

**City Council Regular Meeting
Wednesday, December 13, 2016 6:00 PM
Civic Center 105 N. 31st St.**

Mayor Tom Bailey

**Councilman Bill McGlothlin
Councilwoman Linda Albrecht**

**Councilman Jerry Wallace
Councilman Rex Putnal**

=====

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S COMMENT

COUNCIL COMMENTS

CITIZEN COMMENTS

CONSENT AGENDA

MINUTES

***November 1, 2016 - City Council Pre-Agenda Meeting**

***November 9, 2016- City Council Regular Meeting**

***November 22, 2016 City Council Workshop**

(Items denoted by * are on consent agenda and will be considered simultaneously by the Mayor and Council.)

SCHEDULED APPEARANCES

1. Dewberry

PUBLIC HEARING

1. Variance Request- 3203 Hwy 98 Unit C

ORDINANCES

First Reading

ORDINANCE 660

City Council Regular Meeting
Wednesday, December 13, 2016 6:00 PM
Civic Center 105 N. 31st St.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT FOOD TRAILERS; PROVIDING DEFINITIONS AND EXEPTIONS; GRANDFATHERING EXISTING FOOD TRAILERS; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF THAT CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Ordinance 660 by title only.

Second Reading

ORDINANCE 655

AN ORDINANCE AMENDING ORDINANCE 569; CREATING ARTICLE 7, TRAFFIC CODE, CHAPTER 70, GOLFCARTS IN THE CODE OF ORDINANCES; OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; SEVERABILITY; AND AN EFFECTIVE DATE.

- a. Motion to read Ordinance 655 by title only.
- b. Motion to adopt Ordinance 655.

ORDINANCE 656

AN ORDINANCE AMENDING ORDINANCE 308 PRESCRIBING CERTAIN FEES FOR SERVICES; OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; SEVERABILITY; AND AN EFFECTIVE DATE.

- a. Motion to read Ordinance 656 by title only.
- b. Motion to adopt Ordinance 656.

ORDINANCE 657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA REPEALING ORDINANCE 450 AND PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Ordinance 657 by title only.
- b. Motion to adopt Ordinance 657.

ORDINANCE 658

City Council Regular Meeting
Wednesday, December 13, 2016 6:00 PM
Civic Center 105 N. 31st St.

AN ORDINANCE AMENDING ORDINANCE 643 TO PROVIDE FOR YEAR-ROUND GARBAGE AND TRASH COLLECTION FOR BUSINESSES TWO TIMES PER WEEK; REPEALING ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Ordinance 658 by title only.
- b. Motion to adopt Ordinance 658.

ORDINANCE 659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE APPROPRIATION OF FUNDS OF THE BUDGET FOR THE FISCAL YEAR 2016-2017, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL FUND AND SEWER FUND AND PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Ordinance 659 by title only.
- b. Motion to adopt Ordinance 659.

RESOLUTIONS

RESOLUTION 2016-06

RESOLUTION OF THE CITY COUNCIL OF MEXICO BEACH, FLORIDA, CONSENTING TO AND AUTHORIZING THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO DO ALL ACTS NECESSARY TO COMPLETE THE BRIDGE REPLACEMENT, REHABILITATION, AND INSPECTION PROJECT FOR, FPID NUMBER 430464-1-52-01, 36th STREET OVER BAYOU BRIDGE NO. 466001, PURSUANT TO AN OFF SYSTEM PROJECT AGREEMENT, AND PROVIDING AN EFFECTIVE DATE.

- a. Motion to read Resolution 2016-06 by title only.
- b. Motion to adopt Resolution 2016-06.

RESOLUTION 2016-07

RESOLUTION OF THE CITY COUNCIL OF MEXICO BEACH, FLORIDA, TO APPROVE A TEMPORARY ROAD CLOSURE PURSUANT TO COMPLETION OF BRIDGE REPLACEMENT PROJECT.

**City Council Regular Meeting
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- a. Motion to read Resolution 2016-07 by title only.
- b. Motion to adopt Resolution 2016-07.

OTHER BUSINESS

1. Farmdale Development Update- Mayor
2. Sewer Allocation Update- Mayor
3. Punitive Damage for Oil Spill- Mayor

DEPARTMENT REPORTS AND ACTIONS

Police Chief – Chief Anthony Kelly

Emergency Services- Mark Stangl

Department of Public Works – Philip Hall

City Clerk – Adrian Welle

City Administrator – Mell Smigielski

ANNOUNCEMENTS

ADJOURNMENT

City Council Pre-Agenda Workshop
Tuesday, November 1, 2016 6pm
Civic Center 105 N. 31st Street

Mayor Tom Bailey

Councilman Rex Putnal
Councilwoman Linda Albrecht

Councilman Jerry Wallace

Mayor Bailey called the Workshop to order at 6:00 pm

Mayor Bailey introduced the council to Ordinance 658 a minor change to the Sanitation Ordinance putting business pickup back to twice per week but leaving the residential pickup at once per week in the off season. Ordinance 658 will be on the regular meeting for a first reading.

City Clerk Welle presented Ordinance 659 which includes a budget amendment for the purchase of a \$5,000 brush truck and an extra \$20,000 for sewer rehabilitation. Both increases will be paid for out of impact fees. Discussion of the council ensued. Ordinance 659 will be placed on the regular meeting agenda for a first reading.

City Administrator Smigielski provided the council with an update from the Planning and Zoning meeting. Mr. Smigielski stated at this time he has no recommendation from the board and expects a recommendation from the board next month regarding parking on vacant lots.

City Attorney Beninate provided a draft of Ordinance 660 regarding food trucks and trailers. Ordinance 660 will be on the regular meeting for a first reading.

City Clerk Welle asked the council for direction regarding the establishment of a road assessment ordinance. Discussion ensued. The council would like a little more information before they give direction.

Mayor Bailey spoke to the council about the purchase of more sewer allocation to service the growth of the City. The City has exceeded the allocation 3 times in the past year. The item will be discussed further in coming meetings as more information becomes available.

City Clerk Welle provided a copy of the draft agenda for the November 9, 2016 regular Meeting of the City Council.

Motion by Mrs. Albrecht and seconded by Mr. Putnal to adjourn.

Meeting adjourned at 6:29 pm

By: _____
Mayor Tom Bailey

Attest: _____
Adrian Welle, City Clerk

City Council Regular Meeting
Wednesday, November 9, 2016 6:00 PM
Civic Center 105 N. 31st Street

Present:

Mayor Tom Bailey
Councilman Jerry Wallace
Councilman Bill McGlothlin
Councilwoman Linda Albrecht
Councilman Rex Putnal

Also Present:

Mell Smigielski, City Administrator
Mary Harmon, Assistant City Clerk
Public Works Director Philip Hall
Mark Stangl, Emergency Services
Public Works Director Philip Hall

Mayor Bailey called the meeting to order at 6:00 p.m.

Mayor Bailey thanked all of the poll workers for their help in the election and further thanked all of the Veterans for their service to the country.

Mrs. Albrecht informed the public about the Turkey Trot on thanksgiving and to contact April Wisdom with any questions. Mrs. Albrecht also stated the Christmas tree lighting will be on December 4, 2016 at Sunset Park.

Camie Chapel 404 Hwy 98- Stated her concerns with the bears and she would like the council to consider a place for people to put garbage on non-pickup days.

Tim King 504 Cathey Lane- stated that garbage is a problem in the City of Mexico Beach

Chuck Guilford stated that the City should go back to the old garbage ordinance.

Dena Frost of Frost Pottery stated she would like the city to go back to 2 pickups per week for trash.

John Sobolewski 116 Pine Street wanted the council to consider grandfathering all residents in and exempt the current residents from the turn off rate proposed in Ordinance 651.

Ron Rexter 102 26th Street- stated he has questions regarding fences and wanted to know which way a fence needs to face. He further questioned why the City was exempt from the fence policy and put the fence at Parker Park the opposite direction.

Motion by Mr. McGlothlin and seconded by Mrs. Albrecht to approve the consent agenda. Motion carried unanimously.

Mayor Bailey presented awards to Chuck Guilford, Joe Paul and George Duren for their service to the community as veterans.

City Council Regular Meeting
Wednesday, November 9, 2016 6:00 PM
Civic Center 105 N. 31st Street

ORDINANCES

ORDINANCE 655

AN ORDINANCE AMENDING ORDINANCE 569; CREATING ARTICLE 7, TRAFFIC CODE, CHAPTER 70, GOLFCARTS IN THE CODE OF ORDINANCES; OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; SEVERABILITY; AND AN EFFECTIVE DATE.

- a. Motion by Mrs. Albrecht and seconded by Mr. Wallace to read Ordinance 655 by title only.

ORDINANCE 656

AN ORDINANCE AMENDING ORDINANCE 308 PRESCRIBING CERTAIN FEES FOR SERVICES; OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; SEVERABILITY; AND AN EFFECTIVE DATE.

- a. Motion by Mrs. Albrecht and seconded by Mr. McGlothlin to read Ordinance 656 by title only.

ORDINANCE 657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA REPEALING ORDINANCE 450 AND PROVIDING AN EFFECTIVE DATE.

- a. Motion by Mr. Putnal and seconded by Mr. McGlothlin to read Ordinance 657 by title only.

ORDINANCE 658

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- a. Motion by Mrs. Albrecht and seconded by Mr. Wallace to read Ordinance 658 by title only.

City Council Regular Meeting
Wednesday, November 9, 2016 6:00 PM
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ORDINANCE 659

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- a. Motion by Mrs. Albrecht and seconded by Mr. Wallace to read Ordinance 659 by title only.

ORDINANCE 660

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- a. Ordinance 660 has been postponed to be discussed at the November 22 City Council Workshop.

ORDINANCE 651

AN ORDINANCE AMENDING ORDINANCE NO. 625, ADJUSTING THE CURRENT RATES TO BE CHARGED FOR THE USE OF THE MUNICIPAL WATER/SEWER SYSTEM FOR SERVICE INSIDE AND OUTSIDE THE CITY LIMITS OF MEXICO BEAH, ALLOWING FOR A SENIOR CITIZEN DISCOUNT AND VACANT LOT RATES, REPEALING ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

- a. Motion by Mrs. Albrecht and seconded by Mr. Putnal to read Ordinance 651 by title only.
- b. Motion by Mrs. Albrecht and seconded by Mr. Wallace to adopt Ordinance 651. Motion carried unanimously.

Captain Willis gave the Police report to the council.

Public Works Director Philip Hall provided the October report to the council.

**City Council Regular Meeting
Wednesday, November 9, 2016 6:00 PM
Civic Center 105 N. 31st Street**

City Administrator Mell Smigielski gave his report to the council.

Mrs. Albrecht made a motion to adjourn the meeting. Mr. Wallace seconded the motion. Motion carried unanimously.

The meeting adjourned at 7:25 p.m.

**By: _____
Mayor Tom Bailey**

**Attest: _____
Adrian Welle, City Clerk**

City Council Workshop
Tuesday, November 22, 2016 6 pm
Civic Center 105 N. 31st Street

Mayor Tom Bailey

Councilman Jerry Wallace
Councilman Bill McGlothlin

Councilman Rex Putnal

Mayor Bailey called the Workshop to order at 6:00 pm

1. Ordinance 660 Food Trucks- Council

Mayor Bailey stated that the Ordinance is back on the agenda to discuss the wish of the council regarding the movement of existing food trucks/trailers. Discussion ensued. At this time the council does not wish to make any changes and the item will be on the regular meeting agenda for a first reading.

2. LED Lights on Hwy 98- City Administrator

City Administrator Smigielski informed the council of a proposal from Duke Energy replacing our current streetlights with new LED lighting. Discussion of the council ensued. Further research needs to be done relating to the effect on the turtles and on human sleep before a decision can be made. Discussion will continue when more information is available.

3. Murals at Parker Park- Mrs. Albrecht

Mrs. Albrecht requested to speak about murals at Parker Park and was unable to attend the meeting and discuss the topic. The item will be tabled until the next meeting when Mrs. Albrecht is present to discuss the topic.

4. Gulf To Bay Highway- City Administrator

City Administrator Smigielski updated the council on discussion that he has had with FDOT regarding the Gulf to Bay Highway which will bypass Mexico Beach. When the highway is completed, ownership of the existing Hwy 98 will be transferred to the City to maintain. The time frame on this project is expected to be in the next 5-6 years. The City will introduce a resolution at approximately the January Regular Meeting in support of this project.

5. Miscellaneous

Mayor Bailey updated the council on discussions with the Farmdale, LLC group regarding the proposed development just west of town. Mayor Bailey stated they are moving forward with getting their development order from Bay County to move

forward. Discussion with the development entails the Police, Fire, Water and Sewer service and the need to increase the Sewer allocation to accommodate them.

City Administrator Smigielski informed the council that late this afternoon the City was given the plans for City Hall. Mr. Smigielski informed the council that the project proposal is \$462,360 which includes the site prep for the project. The contract will be drawn up for approval in the next coming weeks, groundbreaking is slated to begin coming up in the next few weeks.

Public Works Director Hall spoke to the council about the sewer rehab project that is coming up. Mr. Hall requested to add to the next council meeting a formal award of the sewer rehab bid so the project can get started.

Public Works Director Hall also informed the council that he has requested quotes on the movement of the dredge. With the costs that were received, the City will have to go through the formal bid process as the proposed cost is over \$8,000.

Mr. Novak asked what the status is on Ordinance 660. Mayor Bailey stated it will be on the regular meeting agenda for a first reading.

