>	_____

APPROVED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
Gary M. Brandenburg, CITY ATTORNEY

ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AMENDING SEC. 2-2. SALE OF ANY CITY REAL ESTATE PROPERTY, TO MODIFY THE SIGNAGE REQUIRED TO BE PLACED ON THE PROPERTY FOR SALE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the City Commission of Pahokee finds that revisions to the Code of Ordinances of the City of Pahokee are necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:**

- Section 1. Recitals.** The foregoing “WHEREAS” clause is ratified and confirmed as being true and correct as is made a specific part of this Ordinance.
- Section 2. Sec. 2-2. Is hereby amended as follows:**
- (3) **A minimum four-foot by four-foot sign will be placed on property for sale which is more than 5 acres. Smaller properties will have signs placed which are appropriate for their size and location and which are sufficient to place the public on notice regarding the bidding process and time frame.**
- Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.
- Section 4. Conflict.** All sections or parts of sections of the revised Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.
- Section 5. Inclusion in the Code of Ordinances.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and are made a part of the Code of Ordinances of the City of Pahokee, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon passage by the City Commission in second reading.

PASSED AND ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 20116

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith W. Babb, Jr., MAYOR

Attest: \_\_\_\_\_  
Tijauna Warner, CITY CLERK

	First Reading	Second and Final Reading
MAYOR BABB	_____	_____
VICE MAYOR HILL	_____	_____
COMMISSIONER HOLMES	_____	_____
COMMISSIONER MURVIN	_____	_____
COMMISSIONER WALKER	_____	_____

APPROVED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
Gary M. Brandenburg, CITY ATTORNEY

ORDINANCE NO. 2016-04

**AN ORDINANCE OF THE CITY OF PAHOKEE, FLORIDA, PROVIDING FOR THE CITY'S CONTINUING CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF PAHOKEE'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MSTU (MUNICIPAL SERVICES TAXING UNIT); PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR AN EFFECTIVE DATE AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS.**

**WHEREAS**, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish municipal service taxing units ("MSTU's"), whereby a county may levy a tax within the county for certain municipal services, including the provision of fire-rescue services; and

**WHEREAS**, pursuant to Section 125.01(1)(q), Florida Statutes, the Florida Legislature has provided that any municipality or portion thereof may be included in a municipal service taxing unit, provided that municipality adopts an ordinance giving its consent either annually or for a term of years; and

**WHEREAS**, Palm Beach County established an MSTU known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement, and other services necessary and incidental to the purpose for which the MSTU was created; and

**WHEREAS**, the City Commission of the City of Pahokee, Florida, desires to consent to the inclusion of all the territory lying within the municipal boundaries of the City into the County's Fire/Rescue MSTU for fire-rescue and related services within the City, and believes that such inclusion is in the best interest of the health, safety and welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, that:**

**Section 1. Intent, Purpose and Consent.**

It is the intent of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Commission hereby consents to the inclusion of all the territory within the incorporated municipal boundaries of the City of Pahokee, as they may be amended from time to time, within Palm Beach County's Fire Rescue MSTU, which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is to enable the County to provide fire-rescue and related services within the territorial limits of the City of Pahokee, Florida.

**Section 2. Effective Date and Duration of Consent.**

The provisions of this Ordinance shall become effective December 31, 2015. The City's consent to be included in the County's Fire/Rescue MSTU shall continue for a term of ten years through December 31, 2025, to fund fire-rescue services by the County through September 30, 2025; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through September 30, 2025, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by tax year 2025, including but not limited to the enforcement of applicable laws and regulations.

**Section 3. Effectiveness of Repeal.**

Should the City repeal this ordinance prior to its expiration, the City shall provide written notice to Palm Beach County, by March 1<sup>st</sup> of any given year, of the City's intent to repeal this Ordinance, with said repeal to be effective December 31<sup>st</sup> of the same year. In such case, the City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31<sup>st</sup>; provided however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following September 30<sup>th</sup> to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to the enforcement of applicable laws and regulations.