Al Cathey spoke to the council regarding the November 9, 2016 where Ordinance 651 was adopted. Mr. Cathey read a prepared statement to the council and submitted it in writing to the City Council. He submitted a formal complaint about the process in which the Public Hearing for Water and Sewer rates was advertised and handled. Mr. Cathey stated that he formally requests the Ordinance be rescinded until a proper hearing be conducted.

Mr. McGlothlin made a motion to adjourn, Mr. Wallace seconded.

Meeting adjourned at 6:36 pm

By: _____
Mayor Tom Bailey

Attest: _____
Adrian Welle, City Clerk



City of Mexico Beach
P.O. Box 13425
Mexico Beach, FL 32410
Phone: 850-648-5700
Fax: 850-648-8768

**REPORT TO CITY OF MEXICO BEACH
Plan & Zoning and CITY COUNCIL**

FROM: Mell Smigielski, City Administrator
TO: City of Mexico Beach Plan & Zoning
RE: P&Z 2016-03, Setback Variance
DATE: November 30, 2016

PROCEDURAL ISSUES: A public hearing will be conducted before the Plan & Zoning Board and City of Mexico Beach City Council on December 5, 2016 and December 13, 2016 respectively. The public hearing notice was published in October.

REQUESTED ACTION: The current property owner is asking for a variance to construct a boardwalk in the setback area.

PETITIONER:
Charles & Angela Prosser
PO Box 1334
Mexico Beach, Florida 32410-3334

OWNER:
Charles & Angela Prosser
PO Box 13334
Mexico Beach, Florida 32410-3334

LOCATION: The subject property is located at 3203 Highway 98, Unit C.

CASE SUMMARY: The parcel of property at 3203 Highway 98 is a recently-built tri-plex. This development took a lot of staff time due to the fact numerous changes had to be made to protect the setbacks and make the project fit the lot. The developer was easy to work with throughout the planning stage. The Petitioner has indicated they wish to place a boardwalk within the rear setback of their property where current drainage facilities are placed. They also indicate the contour of the land will not change.

PETITIONERS' COMMENTS: We would like to construct a boardwalk (decking) that is flush with our existing concrete pad behind our unit – There is a drainage ditch that renders our side and backyard unusable. We would like to simply put a boardwalk over it and not change the land in any way. Our outdoor shower is on the side and beach access would be much more convenient. Our neighbors have expressed an interest in adding onto this boardwalk. We will eventually get a permit for a fence and none of this will be visible from front or side.

CONFORMANCE TO COMPREHENSIVE PLAN: The Comprehensive Plan provides goals, objectives and implementation strategies that relate to the request. These

include items for achieving a balance between efficient, safe and economical neighborhoods. The Comprehensive Plan looks to promote a wide variety of types of residential development, in a manner consistent with the adjoining neighborhood. Objective 1.10 of the Comprehensive Plan states that, 'The City shall maintain a stormwater management plan for the purpose of minimizing flooding and drainage problems'. Policy 1.10.2 further states that, 'The City shall evaluate all proposed development activities to ensure that adequate drainage is provided consistent with the adopted level of service as specified in Section VIII-4.D.1'. The Goal listed before the aforementioned Section VIII states that, 'Provide a drainage system, which will reduce flooding and provide reasonable protection from damage to public and private property'.

ADJACENT LAND USE CONSIDERATIONS:

<u>Direction</u>	<u>Land Use</u>	<u>Current Zoning</u>
On-Site	Multi-Family	TC Tourist Commercial
North	Single/Multi-Family	GC General Commercial
South	Single Family	TR Tourist Residential
East	Multi-Family	TC Tourist Commercial
West	Commercial	TC Tourist Commercial

APPLICABLE REGULATIONS:

2.04.01 of the Land Development Regulations
General Standards and Requirements

- C. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area.

ANALYSIS: The City does not recognize boardwalks or decks as an approved surface over drainage areas. Though there are separations between the decking boards, this construction will not allow the drainage swales to function as designed. Drainage and stormwater issues are very sensitive issues for Gulf-front communities.

STAFF RECOMMENDATION: The Plan & Zoning Board in their advisory capacity, will recommend to the City Council which will decide whether or not to grant the variance. That being said, Staff does not recommend approval of the variance due to the fact the proposed boardwalk, as an accessory structure, would be located within the building setback area and have an adverse effect on the drainage system on the property.

ATTACHMENTS:

1. Variance application, letter and map

Dec 5 13

VARIANCE REQUEST LETTER

Owners Name (PRINT) CHARLES AND ANGELA PROSSER

Owners Full Time Address PO BOX 13334 #

City MEXICO BEACH State FL Zip 32410-3334

Owners Phone Number _____ Cell 678 230 6029

Owners E-mail Address angie.prosser@yahoo.com

Address of Variance 3203 UNIT C MEXICO BEACH FL 32456

HWY 98

I HEREBY REQUEST THAT CONSIDERATION OF A VARIANCE BE GIVEN FOR THE ADDRESS ABOVE. I REQUIRE 0 FEET ON THE FRONT. 10 FEET ON THE REAR. 0 FEET ON THE LEFT SIDE. 9.75 FEET ON THE RIGHT SIDE.

I AM REQUESTING THIS VARIANCE FOR THE FOLLOWING REASON:

(DECKING)

WE WOULD LIKE TO CONSTRUCT A BOARDWALK THAT IS FLUSH WITH OUR EXISTING CONCRETE PAD BEHIND OUR UNIT - THERE IS A DRAINAGE DITCH THAT RENDERS OUR SIDE AND BACKYARD UNUSEABLE. WE WOULD LIKE TO SIMPLY

VARIANCE REQUEST OTHER BOARD WALK OVER IT AND NOT CHANGE THE LAND IN ANY WAY. OUR OUTDOOR SHOWER IS ON THE SIDE AND BEACH ACCESS ~~WALK~~ WOULD BE MUCH MORE CONVENIENT. OUR NEIGHBORS HAVE EXPRESSED AN INTEREST IN ADDING ONTO THIS BOARDWALK. WE WILL EVENTUALLY GET A PERMIT FOR A FENCE

All required plans must accompany this request.

Owners Signature Angela Prosser Date 10/19/16 AND NONE OF THIS WILL BE VISIBLE FROM FRONT OR SIDE.

Date Received _____

CITY OF MEXICO BEACH PLANNING AND ZONING
APPLICATION SUPPORTING INFORMATION

(Please type or print clearly)

A. OWNER & CONTACT OR AGENT

Owner's Name & Address

ANGELA PROSSER
P.O. BOX 13334
MEXICO BEACH FL 32410-3334

Project Contact or
Agent's Name & Address

(if different from owner)

Telephone

678 230 6029

B. SITE INFORMATION

Project Location

3203 UNIT C, HWY 98
MEXICO BEACH FL 32456

Appraiser's Parcel Number

04541-000-000

Land Use Designation

RESIDENTIAL

Zoning District

TOURIST COMMERCIAL

Property Size

1227 (acres) 9900 (square feet)

Current Property Use

RESIDENTIAL TRIDLEY

FIRM Zone & Panel No.

X 12005C0508H

Wetlands

NO

Aquifer Recharge

NO

Coastal Area

NO

Wildlife Habitat

NO

Surrounding Land Uses

North: WATERSIDE COTTAGES

South: TOWN HOUSE

East: COMMERCIAL REALTOR

West: UNIT B

Fee Paid

Conforming/Non-Conforming

(YES) (NO)
CONFORMING

C. UTILITIES

Source of Water

MB

Sewage Disposal

MB

Electricity Provider

DUKE

- D. If for a variance, a variance is a modification of Code regulations due to conditions peculiar to the property involved and not the result of actions of the applicant. Provide a detailed description of the modification of regulations that is/are proposed; including specific Code Sections.

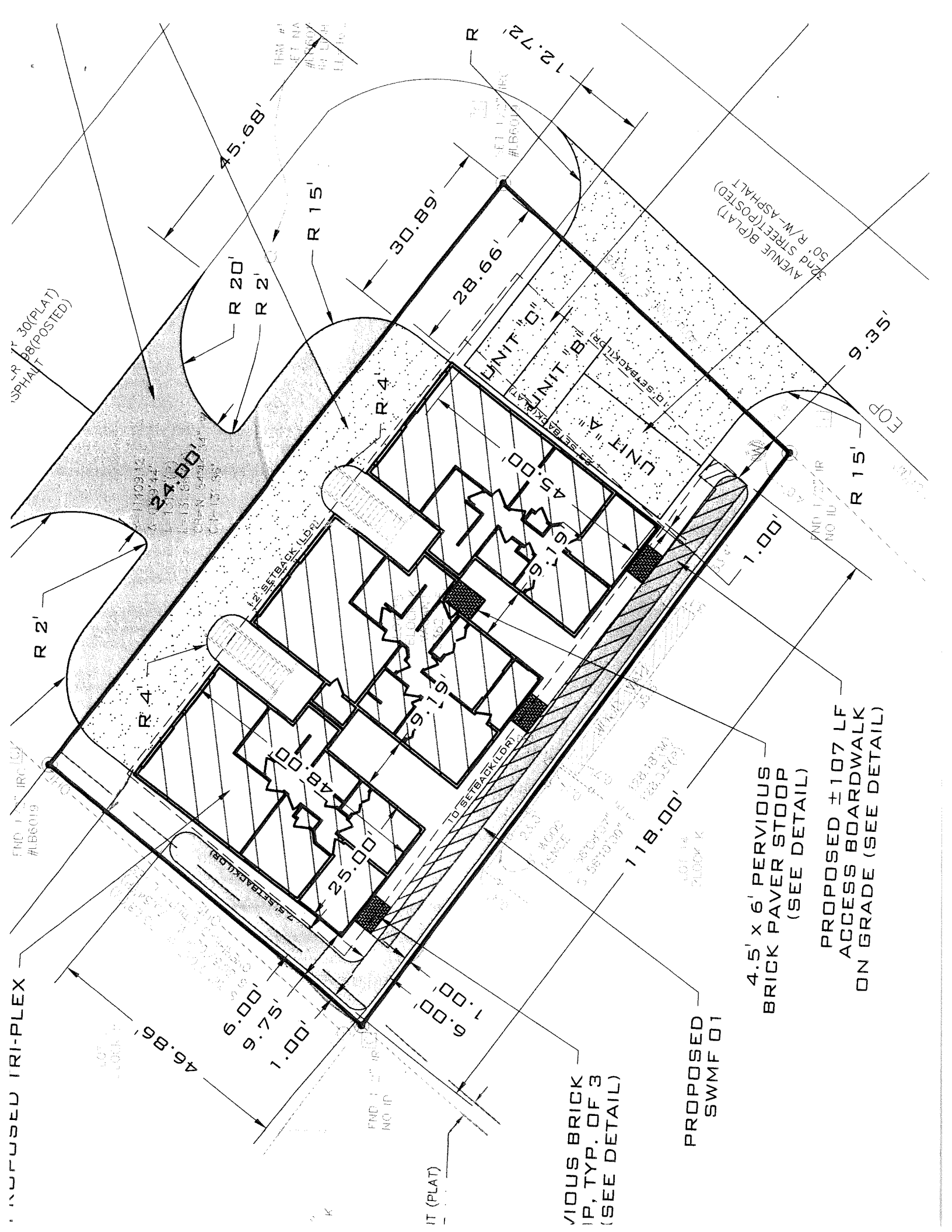
CODE 3.01.03 - REQUESTING A VARIANCE OF ZERO SETBACKS FOR A BOARDWALK ON SIDE AND BACK OF UNIT C. BOARDWALK WILL BE CONSTRUCTED FROM WOOD DECKING MATERIALS AND WILL NOT CHANGE CONTOUR OF LAND.

- E. STANDARDS OF REVIEW — In accordance with the Land Development Regulations, the following criteria are used to review a Variance application.
1. The variance shall not authorize changes to the Comprehensive Plan Future Land Use Map, the Official Zoning Map, or the densities and allowable uses associated therewith.
 2. The applicant must clearly demonstrate and show that the hardship is unique to the applicant and the applicant's property, and is not suffered by adjacent or adjacent or nearby property owners or the general public.
 3. The hardship relates to the land involved rather than the applicant's personal circumstances.
 4. The hardship is not the result of the applicant's own actions.
 5. The variance, if approved, is the minimum necessary to provide reasonable, beneficial use of the property involved.
 6. The variance is specifically intended and necessary to promote other important City objectives or policies.
- F. If determined to be necessary, attach one copy of the deed and a signed and sealed boundary survey of the property.

By signing this application, the owner hereby authorizes the Planning and Zoning Board to access the subject property to verify information contained in this application and accompanying submittal documents.

Angela B. Prosser
Owner's or authorized applicant's signature

10/19/16
Date



PROPOSED IRI-PLEX
 END 1" IRC
 #LBS019

ASPHALT
 30' (PLAT)
 8' (POSTED)

24.00'

R 2'

R 4'

46.86'

6.00'

R 20'

R 2'

45.68'

R 15'

R 4'

1.00'

9.75'

1.00'

6.00'

1.00'

R 15'

30.89'

28.66'

UNIT "A"

UNIT "B"

UNIT "C"

1.00'

1.00'

6.00'

1.00'

R 15'

118.00'

1.00'

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R 15'

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PROPOSED IRI-PLEX

PROPOSED SWMF 01

PROPOSED SWMF 01

4.5' x 6' PERVIOUS BRICK PAVER STOOP (SEE DETAIL)

PROPOSED ±107 LF ACCESS BOARDWALK ON GRADE (SEE DETAIL)

AVENUE B (PLAT)

32ND STREET (POSTED)

50' R/W-ASPHALT

END 1" IRC NO ID

END 1" IRC NO ID

END 1" IRC NO ID

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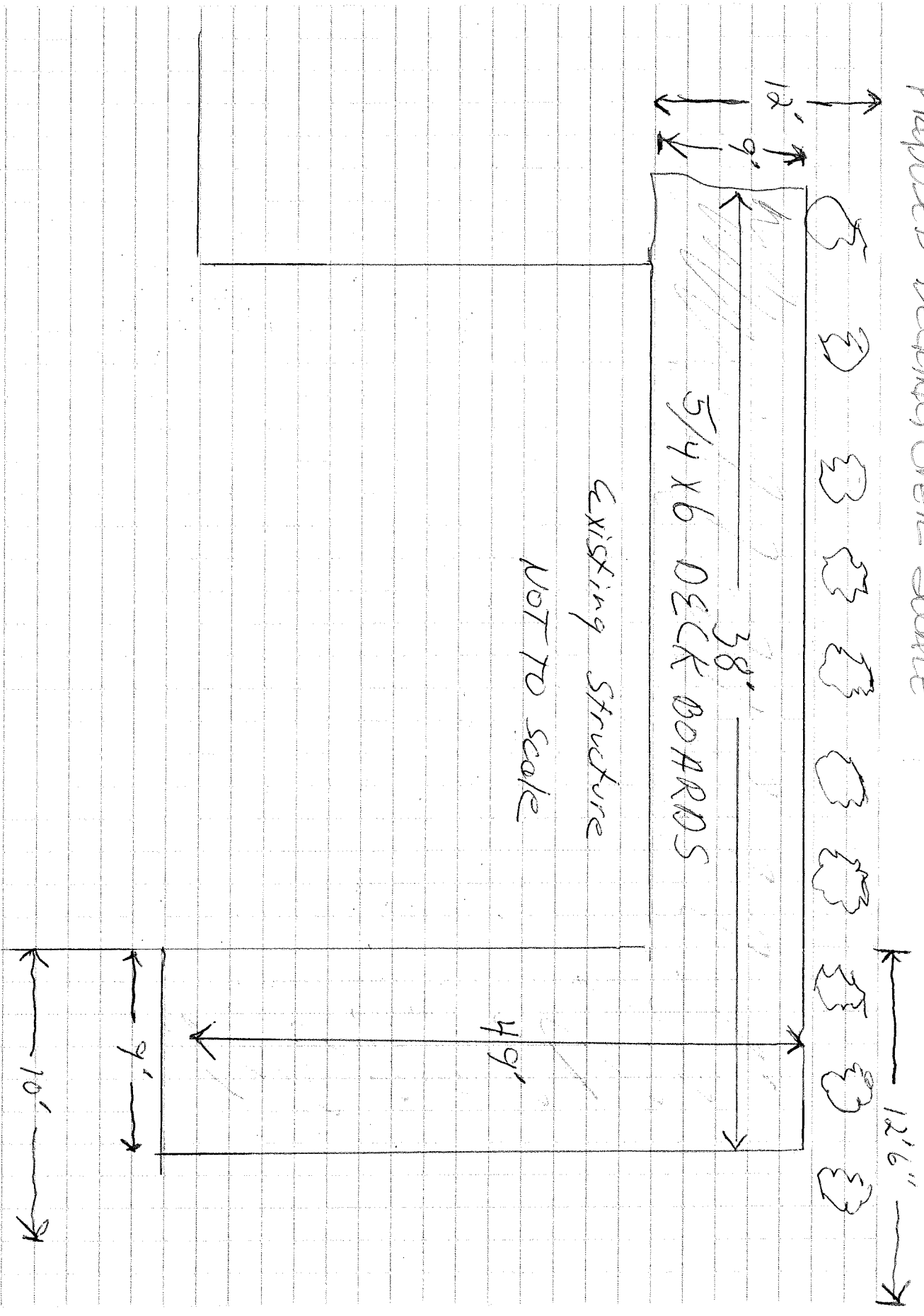
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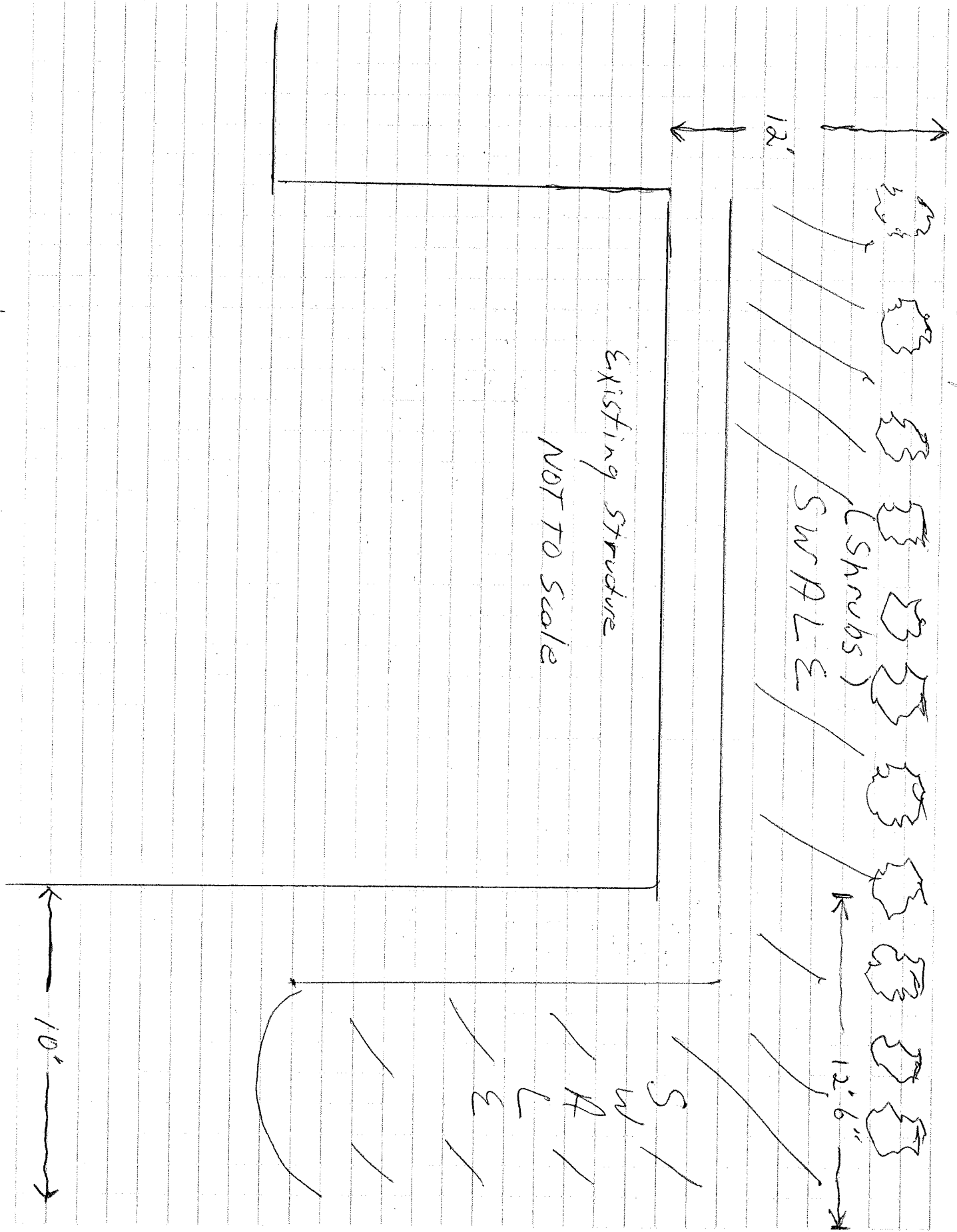
PROPOSED DECKING OVER SUIALE



1/24 98

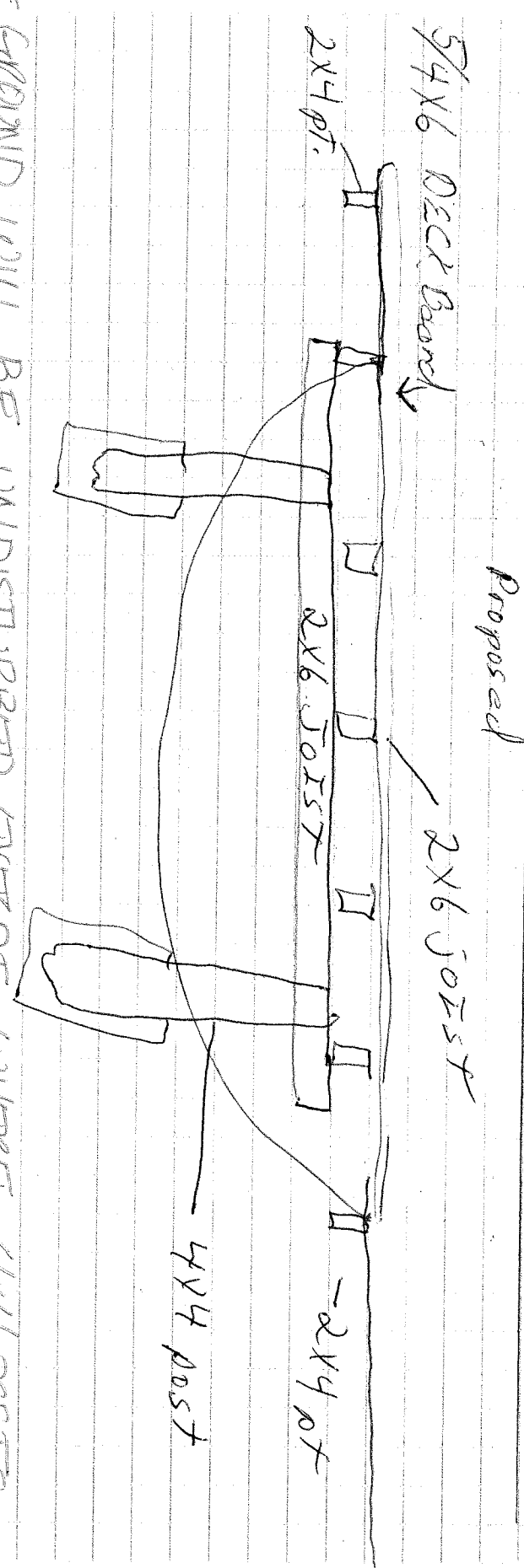
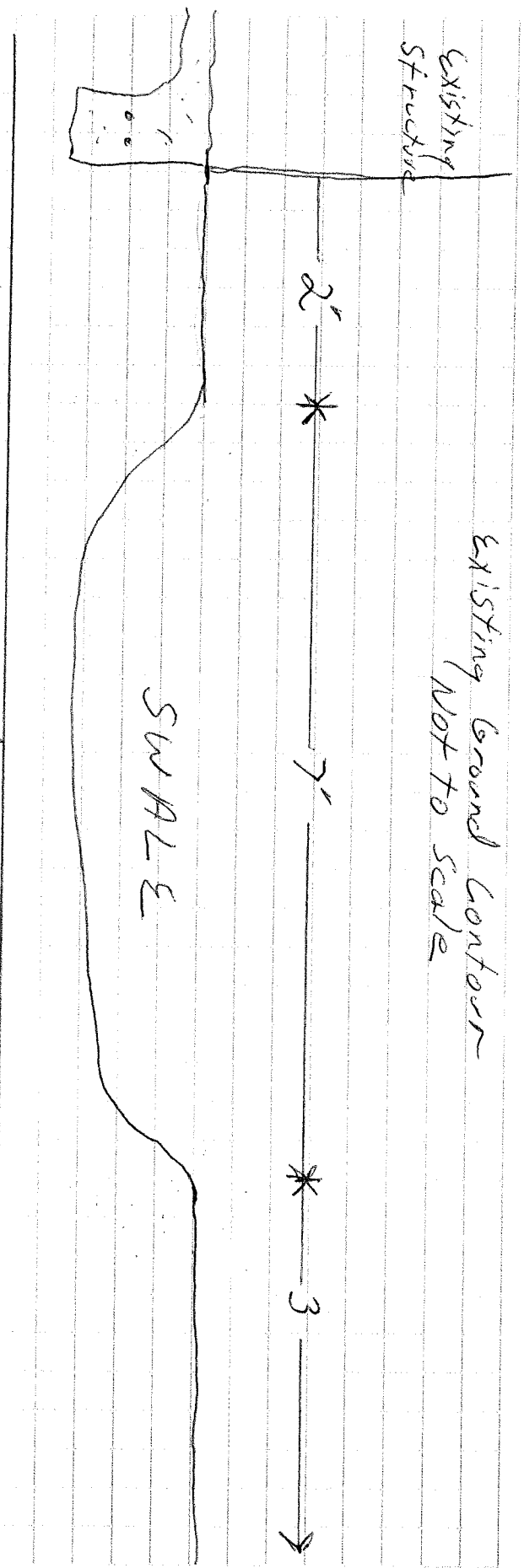
3203-1

EXISTING PROPERTY



HWY 98

3203 C



* GROUND WILL BE UNDISTURBED EXCEPT WHERE 4x4 POSTS ARE CONSTRUCTED
 DECKING WILL BE SPACED FOR ADEQUATE WATER DRAINAGE

3203-C

Mell Smigielski

From: Royce White
Sent: Thursday, November 10, 2016 10:20 AM
To: Mell Smigielski
Subject: FW: Application for variance on unit 3203 beside townhouse.
Attachments: 55581.PDF

Mell
Ronnie Cape is the agent/friend of Jerry and Betty Hunter (older couple) that are adjacent to the triplex owner requesting variance for "boardwalk"

-----Original Message-----

From: capeinsuranceservices@gmail.com [mailto:capeinsuranceservices@gmail.com]
Sent: Thursday, November 10, 2016 9:18 AM
To: Royce White <royce.epci@mexicobeachgov.com>
Subject: Application for variance on unit 3203 beside townhouse.