**Section 4. Repeal of Laws in Conflict.**

All other ordinances or parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 5. Severability.**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 6 Codification.**

The provisions of this Ordinance shall become and be made a part of the code of ordinances of the City of Pahokee, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

**Section 7. Captions.**

The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

PASSED AND ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2016

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith W. Babb, Jr., MAYOR

Attest: \_\_\_\_\_  
Tijauna Warner, CITY CLERK

	First Reading	Second and Final Reading
MAYOR BABB	_____	_____
VICE MAYOR HILL	_____	_____
COMMISSIONER HOLMES	_____	_____
COMMISSIONER MURVIN	_____	_____
COMMISSIONER WALKER	_____	_____

APPROVED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
Gary M. Brandenburg, CITY ATTORNEY

# PRESENTATIONS

## NOTICE

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



# Business of the Mayor

PRESENTED TO:

GLADES HEALTH CARE CENTER  
230 S. BARFIELD HIGHWAY PAHOKEE, FL. 33476

In recognition of Outstanding Service to the Community

on

Presented this 26<sup>th</sup> day of April 2016

*Mayor Keith W. Babb, Jr.*  
Mayor Keith W. Babb, Jr.

*Commissioner Clara Murvin*  
Commissioner Clara Murvin

*Commissioner Diane L. Walker*  
Commissioner Diane L. Walker



*Vice Mayor Felicia C. Hill*  
Vice Mayor Felicia C. Hill

*Commissioner Nathaniel Holmes*  
Commissioner Nathaniel Holmes

*Chandler F. Williamson, City Manager*  
Chandler F. Williamson, City Manager

# Businesses of the Month

PRESENTED TO:

THRIFTWAY

181 RARDIN AVENUE PAHOKEE, FL. 33476

In recognition of Outstanding Service to the Community

on

Presented this 26<sup>th</sup> day of April 2016

*Mayor Keith W. Babb, Jr.*  
Mayor Keith W. Babb, Jr.

*Commissioner Clara Murvin*  
Commissioner Clara Murvin

*Commissioner Diane S. Walker*  
Commissioner Diane L. Walker



*Vice Mayor Felisia C. Hill*  
Vice Mayor Felisia C. Hill

*Commissioner Nathaniel Holmes*  
Commissioner Nathaniel Holmes

*Chandler F. Williamson, City Manager*  
Chandler F. Williamson, City Manager

*send  
to T Warner  
to be placed on next agenda under County Attorney  
Matthews*

ORDINANCE NO. 2016-\_\_\_\_\_

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE DESIGNATED AS THE PALM BEACH COUNTY PARKS AND NATURAL AREAS TRESPASS ORDINANCE; PROVIDING FOR A SHORT TITLE; PROVIDING FOR DEFINITIONS INCLUDING CRITERIA ON WHEN A TRESPASS NOTICE MAY BE ISSUED; PROVIDING FOR AUTHORIZATION TO ISSUE TRESPASS NOTICES; PROVIDING FOR APPEAL OF TRESPASS NOTICES; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida owns and/or operates various parks and natural areas throughout Palm Beach County ("County"); and

WHEREAS, current County codes and ordinances allow for citations to be issued in certain circumstances when violations are committed within parks and natural areas owned and/or operated by the County but do not provide a mechanism to temporarily enjoin violators from returning to such property; and

WHEREAS, the Board of County Commissioners finds that the presence of individuals who have violated certain County ordinances, rules or regulations, certain State laws or notices contained on a posted sign while within parks or natural areas owned and/or operated by the County creates a threat to the safety and welfare of visitors and citizens of the County and that temporarily enjoining such individuals from access to such property will promote public safety and welfare and protect such property; and

WHEREAS, the Board of County Commissioners wishes to establish a mechanism to issue trespass notices to individuals who violate County ordinances, rules or regulations, State laws or notices contained in a posted sign while on parks and natural areas owned and/or operated by the County; and

WHEREAS, the Board of County Commissioners wishes to establish procedures to be followed when trespass notices are issued, including a process to appeal the issuance of a trespass notice; and

1           WHEREAS, adopting a trespass ordinance is in the best interest of the citizens and  
2 visitors to the County who visit parks and natural areas owned and/or operated by the County.