Good Morning Royce,

Per our phone conversation this morning, I would like to reiterate the only concern we have of the construction of a boardwalk is the runoff of the rain washing next to the townhouse. If this can be controlled, we have no problem with them building the walkway at all.

If you have any questions, please don't hesitate to call.

Ronnie Cape
Jerry and Betty Hunter
229-239-0526

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

ORDINANCE NO. 660

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT FOOD TRAILERS; PROVIDING DEFINITIONS AND EXCEPTIONS; GRANDFATHERING EXISTING FOOD TRAILERS; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF THAT CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City of Mexico Beach, Florida (the “City”) regulates land use and development issues through its Land Development Regulations; and

WHEREAS, the City is authorized to require all restaurants and similar businesses to operate in buildings that comply with the Florida Building Code; and

WHEREAS, food trailers and food trucks are exceptions to this rule that some localities allow; and

WHEREAS, the Land Development Regulations do not directly address the permissibility of food trailers or food trucks; and

WHEREAS, in recent years one food trailer has operated in the City; and

WHEREAS, a second food trailer began operating in the City in the Spring of 2016, which made the City Council decide to formally evaluate the issue of food trailers and, to a lesser extent, food trucks and adopt clear rules in the Land Development Regulations;

WHEREAS, the City Council requested the Planning and Zoning Board meet to consider these issues and provide recommendations to the City Council; and

WHEREAS, after multiple public meetings and hearing substantial public input, the Planning and Zoning Board recommended that food trailers be prohibited in the City except for the two that currently exist and that no specific rules regarding food trucks must be adopted presently.

NOW THEREFORE, be it ordained by the City of Mexico Beach, Florida:

Section 1. The Land Development Regulations of the City of Mexico Beach, Florida, are hereby amended to read as follows (deleted text ~~stricken~~, new text underlined):

2.02.07 SPECIFIC RESTRICTIONS

A. The following ~~r~~Restrictions apply **applicable** only to Tourist Mixed Use land use districts:

- 1.** A. Where practicable, native vegetation will be used for residential lots and common open spaces. Native vegetation to be used can be identified from Waterwise Florida Landscape as produced by Florida's water management districts.
- 2.** B. Connection to central water and sanitary sewer systems shall be required prior to any certificate of occupancy being issued.
- 3.** G. The Tourist Mixed Use category may be implemented through the Planned Unit Development process as defined in this Code.
- 4.** D. A property must be under single ownership or under unified control at the time the Tourist Mixed Use category is assigned.

B. Food Trailers prohibited.

- 1. Food Trailers are prohibited in the City except as provided in this subsection.**
- 2. "Food Trailer" means any structure or vehicle, fixed or mobile, used for the purpose of selling food or beverages or producing food or beverages for commercial purposes, and which is not:**
 - i. a building compliant with the Florida Building Code and these Land Development Regulations;**
 - ii. a home occupation compliant with these Land Development Regulations and the Florida Building Code;**
 - iii. a vehicle licensed by the State of Florida as a Mobile Food Dispensing Vehicle or a successor program used by the State to license what is generally understood to be a food truck; or**
 - iv. a food or beverage vending structure, vehicle, or cart operated for a maximum of seventy-two (72) hours and only as part of festival or special event not prohibited by the City. To qualify for this exception, at the end of the seventy-two hour period, the vending structure, vehicle or cart must either be removed from the City or placed into storage not visible from a public right-of-way and in compliance with these Land Development Regulations.**
- 3. Non Conforming Use Established.**

Food Trailers operating within the City prior to the Effective Date of this ordinance and holding a local business tax receipt validly issued by the City Clerk shall be considered a nonconforming use that is permitted to continue as governed by the rules for structures provided by Section 7.12.00, notwithstanding that said Food Trailers are not "dwelling units." In addition to those rules, permissible non-conforming status shall be lost upon a change of ownership of the Food Trailer or a relocation of the Food Trailer to a different parcel of property. Furthermore, Subsections 7.12.00 B.3. and 7.12.00 B.4. shall not apply to these nonconforming Food Trailers. These

nonconforming Food Trailers shall otherwise comply with these Land Development Regulations and shall be considered restaurants for purposes of parking, landscaping, and other instances when requirements vary depending on use of property.

Section 2. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Land Development Regulations. Section numbers may be assigned and changed whenever necessary or convenient.

Section 5. This Ordinance shall become effective immediately upon its passage.

INTRODUCED at the Special Meeting of the City Council on the 9th day of November, 2016. Adopted at a Regular Meeting of the City Council on the 13th day of December, 2016.

CITY OF MEXICO BEACH, FLORIDA

Tom Bailey, Mayor

ATTEST:

Adrian Welle, City Clerk

ORDINANCE NO. 655

AN ORDINANCE AMENDING ORDINANCE 569; CREATING ARTICLE 7, TRAFFIC CODE, CHAPTER 70, GOLF CARTS IN THE CODE OF ORDINANCES; OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach allows golf carts on most City streets and in particular, 15th Street, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH:

Section 1. Section 70.03 (a)(1) of Ordinance 569 is changed to read: All City streets located within the jurisdiction of the City of Mexico Beach except for US Highway 98 (State Route 30).

Section 2. Section 70.03 (b)(1) of Ordinance 569 is changed to read: Golf carts will not be permitted for use on US Highway 98 (State Route 30).

Section 3. Section 70.03 (b)(2) of Ordinance 569 is changed to read: No golf cart is permitted along the right-of-way of US Highway 98 (State Route 30).

Section 4. Any sections or provisions of this Ordinance that may be held unlawful or unenforceable by a Court of competent jurisdiction shall be severed from the remaining portions of the Ordinance and such remaining portions shall survive fully and be fully enforceable.

Section 5. This ordinance shall become effective as provided by law.

INTRODUCED at a meeting of the City Council on November 09, 2016 and ADOPTED by the City Council at a Regular meeting on December 13, 2016.

Tom Bailey, Mayor

ATTEST: _____

Adrian Welle, City Clerk

ORDINANCE NO. 569

AN ORDINANCE FOR THE CITY OF MEXICO BEACH, FLORIDA; REPEALING ORDINANCE 516; CREATING ARTICLE 7, TRAFFIC CODE, CHAPTER 70, GOLF CARTS, IN THE CODE OF ORDINANCES ; PROVIDING FOR DEFINITIONS, RESTRICTIONS, AUTHORIZATION, HOURS OF OPERATION, COMPLIANCE WITH TRAFFIC LAWS, AND REGISTRATION; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of Mexico Beach believe that the improper use of golf carts can be a threat to the health and safety of its citizens;

WHEREAS, the proper use of golf carts can aid in the mobility of certain segments of the local population; and

WHEREAS, the proper use of golf carts can also reduce the negative impacts of automobiles.

THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

SECTION 1. The City Code, Article 7, City of Mexico Beach, Florida, is hereby amended by adding Chapter 70, to be titled "Golf Carts" as follows:

Chapter 70. Golf Carts

Section 70.01. Definition of Golf Cart. Pursuant to Section 320.01(22), Florida Statutes, a "golf cart" is defined as a motor vehicle that is designed and manufactured for operations on a golf course for sporting or recreational purposes and that is not capable of exceeding 20 miles per hour.

Section 70.02. Restriction to Golf Cart Modifications. All golf carts operated within the City of Mexico Beach shall meet the minimum equipment standards established by Florida State Statutes and have no increased power, wheel base or tire modifications from a standard manufactured gas or electric golf cart. Speed modified golf carts or "hybrid" golf carts are not authorized for use on City of Mexico Beach streets.

Section 70.03. Authorization to Operate Golf Carts within the City of Mexico Beach.

Golf carts meeting the definition set forth in Section 70.01 above and properly equipped meeting restrictions in Section 70.02 above, may be operated on those streets designated for cart usage.

- a. Permitted Designated Streets

1. All city streets located within the jurisdiction City of Mexico Beach, except 15th Street and State Route 30, commonly known as US Highway 98.
 2. All city streets located within subdivisions which traffic is enforceable providing they are approved for use by the subdivisions Homeowners Association and a written agreement has been entered with the City of Mexico Beach for traffic enforcement on subdivision streets. Any notice to rescind this use will be providing in writing.
 3. Golf carts operating on 15th Street must display a slow vehicle triangle sign visible from the rear of the golf cart.
- b. Non-permitted Streets.
1. Golf carts will not be permitted for use on 15th Street, US Highway 98 (SR 30). Golf carts may be permitted to cross 15th Street at the following intersections only: 5th Street, 7th Street, Robin Lane, and Wysong Lane. Crossing at the permitted intersections shall occur while obeying traffic laws and yielding right of way to other vehicular traffic. No golf carts are permitted to cross Highway 98 (SR 30).
 2. No golf cart is permitted along the right of way of 15th Street or US Highway 98 (SR30).
 3. No golf cart is permitted to ride on private property except that property owned by the same individual as the golf cart or without written consent of the owner. If the owner is present on property where a golf cart is being used, they are permitted to give verbal consent.
- c. The City of Mexico Beach shall provide signage designating streets or other areas where golf carts may be operated.
- d. Golf carts are not permitted to operate on city maintained side-walks located along US Highway 98.
- e. Violations of this section may be cited using the code enforcement citation. Fines for violation shall be \$50.00. Failure to pay citation within 30 days shall result in registration of the golf cart permit to be revoked until fine is paid, an additional late fee of \$25.00, and the violator may be found in civil contempt issued a notice to appear before the Special Master. The Notice to Appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.
- f. Section 70.04. Hours of Operation. Golf carts will only be permitted on City streets from daylight hours. Golf carts for not permitted for operation on city streets during darkness. During times of fog, smoke, rain, and low light conditions golf carts must be equipped with headlights,

brake lights, turn signals, and a windshield. The City of Mexico Beach strongly recommends placement of reflective devices or reflective tape on the sides of all golf carts. Violations of this section may be cited using the code enforcement citation. Fines for violation shall be \$50.00. Failure to pay citation shall result in registration of the golf cart permit to be revoked until fine is paid, and the violator may be found in civil contempt found in civil contempt issued a notice to appear before the Special Master. The Notice to Appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.

- g. Section 70.05. Compliance with Traffic Laws. Golf carts shall comply with all applicable local and state traffic laws, and may be cited for traffic violations in the same manner as motor vehicles. Drivers of such golf carts must have a valid driver license. Violations of this section may be cited using the code enforcement citation. Fines for violation shall be \$50.00. Failure to pay citation shall result in registration of the golf cart permit to be revoked until fine is paid, and the violator may be found in civil contempt found in civil contempt issued a notice to appear before the Special Master. The Notice to Appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.

Section 70.06. Golf Cart Registration All golf carts operated on City of Mexico Beach streets must first be registered through the Mexico Beach Department of Public Safety. Registration must be made by the owner who is at least 18 years of age. The owner will be charges an annual registration fee of \$ 15.00. There will be no prorated registrations. Funds from the registration fees will support costs of street designation signs, police inspection of golf carts, and registration stickers, which are to be placed on the driver side rear fender area of the golf cart. All registrations must be renewed annually during January. Owners re-registering after January 31st of each year will be considered expired until they re-register and shall not be permitted for to use such golf cart(s) on designated city streets.

- a. Driving a golf cart without current registration:
 1. First Offense: \$50.00
 2. Second Offense: \$75.00
 3. Third Offense: \$150.00, registration revoked for 1 year
- b. Driving a golf cart with registration revoked shall result in a fine of \$250.00, and permanent revocation of registration by owner for any golf carts.
- c. If fines are paid within ten days of issuance, owner may register the golf cart at no additional costs. If the fines are paid after ten days, the owner must pay the fine and the registration costs. If the fines are not paid within 30 days of issuance, the city may seek an Order to Show Cause from a judge, and the violator may be found in civil contempt, to enforce this ordinance. found in civil contempt the violator may be issued a notice to appear before the Special

Master. The Notice to Appear shall serve as legal notice of the violation and the date of appearance must be more than 30 days after notice is given.

A list of all golf cart registrations shall be maintained by the Mexico Beach Department of Public Safety.

Section 2. Codification: It is the intention of the City Council of the City of Mexico Beach, Florida, and it is hereby ordained the provisions of this Ordinance become and be made a part of the City Code of the City of Mexico Beach, Florida; that the Sections of this ordinance may be renumbered or re-lettered to accomplish such intention; that the word "Ordinance" may be changed to "Section", "Article", or other appropriate wording.

SECTION 3. Conflict. All ordinances or regulations in conflict with the provisions herein are hereby repealed.

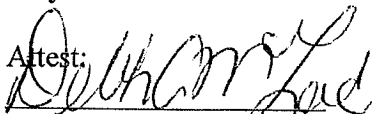
SECTION 4. Severability. It is the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


SECTION 5. Effective Date. This ordinance shall become effective, August 11, 2009.

FIRST READING this July 14, 2009

SECOND READING AND ADOPTION this August 11, 2009.

City of Mexico Beach

Attest:

Deborah McCleod, City Clerk


William A Cathey, Mayor

ORDINANCE NO. 656

AN ORDINANCE AMENDING ORDINANCE 308 PRESCRIBING CERTAIN FEES FOR SERVICES; OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach collects certain fees for city services and leasing agreements, used for the general operation of the city, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH:

Section 1. Section 4 of Ordinance 308 is hereby deleted. Section 4 currently reads: A provision is hereby established allowing commercial businesses to pay an annual fee of twenty-five (\$25.00) to advertise their respective businesses on a city-owned indexing sign. Fees are to be paid to the City Clerk annually on April 1.

Section 2. Section 7 of Ordinance 308 is hereby deleted. Section 7 currently reads: A provision is hereby established allowing for the collection of a two dollar (\$2.00) fee for the issuance of a City of Mexico Beach fishing license. These fees are payable to the City Clerk and are used for defraying the cost of State licenses required for operation of municipal fishing facilities.

Section 3. Any sections or provisions of this Ordinance that may be held unlawful or unenforceable by a Court of competent jurisdiction shall be severed from the remaining portions of the Ordinance and such remaining portions shall survive fully and be fully enforceable.

Section 4. This ordinance shall become effective as provided by law.

INTRODUCED at a meeting of the City Council on November 09, 2016 and ADOPTED by the City Council at a Regular meeting on December 13, 2016.

Tom Bailey, Mayor

ATTEST: _____

Adrian Welle, City Clerk

ORDINANCE NO. 308

AN ORDINANCE PRESCRIBING CERTAIN FEES FOR SERVICES AND OTHER ACTIONS PERFORMED BY THE CITY OF MEXICO BEACH; REPEALING ORDINANCES NO. 179, NO. 199 AND NO. 243 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach collects certain fees for city services and leasing agreements, used for the general operation of the city, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH:

Section 1. As provided for by Florida Statutes, a fee of fifteen cents (15¢) will be paid to the City Clerk for each one-sided copy and an additional five cents (5¢) for each two-sided duplicated copy. If a request for certified copies is received, an additional charge of \$1.00 per copy of a public record will be charged.

Section 2. As provided by Florida Statutes a reasonable charge will be paid to the City Clerk for each city map requested. This charge per copy will be based upon production charges rounded off to the next higher dollar amount.

Section 3. As provided for by Florida Statute a service fee of twenty dollars (\$20.00) or five per cent (5%) of the face amount of a dishonored check, draft, or order, whichever is greater will be paid to the appropriate city department.

Section 4. A provision is hereby established allowing commercial businesses to pay an annual fee of twenty-five dollars (\$25.00) to advertise their respective businesses on a city-owned indexing sign. Fees are to be paid to the City Clerk annually on April 1.

Section 5. A provision is hereby established allowing the Bay County Sheriff's Department to utilize city fuel supplies on a monthly dollar reimbursement system payable to the City of Mexico Beach. This reimbursement will be based upon actual cost of the fuel product as paid by the City of Mexico Beach.

Section 6. A provision is hereby established allowing for the leasing of city-owned property to the following companies and or individuals:

(1) Company	Sprint Cellular	Annual Lease	\$5,400.00
(2) Company	Cellular One	Annual Lease	\$7,200.00
(3) Individual	Eric Jansen/Toucans	Annual Lease	\$ 1.00

Section 7. A provision is hereby established allowing for the collection of a two dollar (\$2.00) fee for the issuance of a City of Mexico Beach fishing license. These fees are payable to the City Clerk and are used for defraying the cost of State licenses required for operation of municipal fishing facilities.

Section 8. A provision is hereby established allowing for the collection of mooring fees at the city-owned canal park. These fees are payable to the City of Mexico Beach in the amounts specified in the Table below. These fees are to be placed in a special city account and dedicated for park maintenance.

MOORING RATES

	<u>Without Electricity</u>	<u>With Electricity</u>
Transient Rate	\$.50 per foot per day	\$5.00 extra per day
Monthly Rate	\$100.00	

Section 9. A provision is hereby established allowing for the collection of fees associated with the City of Mexico Beach Development Order process. These fees are payable to the City Clerk at the time of Development Order submittal to the City Administrator.

DEVELOPMENT ORDER FEE SCHEDULE

Major Development Order	\$ 75.00
Minor Development Order	\$ 50.00
Commercial Development Order	\$ 100.00
Re-Zoning Request Fees: (Non-refundable)	
Under 10 acres	\$1,360.00
10 or more acres	\$1,590.00
Sign Permit	\$ 10.00
Driveway Connection Permit	\$ 10.00
Fence Permit	\$ 10.00
Tree Permit	N/C


Section 10. A provision is hereby established allowing for the collection of a ten dollar (\$10.00) administrative fee for services rendered in issuance of Bay County Building Department documentation.

Section 11. A provision is hereby established allowing for the collection of fees associated with scrap sales. Such sales are authorized to be conducted by the City Administrator and the dollars collected will be credited to either the General Fund or one of the various enterprise funds.

law. Section 12. This ordinance shall take effect as provided by

INTRODUCED at a regular meeting of the City Council on June 13, 1995, and ADOPTED at a regular meeting on September 12, 1995.

CITY OF MEXICO BEACH, FLORIDA


Garry L. Gaddis
Mayor/Councilman

ATTEST:

Patricia L. Hutchinson
City Clerk

ORDINANCE NO. 657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH,
FLORIDA REPEALING ORDINANCE 450 AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, the City of Mexico Beach previously created a "Building Contractors
Examining and Mediation Board" through Ordinance 450; and

WHEREAS, the City has determined it is in the best interest of the City to abolish said
Board, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 1. Ordinance 450 is hereby repealed.

INTRODUCED at a meeting of the City Council on November 9, 2016 and ADOPTED by
the City Council at a Regular meeting on December 13, 2016.

Tom Bailey, Mayor

ATTEST: _____

Adrian Welle, City Clerk

ORDINANCE NO. 450

AN ORDINANCE ADOPTING THE CITY OF MEXICO BEACH BUILDING STANDARDS RELATIVE TO THE CITY OF MEXICO BEACH BUILDING DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the best interest of the City that this Ordinance be enacted, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

SECTION 1. The following Codes are hereby adopted as an essential part of the City of Mexico Beach Building Department:

City of Mexico Beach Building Standards

Sec. 1-1. Created.

There is created the "Building Contractors Examining and Meditation Board" of the City, also known or referred to as the "The Construction Industry Licensing Board," "The City Examining Board" or just "The Board."

Sec. 1-2. Members; appointment; Terms.

(A) The Building Contractors Examining Board of the City shall consist of five members as follows:

1. An Electrician who is engaged in the profession and who holds a valid Electrician's certificate in the City;
2. An Air-conditioning Mechanic who is engaged in the profession and who holds a valid air conditioner mechanic's certificate in the City;
3. A Plumber who is engaged in the profession and who holds a valid Plumbers certificate in the City;
4. A member from the field of general construction; and

5. A qualified elector in the City, not from the field of general construction or any profession regulated by this chapter.

(B) The Board shall be appointed by the City Council as follows:

1. The first and second members shall be appointed for a term of two years for the first term;
2. The third and fourth members shall be appointed for a term of two years for the first term;
3. The fifth member shall be appointed for a term of one year for the first term.

(C) Terms shall expire and new appointments shall be effective on October 01, 2003 provided that all members shall serve until their successors are duly qualified and appointed.

Sec. 1-3. Chairman; Secretary; quorum.

(A) The members of the Building Contractors Examining Board shall vote to determine who shall act as chairman. The City Administrator, clerk, or his designated representative, shall serve as secretary to the Board.

(B) Any three members shall constitute a quorum with an elected chairman pro tem in the absence of the regular chairman. The chairman shall hold that position for one year unless his term expires.

Sec. 1-4. Meetings.

(A) Meetings of the Building Contractors Examining Board shall be held at such times as the Board may by rule, from time to time, establish. Special meetings of the Board may be called by the chairman or three members of the Board at other times and places.

(B) Administrative hearings may be held upon a request of the City Administrator to hear evidence in regard to written complaints against any contractor.

Sec.1-5. Records

The Building Contractors Examining Board shall keep in the office of the department of development and planning a separate book of each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the Board in revocation or suspension proceedings, and the signatures of the members of the Board participating in any action.

Sec.1-6. Powers and Duties.

(A) The Contractors Examining and Meditation Board shall have the power to develop tests and conduct testing to determine the qualifications of applicants for various types of contractors' and superintendents' licenses and certificates of competency for those professions and occupations for which the City of Mexico Beach Examination Board and/or the Florida Construction Industry Licensing Board do not test, certify or qualify. Such certificates of competency issued by the Board shall be applicable only to the performance of construction and contact-related services within the corporate limits of the City and shall be issued after the applicant has satisfactorily completed the examination process required by the Board. The Board, through the examination process, shall determine the type of certificate or license for which an applicant is qualified.

(B) The Board shall hold hearings to determine if a license or certificate issued by the Board, by the City Examining Board, or by the State Construction Industry Licensing Board, should be suspended or revoked for any violation of this chapter, the City Code of Ordinances, or the Florida Building Code. After a hearing and upon finding a probable cause that a violation has been committed, the Board shall be empowered to fix the length of time for such suspension or revocation of the license or certificate or shall make a recommendation as indicated in paragraph (H) 3. below. Any decision or recommendation of the Board may be appealed in writing to the City Council within thirty (30) days of the Board's decision.

(C) The Board, upon a finding of probable cause that a violation of this chapter, the City's Code of Ordinances, or the Florida Building Code has been committed, shall be empowered to make a recommendation to the State Construction Industry Licensing Board that license and certificate of competency of the firm, contractor, or superintendent be revoked or suspended.

(D) The Board shall be empowered to appoint an employee from the building, codes, or zoning department to conduct an investigation of any complaints made against the licensed contractor or superintendent and shall determine whether to file administrative action or direct the investigator to file a complaint for prosecution of the violation against the firm, contractor, or superintendent.

(E) The Board may call upon members of the industry to assist and advise them.

(F) The Board shall have jurisdiction to conduct investigations of all firms, contractors and superintendents licensed by it, as well as authority to review and recommend administrative action, after findings of probable cause that violations have been committed, of all contractors, superintendents and trades.

(G) The secretary of the Contractor's Examining and Meditation Board may, upon their own motion, or shall upon sworn complaint in writing of any person, investigate, or cause to be investigated by a special investigator appointed by the Board, the charges against any contractor or superintendent qualified by the Board,

the City Examination Board, or by the State Construction Industry Licensing Board, and shall submit a written report to the Board. Upon the filing of bankruptcy by or against a qualified contractor under this article, or if a qualified contractor fails to keep in force with insurance policy as required, the secretary of the Board shall immediately suspend the certificate of competency and report the matter to the Contractor's Examining and Mediation Board for revocation action.

(H) The Contractors' Examining and Mediation Board, upon receipt of such reports, shall decide if the report makes a prima facie showing of a violation of this chapter and if so, shall take one (1) or both of the following actions:

1. Instruct the secretary to send, by registered mail, a letter to the qualified contractor or superintendent to their last known address, as shown by the Board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the section of this chapter alleged to be violated, and notifying the qualified contractor or superintendent to appear before the Board at a time and place fixed, not sooner than twenty (20) days from the mailing of the registered letter, to show cause why his certificate of competency should not be further suspended or revoked.

2. Instruct the investigator or complainant to file a sworn affidavit for the arrest of the qualified contractor or superintendent if they have violated any of the provisions of this chapter.

3. The administrative hearing provided for in subsection one (1) of this section shall be open to the public.

(a) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(b) The hearings need not be conducted according to technical rules related to evidence and witnesses. They shall however be conducted in accordance with accepted parliamentary procedures related to motions, votes, and decisions. Fundamental due process shall be observed and shall govern all meetings. Any evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence. Hearsay may not be used for the purpose of supplementing or examining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(c) Each party shall have these rights: To call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any

witness regardless of which party first called him to testify; and rebut the evidence against him.

(d) A written decision shall be made by the Contractors' Examining and Mediation Board by a majority of the Board within five (5) days of the close of the hearing. The decision shall be one (1) or more of the following:

1. Not guilty
2. Fine
3. Suspension of a certificate of competency, stating why.
4. Revocation of a certificate of competency, naming an effective date.
5. Recommendation of suspension or revocation of a certificate of competency or license to the State Construction Industry Licensing Board.

Sec. 1-7. Rules, Regulations

The Contractors' Examining and Mediation Board may make such rules and regulations as are consistent with the general policies of this chapter as it may deem necessary to carry out the provisions on this chapter, including the power to administer oaths and subpoena witnesses in the manner provided for subpoenaing witnesses in the court, but all such rules shall be approved by resolution of the City Council before such rules shall have any force or effect.

Sec. 1-8. Same--Contractor or Superintendent

(A) The procedures in this section have been developed to qualify those specialized professionals for whom the City Examining Board and/or the State of Florida Construction Industry Licensing Board may not test, certify, or qualify.

(B) A contractor or superintendent's certificate of competency shall be obtained in the following manner:

1. Any person required or desiring to be qualified as a contractor or superintendent shall make application on a form prescribed by the Contractors' Examining and Mediation Board at the office of the secretary of such Board in the Building and Zoning Department. The application shall be retained by the board, together with all supporting papers.
2. Should the applicant be a firm, the application shall be executed by the president or one legally qualified to act for the firm, shall show his authority to so act on the application, and shall name on the authorized agent on behalf of the firm showing his authority:

(a) To act for the firm in all matters in any manner connecting with the contracting business;

(b) To supervise the construction under the occupational license issued to the firm; and

(c) To take the qualifying examination for the firm, unless holding a current certificate of competency of the class and type necessary.

(d) The firm shall be qualified only through the qualifications of such agents taking the examination, or through an agent currently qualified, and if the agent (qualifier) shall serve his affiliation with such firm, the certificate of competency held by such firm shall be automatically cancelled. Any agent (qualifier) shall be restricted to work of the firm he is currently qualifying.