3           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

5  
6 **Section 1. TITLE; APPLICABILITY.**

7 (a) This Ordinance shall be known as the Palm Beach County Parks and Natural Areas  
8 Trespass Ordinance.

9 (b) All provisions of this Ordinance shall be applicable to County Property within the  
10 unincorporated and incorporated areas of Palm Beach County.

11  
12 **Section 2. DEFINITIONS:**

13 (a) *Applicable Local Law* shall include the following:

14           (1) Intentionally damaging or destroying County Property, real or personal,  
15 including but not limited to any building; bridge; table; bench; fireplace; railing;  
16 paving; water line or other public utility or parts of appurtenances thereof; posted sign,  
17 notice or placard whether temporary or permanent; monument; stake, post or other  
18 boundary marker; or other structure, equipment, facility or appurtenance whatsoever;  
19 or

20           (2) Removing a live plant, plant part or plant material from County Property; or

21           (3) Molesting, harming, frightening, killing, trapping, hunting, chasing, shooting,  
22 throwing objects at, harassing, feeding, or otherwise inhibiting the natural movements  
23 and habits of any invertebrate, mammal, amphibian, reptile, fish or bird within a County  
24 Property. This paragraph shall not preclude fishing in a designated fishing area or  
25 removal of any nuisance wildlife or animal as authorized by the County; or

26           (4) Removing or attempting to remove any wild animal, or the eggs or nests of any  
27 amphibian, reptile, fish, bird or invertebrate from County Property. This paragraph  
28 shall not preclude fishing in a designated fishing area or removal of any nuisance  
29 wildlife or animal as authorized by the County; or

30           (5) Using, discharging or possessing fireworks (other than a firework display  
31 permitted by the County), explosives, or substances that could be combined into an  
32 explosive mixture within County Property; or

1 (6) Building or attempting to build any fire within County Property except in such  
2 areas where fireplaces or grills are provided or as specifically authorized by a regulation  
3 or permit issued by the County or dropping, throwing or otherwise depositing lighted  
4 matches, burning cigarettes or cigars or other flammable material within County  
5 Property; or

6 (7) Having been found to have violated any provision of the Palm Beach County  
7 Parks and Recreation Ordinance or Palm Beach County Natural Areas Ordinance three  
8 or more times or the same provision of the Palm Beach County Parks and Recreation  
9 Ordinance or Palm Beach County Natural Areas Ordinance two or more times; or

10 (8) Violating a notice contained on a posted sign on County Property.

11 (b) *Applicable State Law* shall include Chapter 316 (State Uniform Traffic Control), Chapter  
12 782 (Homicide), Chapter 784 (Assault; Battery; Culpable Negligence), Chapter 787  
13 (Kidnapping; False Imprisonment; Luring or Enticing a Child; Custody Offenses), Chapter 790  
14 (Weapons and Firearms), Chapter 794 (Sexual Battery), Chapter 796 (Prostitution), Chapter  
15 800 (Lewdness; Indecent Exposure), Chapter 806, (Arson and Criminal Mischief), Chapter 810  
16 (Burglary and Trespass), Chapter 812 (Theft, Robbery, and Related Crimes), Chapter 823  
17 (Public Nuisances) Chapter 825, (Abuse, Neglect, and Exploitation of Elderly Persons and  
18 Disabled Adults), Chapter 827 (Abuse of Children), Chapter 828 (Animals: Cruelty, Sales,  
19 Animal Enterprise Protection), Chapter 843 (Obstructing Justice), Chapter 847 (Obscenity),  
20 Chapter 856 (Drunkenness; Open House Parties; Loitering; Prowling Desertion), Chapter 859  
21 (Poisons; Adulterated Drugs), and Section 877.03 (Breach of the Peace; Disorderly Conduct),  
22 Chapter 893 (Drug Abuse Prevention and Control).

23 (c) *County* shall mean Palm Beach County.

24 (d) *County Property* shall mean any facility, building or outdoor area that is part of a park or  
25 natural area owned and/or operated by Palm Beach County.