3. No applicant shall be considered unless the applicant gives all information required on the form, which shall be included:

(a) A statement of the applicant's proposed contracting business.

(b) The type of certificate being applied for.

(c) Name, residence and business address for the applicant.

(d) If the applicant is a firm, the name and business address of the firm and the name and residence of all directors and officers of the firm and their interest therein, and the name and residence of all the applicants qualified representative, and information contained above; if the applicant is a corporation, a certificate of incorporation.

(e) A sworn financial statement of the applicant, a credit report, and an agreement authorizing the secretary of the Contractors' Examining and Mediation Board to obtain from any source dealing with the applicant, even though confidential, such additional information concerning the applicants financial condition as the secretary deems necessary. Superintendents are exempted from the application of this subparagraph.

(f) A sworn list of all businesses owned, operated, or managed by the applicant or in which the applicant has had an interest of any kind during the past five (5) years, and the address of these businesses. Superintendents are exempted from the application of this subparagraph.

(g) A receipt from the Board, showing that a fee of fifty dollars (\$50.00) for the examination and/or qualification of the applicant have been paid.

(h) Three (3) letters of recommendation from a reputable business or professional person, not related by blood or marriage to the applicant, of this county, or the county of the applicants last business venture, vouching for the applicant's reputation as to honesty, integrity, and good character.

(I) A sworn statement, stating under an oath that the applicant has not been convicted of a misdemeanor or felony during the past ten (10) years, and that they are not presently charged with committing a felony or misdemeanor. If this is not the case, the applicant shall specify the details of the conviction charges.

4. The secretary of the Board shall notify the applicant of the next regular examination and shall notify the Board of the application prior to its next regular meeting and make such additional investigation as may be directed by the Board.

5. The Contractors' Examining and Mediation Board shall prescribe the type of examinations of the applicant to show his degree of experience; his knowledge of building, safety, health and lien laws of the county, state, and federal governments as may be applicable; his knowledge of rudimentary administrative principles of the contracting business for which the application is being made.

6. The Contractors' Examining and Mediation Board shall not issue or renew a certificate of competency unless, by majority vote of the Board members present, the Board finds:

(a) That the applicant, or if the applicant is a firm then the qualified representative, has made a passing grade of 72% on the written or verbal examination and has the necessary experience for the type of certificate applied for.

(b) That the applicant is financially able to engage in the contracting business for which the certificate is requested. They shall establish, in its rules and regulations, uniform but separate standards for each contractor's category to guide it in determining an applicant's financial qualifications.

(c) The applicant, and each member of the firm, possesses a reputation for honesty, integrity, and a good character, and is not under present removal of civil rights due to a felony conviction and never has been convicted of a felony which directly relates to the subject matter for which the certificate of competency is to be issued. This shall be determined by the Board by the information contained in the letter of recommendation submitted by the applicant and any other statement submitted to or obtained by the Contractors' Examining and Mediation Board or its investigators. The lack of honesty, integrity, or good character may be established by competent evidence that:

1. An applicant has committed an act within the past ten (10) years, which, if committed or done by a license contractor, it would be grounds for suspension or revocation of a contractor's license.

2. An applicant has committed an act within the past ten (10) years involving dishonesty, fraud, deceit, or lack of integrity whereby the applicant has been benefited or whereby another has sustained some injury.

3. An applicant has, in the past ten (10) years, refused to pay valid bills of persons or firms or if the applicant or any officer of the business has been adjudicated bankrupt within such time. If the applicant shall be a firm, then the qualifying agent of the applicant shall be considered to be an officer of the firm for the purposes of this section.

4. An applicant has been convicted of a felony and is presently removed of his civil rights or the applicant has previously been convicted of a felony, which directly relates to the subject matter of this chapter.

Sec.1-9. Same-- Prerequisite for occupational licenses.

Whenever a license is required of any contractor, subcontractor, superintendent, master, or journeymen, no such occupational licenses shall be issued unless the applicant shall first procure from the City Examining Board and/or the Florida Construction Industry Licensing Board a current certificate of competency and shall present a copy to the license division.

Sec.1-10. Annual renewal fees.

Certificates of competency of qualified contractors, subcontractor's, and specialty contractors shall be subject to the annual renewal fees along with required information described below:

1. Bay County Contractors_ . \$50.00
2. Non-Bay County Resident..\$150.00
3. Non-Florida Resident __..\$300.00
4. Journeymen_____..\$25.00
5. Inactive Status _____ 1/2 Regular Fee
6. Contractors not regulated by Chapter 489 F.S. __\$65.00
7. State Certified Contractors are exempt from renewal fees, but shall pay an administration fee due during the month of September each year. The fee amount required is \$25.00.
8. Required information on all contractors: Proof of residency, Certificate of liability insurance, Workers compensation Certificate or exemption, Current state of Florida registration, and a check or money order for any required fee.

Sec.1-11. Unlawful acts or omissions.

It shall be unlawful for any City Contractor, licensed individually or as a firm contractor, officer, director or qualified representative of a firm contractor or superintendent to commit any one (1) or more of the following acts or omissions:

1. To contract or does any work outside of the scope of operations as set out in the Florida legal definition of the particular type of contractor or superintendent for whom they are qualified.
2. Abandon without legal excuse a construction project or operation in which they are engaged or under contract as a contractor or superintendent.
3. Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever.
4. To depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.
5. Disregard or violate, in the performance of their contracting business, any of the building, safety, health insurance or workers' compensation, laws or state laws and ordinances.
6. Misrepresent any material fact in their application and supporting papers in obtaining a license under this article.
7. Fail to fulfill his contractual obligation through inability to pay all creditors for materials furnished or work or services performed in the operation of his business for which they are licensed hereunder.
8. Fail to display their business name and license number as required by Chapter 489 Florida Statute or fail to display them upon their vehicles in a conspicuous location. This also pertains to any and all City registered contractors within any category.
9. Intentionally evade or violate any of the provisions of this chapter, which may be evidenced by but not limited to one (1) or more of the following acts:
 - (a) Aiding or abetting any person not holding a certificate of competency to evade or violate any of the provisions of this chapter;
 - (b) Allowing a certificate to be used by an unauthorized person;
 - (c) Obtain a permit for any work in which the certificate holder does not actually

supervise, direct, and control the construction or installation covered by such permits.

(d) Subcontract any work to any person, corporation, or firm not holding a certificate of competency for work involved in the subcontract.

(e) Fail to obtain a permit prior to commencement of any job.

10. Do any fraudulent act as a certificate holder by which another is substantially injured.

11. Provide false information or facts to the Board or Building Department Division for anything.

12. Fail to cooperate in any investigation by not giving a sworn statement of facts.

Sec.1-12. Unlawful to Engage.

It shall be unlawful for any person or business to engage in any business or act in any capacity of any covered occupations listed within the City Code or Florida Statute Chapter 489 within the City without having been duly Registered or Certified under the provisions hereof. Any person who violates any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine not exceeding (\$500.00) or by imprisonment not exceeding sixty (60) days or by both such fine and imprisonment.

Sec.1-13. Certificates of competency--Required to do business.

(A) It shall be unlawful for any person to engage in the business or act in the capacity of a contractor, subcontractor, master, qualifying agent, journeyman, maintenance personnel, installer, or tradesman in any of the classifications set forth in the code within the incorporated area of the City without having made application for, as set forth in this section, and there having been issued, as set forth in this division, a current valid certificate of competency or eligibility. Nothing in this section shall be construed to mean that there cannot be workers in some trades who are not qualified or certified within the definitions herein set forth if such workers are employed by and under the supervision of a contractor qualified in the trade concerned and working with a master or journeyman on the job site, if the trade concerned requires masters and journeyman. Workers are not qualified and certified within the definitions herein set forth can work as day laborer for a builder in any trade not requiring a masters, journeyman, or installers license.

(B) The scopes of work for each person holding certificates of competency shall be limited to work describe in the classification for which a certificate of competency is held, and the standards established, including examination, for the obtaining of any particular certificate of competency shall cover the entire scope of the work involved in the particular classification concerned. The possessing of a current valid certificate of competency and a current occupational license pursuant thereto as a

contractor or subcontractor in any classification shall include the right to contact and obtain permits for all work included in the scope of the work described in the classification and such contractor or subcontractors shall be issued permits for such work by the administrative agency concerned. Nothing in this section shall be misconstrued to prohibit the work included under one (1) classification from also being included under another classification, if so set forth in this article in the scope of the work of classification concerned and whether on private or public property, shall have no bearing unless specified otherwise.

(C) The provisions of this section shall not apply to contractors bidding on or performing public works for municipal, county, state or federal government, or other public body.

(D) Any person not possessing a current certificate of competency and holding himself out to be a contractor or superintendent shall be subject to the provisions and penalties of the City of Mexico Beach Code of Ordinances, and such representations shall be prima facie evidence in court or any other proceeding authorized by this chapter that the person purported to have the capacity to act as a contractor or superintendent.

Sec. 1-14. Reciprocity.

(A) Generally. The County requesting reciprocity shall submit a letter of affidavit reflecting the facts that the individual was certified by examination, to include the trade, experience requirement, date of certification, passing score (72%), status of certification, any disciplinary actions and that their County will in turn accept reciprocity from the City.

(B) Board Requirement. The City Board shall review applicants of reciprocity and shall give a finding or recommendation to the building official prior to the acceptance of any applicant for reciprocity.

Sec. 1-15. Contractor's license fees

Any contractor holding a license issued in another city or county that meets or exceeds the licensing requirements of the City shall pay a fee for registration and a fee for a card. A fee shall be charged to renew the card in each successive year. If the card is not renewed and kept current, upon application for issuance of a card the contractor shall be required to pay the registration fee as a penalty in addition to the renewal fee. State certified contractors shall only be required to obtain an occupational license. All the fees in this section may be established by resolution of the City Council.

Sec.1-16. Bond required for contractors

To be established by resolution of the City Council.

Sec.1-17. Liability insurance required

(A) In order to protect property owners in the City, contractors doing business in the City shall be required to carry bodily injury and property damage insurance in the amounts shown below or that which is required of contractors by the State of Florida; whichever is greater.

(1) \$50,000. -Bodily Injury and \$25,000. -Property Damage. These amounts apply to all contractors except for those regulated under Chapter 489 F.S. .

(B) Such liability insurance shall be issued by an insurance company licensed to do business in the state, shall name the City as an additional insured by endorsement and shall provide a ten-day notice of cancellation or reduction in coverage to the Building Department of the City. Evidence of insurance complying with this section shall be provided by a copy of the policy or by a certificate of insurance stating the company name; an agent or agency name; policy number; an inception and expiration date; limits of liability; that coverage is provided for the hold harmless agreement executed by the contractor; that the City is named as an additional insured by endorsement; and that the ten-day notice of cancellation or reduction in coverage will be provided.

(C) A contractor listed in subsection (a) of this section who presently carries liability insurance in the amounts stated for work preformed in the County or the State is not required to carry additional amounts of insurance required by the section.

(D) Persons engaged in occupations relating to any type construction, repair, modification, demolition, or other services in connection with any type maintenance and upkeep of buildings, equipment and facilities within the City are required to provide up to date proof of insurance or a surety bond in the amounts shown in subsection (a) of this section prior to issuance of necessary permits to proceed with work.

Sec.1-18. Falsification as grounds for denial of Certificates

Any falsification on an application or examination under this division shall be reason to deny the applicant a certificate of competency in the City.

Sec. 1-19. Records

The Director of Building and Zoning shall keep a record of the name and address of each applicant for a certificate of competency and the date of filing the application, and shall maintain a master list of qualified certificate holders furnished by the Building Official.

Sec. 1-20. Registration of out-of-town service contractors, specialty contractors and construction industry contractors; job permit required.

(A) All service contractors, specialty contractors and construction industry contractors whose business location is other than in the City, and who are not currently licensed to operate in the City, shall register with the City prior to commencement of any work in the City. Upon presentation of a valid occupational

license from the county or another municipality within Bay County, together with a copy of his liability insurance policy and evidence of state registration or certification, the City shall issue such contractors a registration certificate in such form as is prescribed, to be valid from the date of purchase through September 30th of the current fiscal year. The City fee requirements shall be met prior to issuance.

(B) All service contractors, specialty contractors, and construction industry contractors shall obtain a City license or registration certificate as set forth in the division prior to commencement of any work in the City. Prior to the issuance of a City license or registration certificate, each contractor and /or homeowner contractor shall execute a hold harmless agreement holding the City and its officers, agents, employees or assigns, both individually and collectively, harmless from any liability caused by the contractor or his agents, employees or assigns. This hold harmless agreement will be on a form provided by the City.

(C) Certification and registration by the Florida Construction Industry Licensing Board shall be required for general contractors, building contractors, residential building contractors, electrical contractors, plumbing contractors, mechanical contractors, swimming pool contractors, sheet metal contractors, and roofing contractor. And any others as may be required.

(D) The Building Official shall review all plans, specifications, and work proposals for compliance with existing laws and ordinances.

(E) Upon proper credentials, a contractor may obtain a job permit.

(F) An annual registration fee for all persons required to be registered with the City.

(G) All registration permits shall be sold by the City Administrator or his authorized representative, beginning September 1 of each year, shall be due and payable on October 1 of each year and shall expire on September 30 of the succeeding year. Those registrations not renewed by October 1, shall be considered delinquent and are subject to a delinquency penalty of ten percent for the month of October, plus an additional penalty of five percent for each month of delinquency there after until paid. However, the total delinquency penalty shall not exceed 25 percent of the registration fee. Any person engaging in the construction industry, as defined in this section, who requires registration with the City, shall be subject to a penalty of 25 percent of the registration fee determined to be due, in addition to any other penalty provided by law or ordinance.

Sec.1-21. Electrical contractor qualifications

A person shall be deemed qualified in the business of electrical contracting if he has passed a block proctored examination with a passing grade of 72 percent as master electrician, possesses a county license and shall be registered with the State Department of Business and Professional Regulation; or be certified by the State.

Such persons deemed qualified shall purchase a City occupational license for such trade. If such persons meet these qualifications and are licensed in another municipality in the County, a fee will be charged for City registration for issuance of a card of competency and which shall be renewed annually for a fee as long as card is kept up to date. Such fees are established by resolution of the City Council; State certified electrical contractors are only required to obtain an occupational license.

Sec.1-22.Contractors qualifications

A person shall be deemed qualified to engage in the business of any of the listed trades when they have passed a block proctored examination with a passing grade of 72 percent and/or possess a Certificate of Competency from any other city in the county and shall be registered by the State or be Certified with the State. Such persons deemed qualified shall purchase a City occupational license for such trade or be certified by the Board by way of qualifications set forth in this section. If such persons meet the qualifications and are licensed in another local municipality, fees as set by resolution of the City Council and will be charged for registration and for issuance of a card of competency; then an annual charge as long as the card is kept up to date. Exception: The trades not listed in Chapter 489 F.S. are not required to take a block exam unless the Board requires it under a resolution of such. An approved Competency Card is still required

Sec.1-23. Certificates of Competency and other Trades.

A. Reference Chapter 489 F.S and others. The following trades shall meet requirements set forth by the City Building Department.

- (1) Alarm Contractor
- (2) Alarm Contractor II
- (3) Building Contractor
- (4) Cabinet Contractor
- (5) Drywall Contractor
- (6) Electrical Contractor
- (7) Electrical Sign Contractor
- (8) Excavation Contractor
- (9) Flooring Contractor
- (10) Framing/Carpentry Contractor
- (11) General Contractor

- (12) HVAC. (Class A) Contractor
- (13) HVAC. (Class B) Contractor
- (14) HVAC. (Class C) Contractor
- (15) Insulation / Fireplace Contractor
- (16) Landscape Contractor
- (17) Limited Contractor
- (18) Limited Energy Systems Contractor
- (19) Marine Contractor
- (20) Masonry / Stucco / Concrete Contractor
- (21) Mechanical Contractor
- (22) Plumbing Contractor
- (23) Residential Contractor
- (24) Roofing Contractor
- (25) Sheet metal Contractor
- (26) Sign Contractor- (non-electrical)
- (27) Solar water heating Contractor
- (28) Specialty Contractor- (any specified by the City)
- (29) Storm Shutter Contractor
- (30) Surveyor Contractor
- (31) Swimming Pool/Spa Contractor
- (32) Swimming Pool/Spa Service Contractor
- (33) Tree Contractor
- (34) Trim Contractor

(35) Underground Utilities Contractor

(36) Water Filtration / Softener and Conditioning Service Contractor

(37) Window and Door Contractor

B. Upon ascertaining that the applicant for registration has satisfied all the requirements set forth for the following license.

(1) Master Electrician

(2) Master Plumber including. Gas

(3) Journeyman Electrician

(4) Journeyman Plumber

Sec.1-24. Certificate

The Building Official shall refuse to issue a license to any person engaged in the business of electrical, plumbing, and mechanical or gas construction and installation, unless such persons hold a valid, un-revoked or un-suspended certificate of competency, or has in his regular employ a person who holds such certificates. The Building Official shall also refuse to issue to any partnership a license to engage in such business, unless such partnership has in its regular employ, or as a member, a person who holds such certificates. The Building Official shall also refuse a license to any corporation, which does not have in its regular employ a person who holds a certificate. Each license shall stand suspended during any period in which the conditions requisite to issuance of a license do not obtain.

Sec.1-25. Permits required

(A) No electrical wiring or extension of circuits shall be installed within or on any building or structure nor shall any alteration, repair or addition be made in any such existing wiring, devices, or equipment without first securing a permit from the building official, except as provided in subsection (b) and (c) of this section.

(B) No permit shall be required for minor repairs, such as repairing flush and snap switches, replacing fuses or circuit breakers, and changing lamp sockets and receptacles.

(C) No permit shall be required for the installation and wiring, devices or equipment for telephone, cable television or any work installed by a public utility subject to regulation as such by the State Public Service Commission or an agency of the United States.

(D) A permit for electrical construction shall be obtained from the Building Official by the person installing the work, this shall occur prior to the commencement of work.

(E) The permit when issued shall be for such installation as is described in the permit, and no deviation shall be made from the installation so described without the written approval of the Building Official.

Sec.1-26. Permits--Exception

(A) The construction, alteration, renovation or repair of a building, structure, pool, dock, fence, tree removal, parking area, etc., shall not be permitted or commenced within the City before a building permit has been obtained from the proper authorities.

(B) A permit shall not be required to be obtained pursuant to subsection (a) of this section for the following types of building activities:

1. Interior and exterior painting, including roof painting and wallpapering and done by a registered contractor.
2. Sheetrock repair, not replacement.
3. Exterior landscaping modifications, which are not affected by another City Code and done by a registered contractor.
4. Replacement of floor coverings if done by a registered contractor.
5. Replacement of appliances, including window air conditioners, unless an electrical connection is required other than by a common wall plug.

Permits shall be required for all other activities, which are otherwise required by the appropriate codes.

Sec.1-27. Fees.

All fees for general and electrical permits shall be adopted by or amended by a resolution of the City Council.

Sec.1-28. Computation for work without a permit

(A) Permit fees shall be in accordance with the schedules enumerated in this division, except where work without a permit is in progress or complete; in such cases, the following schedule shall apply to all work without permits or Development Orders:

1. Where it can be determined that the current owner is responsible, four (4) times the amount(s) shown in the regular schedules in the division.

2. Where it cannot be established that the current owner is responsible, double the amount(s) shown on the schedules in this division (Permits).

(B) All fees in this paragraph (A) above shall apply unless the owner or his authorized agent can produce satisfactory evidence to the director of the building department that the work was performed prior to his ownership; in such case, the double fee amount will apply.

Sec.1-29. Expiration of permits.

(A) Permits shall not be valid if the work is not started within 180 days after the date of issue and shall expire one (1) year from the date issued.

(B) Expired permits and development orders may be renewed at the discretion of the Building Official after a review of the previously filed documents. A plan review fee shall be assessed for the review.

Sec.1-30. Re inspection fee.

A re-inspection fee established by or amended by a resolution of the City Council shall be charged or assessed to any contractor, or homeowner acting as contractor, when an inspection fails to comply with the City Building Code, and a re inspection is required. The contractor or homeowner shall pay the fee before re-inspection.

Sec.1-31. Inspection of work

(A) All air conditioning ducts, fan vents, plumbing, and other piping work must be in place, inspected and accepted on work to be concealed before the electrical wiring is inspected, and no such wiring will be considered as completed until all such ducts, vents, plumbing, or piping is in place.

(B) Upon making an inspection of any electrical wiring or equipment, when to wiring or equipment is found to have been installed in a satisfactory manner and in accordance with the provisions of this article, the Inspector shall place a notice at the service switch or other suitable place stating that the electrical work has been inspected. If the wiring or equipment is found not to be in accordance with the provisions of this article, the Inspector shall post a certificate stating "Wiring Condemned".

(C) It shall be unlawful to conceal any electrical wiring or equipment until such wiring or equipment has been inspected and the notice posted required in subsection (b) of this section.

(D) If any electrical work or part therefore is covered before being inspected, tested and approved as provided in this article, it shall be uncovered upon the order of the Inspector, and the cost of such shall be the responsibility of the contractor or the owner.

(E) When the electrical work for which a permit has been obtained is ready for inspection, notice in writing on the forms furnished at the office of the Inspector stating the location of the work, the name of the owner, the name of the electrician to whom the permit was issued and the name of the electrician doing the work shall be given to the Inspector or his duly authorized representatives at his office.

(F) As soon as possible, exclusive of Sundays and holidays, the Inspector or his duly authorized representatives will inspect and test the work in a manner necessary to satisfy the Inspector that the work has been installed in a proper and work like manner and in accordance with the provisions of this article, and with the plans and specifications previously submitted and approved.

(G) In large and/or complicated installations the work may be inspected and tested in sections at the option of the Inspector or his duly authorized representatives.

(H) If, after the first visit to an installation pursuant to written notice, it is necessary to return to re-inspect any work because of a defect or because the work was not ready for the initial inspection, the Inspector will be required to return only on another written notice.

(I) After the completion of the work, a notice, the same as provided in this section, shall be given to the Inspector or his duly authorized representatives for a request of a final inspection. If the inspector finds that the work has been satisfactorily done, he shall issue a final Certificate of Inspection upon the request of the electrician to whom the permit was issued. The Certificate does not relieve the electrician of his responsibility for any defective work, which may have escaped the notice of the inspector.

Sec.1-32. Concealment of installations

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person doing the installing shall notify the Inspector and such parts of the wiring installation shall not be concealed until they have been inspected by the Inspector, provided that on large installations where the concealment of parts of the proceeds continuously, the person installing system shall give the inspector due notice, and inspection shall be made periodically during the progress of the work.

Sec.1-33. Completion of installations; and certificates

(A) Upon the completion of the installation of the electrical wiring, devices, and equipment, which have been authorized by issuance of a permit, it shall be the duty of the person making the installation to notify the Inspector who shall inspect the installation within a reasonable time. If the installation is found to be fully in compliance with the law and does not constitute violation, the Inspector shall issue a certificate of approval to such person for delivery to the owner authorized connection to the electrical services, the turning on the current and the use of

installation. The Inspector shall send a written notice of the connection authorization to the public utility corporation furnishing the electric service.

(B) When a certificate is issued authorizing the connecting and use of temporary work, such certificates shall be issued to expire at a stated time and shall be revocable by the inspector at his discretion. A preliminary certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation, and such preliminary certificates are revocable at the discretion of the Inspector,

(C) If, upon inspection, the installation is found not to be fully in compliance with law, the Inspector shall forward or post for the person installing the installation a written notice stating the defect, which has been found to exist.

Sec.1-34. Appeals from decisions of Inspector.

When the Inspector shall condemn all or part of any installation. The owner may file an appeal in writing for review of such action with the Building Contractor's Examining Board and the Board shall determine at the next scheduled meeting whether such installation complies with the law, and render its decision accordingly.

Sec.1-35. Connections to installations

(A) It shall be unlawful for any persons to make connections from a source of electrical energy to any electrical wiring, devices, or equipment for the installation of which a permit is required, until a Certificate of Approval has been issued by the Inspector authorizing such connecting and the use of such wiring, devices, or equipment.

(B) It shall be unlawful for any persons to make connections from a source of electrical energy to any electrical wiring, devices, or equipment which has been disconnected or ordered to be disconnected by the Inspector or the use of which has been ordered disconnected by the Inspector until a Certificate of Approval has been issued by the Inspector authorizing the reconnection and use of such wiring, devices, or equipment.

(C) Tampering with meters or with conductors carrying un-metered current and the unauthorized breaking of utility company seals shall be unlawful. New service or existing service that has been altered or repaired shall not be connected until the utility company furnishing electricity has received an authorized inspection certificate.

(D) It shall be unlawful for any person to remove, alter, change, mar and/or deface any manufacture's name, trademark, symbol, and/or markings on any device or equipment in any installation.

Sec.1-36. Certificates of approval

(A) No Certificate of Approval shall be issued unless the electric light, power and heating installations are in strict conformity with the provisions of law.

(B) No certificate of approval shall be issued for any installation, which is not in strict conformity with the provisions of law.

Sec.1-37. Construction, materials, and appliances to conform to article regulations.

(A) All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical wiring apparatus or equipment for light, heat and power within the City shall conform to such special rules and regulations as may be embodied in this article or as may be adopted as provided in this division, and shall conform with approved methods of construction for safety to life or property.

(B) All construction material used in connection with the installation of any construction related trade shall conform to such special rules and regulations as may be embodied in this article or as may be adopted as provided in this division and shall conform with ASTM approved methods of construction for safety to life or property.

Sec. 1-38. Service equipment disconnecting means.

(A) Each set of service entrance conductors shall be provided with a readily accessible means of disconnecting the current-carrying conductors supplied by the service from the source of supply.

(B) Main service disconnects or distribution panels shall not be located in the following locations:

- 1.Closets
- 2.Cabinets
- 3.Bathrooms
- 4.Bedrooms
- 5.Stairways
- 6.Stairwells

Sec.1-39. Gas piping and tubing installations

(A) Gas piping and tubing shall be installed in such a manner that it will not come in contact with electrical conductors, electrical cables and electrical conduits.

Exception (1): Electrical devices in gas lines and at utilization equipment.

Exception (2): Where metallic conduits and gas lines are bonded together.

(B) Gas piping tubing installed in accessible attic spaces and under a floor spaces shall be installed in such a manner that it will be fully visible though out its full length after the building is completed. Gas lines shall not be covered by building installation, etc.

Exception: Vertical sections run down or up to appliances or source.

Sec.1-40. Permit, plan checking fees.

Fees for building permits and for checking building plans shall be as follows:

(1) Permit and plan review fees as defined shall be established by a resolution of the City Council.