26  
27 **Section 3. TRESPASS NOTICE; AUTHORIZATION TO ISSUE; APPEAL.**  
28

29 (a) Any Palm Beach County Sheriff's Deputy or law enforcement officer acting within his/her  
30 jurisdiction is authorized to issue a Trespass Notice to any individual who violates any  
31 Applicable Local Law or Applicable State Law while on County Property.

32 (b) Any person issued a Trespass Notice shall be prohibited from returning to the County  
33 Property specified in the Trespass Notice as follows:

34 (1) For the first Trespass Notice, for a period of one (1) year.

1 (2) For the second Trespass Notice, for a period of five (5) years.

2 (3) For the third or subsequent Trespass Notice, for a period of ten (10) years.

3 (c) A copy of the Trespass Notice shall be provided by mail or hand delivery to the Trespass  
4 Notice recipient with a copy provided to the employee or official having control over the  
5 County Property. The Trespass Notice shall include the name and address of the Trespass  
6 Notice recipient, the date, the provision of law the Trespass Notice recipient has violated, a  
7 brief description of the offending conduct, the location of the offence, the name of the person  
8 issuing the Trespass Notice and a description of the County Property to which the Trespass  
9 Notice recipient shall not return during the Trespass Notice period described in Section 3(b) of  
10 this Ordinance. The written Trespass Notice shall advise of the right to appeal and the location  
11 and telephone number for filing the appeal. The Trespass Notice shall include a warning that  
12 any person found on County Property in violation of a Trespass Notice may be arrested for  
13 trespassing.

14 (d) Appeal of Trespass Notice. The Trespass Notice recipient shall have the right to appeal as  
15 follows:

16 (1) An appeal of a Trespass Notice must be filed, in writing, at the address listed on the  
17 Trespass Notice within ten (10) days of the issuance of the Trespass Notice. The appeal  
18 shall include the Trespass Notice recipient's (appellant) name, address, telephone  
19 number, electronic mail address and facsimile number, if any; a copy of the Trespass  
20 Notice; and a statement of the basis for the appeal. Failure to file a written appeal  
21 within ten (10) days of issuance of the Trespass Notice shall be deemed a waiver of the  
22 right to appeal.

23 (2) A filing fee in the amount of \$20.00 shall accompany the appeal of the Trespass  
24 Notice.

25 (3) Appeals shall be heard by a special master with jurisdiction and authority to hear  
26 and decide alleged violations of the codes and ordinances enacted by the Board of  
27 County Commissioners. Any special master appointed to hear and decide Trespass  
28 Notice appeals shall satisfy the minimum qualifications established in Article 2.G.2 of  
29 the Palm Beach County Unified Land Development Code and shall serve, in an ex  
30 officio capacity, at the pleasure of the appointing authority for such period as is  
31 determined by the appointing authority.

1 (4) Within forty (40) days following the filing of the appeal, a hearing shall be held in  
2 front of a special master. Notice of the hearing shall be provided to the appellant by  
3 U.S. mail, electronic mail, facsimile, certified mail or hand delivery. If the issuance of  
4 a Trespass Notice was predicated on a violation of Applicable State Law and the  
5 criminal case is pending before the County or Circuit Court, the appeal hearing shall be  
6 stayed until the resolution of that case.

7 (5) The hearing shall be open to the public and shall be recorded.

8 (6) At the hearing, the burden of proof shall be on the County to demonstrate by clear  
9 and convincing evidence that a violation of an Applicable Local Law or Applicable  
10 State Law on County Property has occurred. However, proof that the appellant has  
11 entered a plea of guilty, regardless of adjudication, to the underlying offense shall be  
12 admissible at the hearing as an admission against interest.

13 (7) If the appellant fails to attend the appeal hearing, the appeal shall be dismissed with  
14 prejudice.

15 (8) All testimony shall be under oath and shall be recorded. The formal rules of  
16 evidence shall not apply but fundamental due process shall be observed and shall  
17 govern the proceedings. Upon determination of the special master, irrelevant,  
18 immaterial or unduly repetitious evidence may be excluded, but all other evidence of a  
19 type commonly relied upon by reasonably prudent persons in the conduct of their affairs  
20 shall be admissible, whether or not such evidence would be admissible in a trial in the  
21 courts of the State of Florida.

22 (9) The special master may inquire of or question any witness present at the hearing.  
23 The appellant or his/her attorney and an employee or attorney representing the County  
24 shall be permitted to inquire of or question any witness present at the hearing. The  
25 special master may consider testimony presented by any witness at the hearing.

26 (10) At the conclusion of the hearing, the special master shall orally render his or her  
27 decision (order) upholding or overruling the Trespass Notice based on evidence entered  
28 into the record. If the special master upholds the Trespass Notice, appellant shall be  
29 enjoined from returning to the County Property specified in the Trespass Notice for a  
30 period provided in Section 3(b) above. The decision shall then be transmitted to the  
31 appellant in the form of a written order including findings of fact and conclusions of  
32 law consistent with the record. The order shall be transmitted by mail to the appellant

1 within ten (10) days after the hearing and a copy shall be sent to the law enforcement  
2 agency whose officer issued the Trespass Notice.

3 (11) Any aggrieved party may appeal an order of the special master to the Circuit Court  
4 of Palm Beach County. Such appeal shall not be a hearing de novo but shall be limited  
5 to appellate review of the record created before the special master. Any appeal filed  
6 pursuant to this Ordinance shall be considered timely if filed within thirty (30) days of  
7 the execution of the order to be appealed. The County may assess a reasonable charge  
8 for the preparation of the record to be paid by the appellant in accordance with F. S. §  
9 119.07.

10 (12) The Trespass Notice shall remain in effect during any appeal process, unless a stay  
11 pending review is entered by a special master.

12 (13) A special master shall have the power to:

- 13 a. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be  
14 served by a sheriff or other authorized persons consistent with Rule 1.410(d),  
15 Florida Rules of Civil Procedure, upon request of the special master.
- 16 b. Subpoena records and other documentary material.
- 17 c. Take testimony under oath.
- 18 d. Issue orders having the full force and effect of law.

19 (e) The County Administrator or his/her designee may authorize an individual who has  
20 received a Trespass Notice to enter a specific County Property included within a Trespass  
21 Notice to exercise his or her First Amendment rights if there is no other reasonable alternative  
22 location to exercise such rights. Such authorization must be in writing, shall specify the  
23 duration of the authorization and any conditions thereof, and shall not be unreasonably denied.  
24 Any individual issued such authorization shall have a copy of the authorization in his/her  
25 possession upon entry and throughout the duration of his/her presence upon the specific County  
26 Property. In addition, a copy of such authorization shall be sent by the County Administrator or  
27 his/her designee to the law enforcement agency that issued the Trespass Notice prior to the  
28 scheduled entry onto the specific County Property.

29 (f) Any person found on County Property in violation of this Ordinance may be arrested for  
30 trespassing.

31 (g) This Ordinance shall not be construed to limit the authority of any law enforcement officer  
32 or code enforcement officer to take any other enforcement action authorized by law.



1  
2 **Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

3 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
4 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish  
5 such, and the word ordinance may be changed to section, article, or other appropriate word.

6  
7 **Section 5. REPEAL OF LAWS IN CONFLICT:**

8 All local laws and ordinances in conflict with any provisions of this Ordinance are  
9 hereby repealed to the extent of such conflict.

10  
11 **Section 6. SEVERABILITY:**

12 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
13 reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void,  
14 such holding shall not affect the remainder of this Ordinance.

15  
16 **Section 7. ENFORCEMENT:**

17 This Ordinance is enforceable by all means provided by law. Additionally, the County  
18 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm  
19 Beach County.

20  
21 **Section 8. PENALTY:**

22 Any violation of any portion of this Ordinance shall be punishable as provided by law.

23  
24 **Section 9. CAPTIONS:**

25 The captions, section headings, and section designations used in this Ordinance are for  
26 convenience only and shall have no effect on the interpretation of the provisions of this  
27 Ordinance.

28  
29 **Section 10. EFFECTIVE DATE:**

30 The provisions of this Ordinance shall become effective upon filing with the  
31 Department of State.

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APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mary Lou Berger, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.