Sec.1-41. Unsafe buildings-- Declared illegal and public nuisance

All dwellings, residential buildings and structures, commercial buildings and structures, and any other buildings and structures which are unsafe, unsanitary, unfit for human habitation, or no provided with adequate egress; or which constitute a fire hazard, or otherwise dangerous to human life; or which in relation to existing use constitute hazards to safety or health by reason of inadequate maintenance, dilapidation, obsolescent, abandonment, damage from fire, storm, vandalism, criminal act or other force major events, are severely in contemplation of this section deemed to be unsafe buildings are hereby declared illegal and a public nuisance and shall be abated by repair, rehabilitation, demolition, or such other acts as are necessary to abate the public nuisance.

Sec.1-42. Inspections

(A) Subject to constitutional limitations, the enforcing agency is hereby authorized and directed to make inspections to determine the condition of dwelling, dwelling units, hotels, rooming houses, the premises occupied by or adjacent to such structures, including vacant lots, and the premises of business establishments located in proximity thereof.

1. The inspecting officers of the enforcing agency are hereby authorized to enter, examine and survey, at reasonable hours, all structures and premises for which minimum standards are established by this article.
2. The owner, operator, lessee occupant, or the person in charge of every dwelling, dwelling unit, hotel, and rooming house and business establishment shall give the inspecting officer free access for the propose of making such inspection, examination and survey; and, shall supply, as correctly and promptly as possible, all information requested by the inspecting officer.

(B) Inspecting officers of the enforcing agency shall be provided with official identification and shall exhibit such identification when making an inspection.

Sec.1-43. Units unfit for human habitation and the procedure for condemnation designation. Placard and Stop Work Order removal or obstruction; Penalties.

The designation of dwellings, dwelling units, hotels, hotel units, rooming houses and rooming units as unfit for human habitation and the procedure for the placarding and condemnation of such unfit structures and units shall be carried out in compliance with the following requirements:

1. The head of the enforcing division shall declare as unfit for human occupancy any dwelling, dwelling units, hotels, hotel units, rooming houses and rooming unit which is found to have any of the following defects:

(A) One, which is so dilapidated, damaged, decayed, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.

(B) One, which lack's illumination, ventilation, or sanitary facilities adequate to protect the health or safety of the occupants or the public.

(C) One, which, because of its general condition or location, is unsanitary, or otherwise dangerous to the health or safety of the occupants or the public.

2. The head of the enforcing division shall give to the owner or person in charge of any dwelling, dwelling units, hotels, hotel units, rooming houses and a rooming unit found to be unfit for human occupancy written notice or posting to the effect that such dwelling, dwelling units, hotels, hotel units, rooming houses and rooming unit found to be unfit for human occupancy and such notice shall:

(A) Summarize the defects which serve as the basis for declaring the dwelling, dwelling units, hotels, hotel units, rooming houses and a rooming unit found to be unfit for human occupancy.

(B) Order the building, structure, or portion thereof, to be vacated within five (5) days and not re-occupied until a Certificate of Occupancy is issued by the Building Department of the City.

(C) Require the owner or person in charge of the building or premises, within fifteen (15) days from the date of the notice, to commence either the necessary repairs or improvements or the demolition or removal of the building structures or parts thereof.

(D) Stipulate that a permit as required by the building code be obtained prior to the start of any repairs, improvements, demolition, or removal of the building or structure and that all work covered by the permit that shall be completed within ninety (90) days from the date thereof, unless otherwise stipulated by the head of the enforcing division.

(E) Inform the person on whom the notice is served of his right to apply for, within fifteen (15) days, a hearing by the Special Master.

3. Proper notice of such shall be by personal service upon the owner of record, if he shall be found. If the person addressed with such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed the equivalent of personal service.

4. In addition to giving the notice, the head of the enforcing agency shall placard, or cause to be placarded, dwelling, dwelling units, hotels, hotel units, rooming houses and rooming unit found to be unfit for human occupancy.

(A) The placard shall be signed by the head of the enforcing division and posted in a conspicuous place on the premises. It shall be red in color and contain the following script: "These premises not fit for human occupancy and, in the opinion of the undersigned, unsafe. Notice has been given and these premises shall not be used or occupied. This placard shall not be removed except by an authorized representative of the Enforcing agency."

(B) No person, except a representative of the enforcing division, shall deface or remove the placard from any premises, which have been declared and placarded as unfit for human habitation.

(C) The head of the enforcing agency shall order the placard removed whenever the defect or defects upon which the placarding action was based have been eliminated.

5. Whenever any premises are designed as an unfit for human habitation, as provided in this article, the enforcing division shall determine the relationship of the cost necessary to correct the violation to the value of the building.

(A) If the cost of the corrective measures to be taken exceeds fifty (50) percent of the value, based on current replacement cost less reasonable depreciation, such building shall be demolished and removed.

(B) If the cost of the corrective measures does not exceed fifty (50) percent of the value, based on current replacement cost, less reasonable depreciation, such building may be repaired, renovated, or otherwise made to comply with the requirements of this article.

6. The removal, defacement, blocking, or obstruction by visual methods or otherwise of any Placard or Stop Work Order that has been posted anywhere for anything shall be a violation of City Ordinance and punishable as defined in the City Code.

Sec. 1-44. Enforcement orders and appeals

(A) Every Enforcement Order of the Board or the Special Master shall be final, subject to the right of any aggrieved party, including the City or the violator, to appeal a final administrative order of the Board or the Special Master to the Circuit Court of the Fourteenth Judicial Circuit of Bay County in and for City of Mexico Beach, Florida. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board or the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

(B) Every Enforcement Order of the Board or the Special Master shall have the force of the law, shall be in writing, shall include findings of fact and conclusions of law, and if an order of the Board, shall indicate the vote upon the order.

(C) Every Enforcement Order shall be signed by the chairperson, or in his absence, the vice chairperson, and shall be filed in the office of the City Clerk. A copy of the signed order shall be sent by certified mail, return receipt requested or, where certified mailing would not be effective, by regular mail, hand delivery by a City Police Officer, or Code Enforcement Officer to the violator. The filing of any Order shall be made at the Bay County Clerks Office.

Sec.1-45. Re inspection; unsafe installations

The Inspector shall periodically make a thorough re-inspection of the installation of all electrical wiring, electrical devices, and electrical equipment now installed or that may hereafter be installed within the City. When the installation of any wiring devices or equipment is found to be dangerous or unsafe condition, the person owning, using, or operating such devices or equipment shall be notified in writing or posting and shall make the necessary repairs or changes to place such wiring, devices, or equipment in safe condition and have such work completed within the period specified by the Inspector in such notice. The Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to any wiring, meter, devices, or equipment found to be defect until the installation of such wiring, meter, devices, or equipment has been made safe as directed by him. The City and Inspector shall be held harmless for any loss of damages that might occur from disconnecting of electrical service at any location.

Sec.1-46. Wind borne debris region.

(A) Establishment. There is hereby-established a "Wind-Borne Debris Region" as all land within the corporate limits of the City.

(B) Purpose. In order to assure proper methods for new construction and/or repair of existing buildings and structures, the Wind-Borne Debris Region has been established to provide an easily recognized region, wherein buildings constructed within said region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in the walls or roof by large debris, or be designed with protected openings, pursuant to Chapter 16 Florida Building Code, 2001, FS Ch.553.

Sec. 1-47. Sanitary facilities'

A portable sanitary facility shall be supplied to a new construction site within the City after the initial grading has been completed and before the foundation work is begun. Such portable sanitary facility shall be maintained at the site in an inconspicuous location until after the hookup of the interior sanitary facilities the portable unit shall be kept maintained on a regular basis to avoid a public nuisance to neighboring residence or others.

Sec. 1-48. Damages to public and private property

Builders or persons within the City shall be held responsible for damages caused by them to public and private property in pursuit of the construction project, and shall immediately notify the City to take the necessary steps to repair or replace any damaged property.

Sec.1-49. Recognition of County permits in annexed area.

(A) Whenever, on or prior to the date of annexation, a building or other construction permit has been or shall have been validly issued by the county for construction or other work to be done in the area which, subsequent to the issuance of such permits (or on the date of the issuance of such permits), was or shall have been annexed by the City, the City shall recognize as valid such permits, and all work that might have been started and completed pursuant to such permits shall be permitted to proceed to conclusion, not with standing the certain requirements of the City may be different from those of the County under which such permit was or shall have been issued.

(B) The extent to which such City permit shall be recognized by the City shall be the same extent only as would have been the case under City regulations.

(C) The fact that a developer or owner may have commenced a project but has or shall have secured permits for only some of the contemplated houses in such projects shall not permit any houses to be commenced beyond the exact number for which the County permit has been issued on or prior to the day of annexation.

(D) In the event a permit has been or shall have been validity issued by the county for any type of construction or work on prior to the date of annexation by the City and in connection with such work additional permits are required either under the County procedures or under the City requirements, all such additional permits, the need for same, their issuance and administration shall proceed under the County regulations; and the fact that the main or basic permit has been or shall have been issued by the County shall entitle all applicants for permits in the connection with the completion of the construction or other work on the same premises to proceed as fully as they otherwise would have done in the event annexation has not or shall not have, taken place, except that all inspections assure compliance with the requirements under the permits so issued by the County, as well as the City, shall be performed by and to the satisfaction of the Building Inspector; provided however,

that nothing in this section shall be interpreted to provided any recognition for any renewal or extension of a County permit after the date of annexation as the recognition provided in this section shall apply to an original permit only.

Sec. 1-50. Ground drainage for residential buildings.

(A) All residential properties in the City shall be graded or filled so that the property drains towards a permanent storm drainage, street, or permanent body of water prior to construction of improvements thereon, in order to eliminate flooding due to sudden and heavy rainfall.

(B) Drainage facilities shall be designed so as to retain the first inch of runoff onsite and post development runoff shall not exceed the pre-development run off rate for a 25-year storm event, up to and including an event with a 24-hour duration. Channeling storm water runoff directly into water bodies, coastal wetlands, living marine resource habitats and located near an estuary or estuaries systems or other water bodies within the City limits shall be designed so that the shorelines are sinuous rather than straight and so that water/land interferences are curvilinear and maximize space for growth of littoral vegetation.

(C) The developer or owner shall use swale drainage to the maximum extent possible, except where it is physically unfeasible as determined by the public works director. If feasible, perforated pipe shall be used for infiltration purposes in situations where piping is necessary.

(D) If section (A), (B), (C) are strictly adhered to and approved by the City Officials then the property will be exempt from the regulation that requires gutters and downspouts.

Sec.1-51. Conflicts of law.

In the event of a conflict between any of the provisions of the publications adopted by reference in this division, and a provision of any technical code or standard applicable to the City or adopted by the City, or between such publications, the stricter or higher standard shall control.

Sec. 1-52. Disclaimer.

The City hereby disclaims any responsibility for insuring that construction, remodeling and additions on real property meet the minimum requirements of the City Building Code in that construction permits and inspections are a matter of service to the public and not intended as a guarantee that construction under permits issued by the City meets the minimum requirements of the City's Building Code.

Sec.1-53. Immunity from prosecution.

The City Administrator, Director of Land Use, Code Enforcement Officer, Public Works Director, and approved wrecker staff acting under the direction of a Director

or a Code Enforcement Officer are immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed in The Code.

These Codes shall be enforced at the option of the City, by City officials hired or appointed; or by appointed County officials; or by contract with an appointed agency or professional group authorized and trained to perform such enforcement measures; or a combination of any of these alternatives.

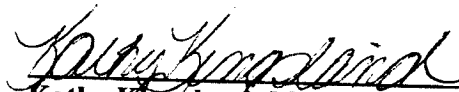
SECTION 2. All Ordinances or parts of Ordinances thereof in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Violation: Any person or persons violating this Ordinance are subject to the maximum penalties as prescribed by law.

SECTION 4. This Ordinance shall become effective immediately upon passage pertaining to all contractors, except for the provisions and contract services provided for by Bay County Builders Services and the parts thereof regulating State Certified and County Registered contractors only. These parts shall be brought forth and effective upon a resolution by the City Council.


INTRODUCED at a regular meeting of the City Council on the 12th day of August, 2003, and **ADOPTED** by the City Council on the 9th day of September 2003.

CITY OF MEXICO BEACH, FLORIDA



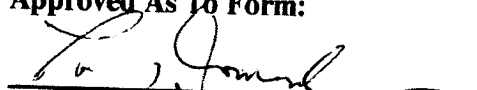
Kathy Kingsland, Mayor

ATTEST:




Henry Flack, City Clerk

Approved As To Form:

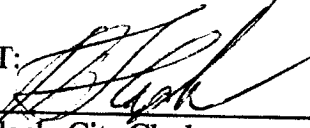


Paul Komarek, City Attorney

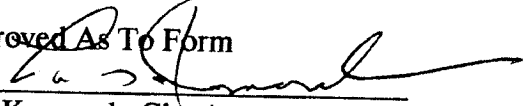
CITY OF MEXICO BEACH, FLORIDA


Kathy Kingsland, Mayor

ATTEST:


Henry Flack, City Clerk

Approved As To Form


Paul Komarek, City Attorney

ORDINANCE NO. 658

AN ORDINANCE AMENDING ORDINANCE 643 TO PROVIDE FOR YEAR-ROUND GARBAGE AND TRASH COLLECTION FOR BUSINESSES TWO TIMES PER WEEK; REPEALING ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mexico Beach, Florida has determined that it is necessary for the protection and preservation of the peace, health, property, and welfare of the City and its inhabitants, that this Ordinance be enacted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

Section 1. Section 3 of Ordinance 643 is changed to read (deleted text ~~stricken~~, new text underlined):

SECTION 3. Collection Practices.

The following collection practices shall apply so long as the garbage, trash, refuse, or debris is properly placed in an appropriate trash can or dumpster:

- (a) Garbage and trash accumulated by residences ~~and businesses~~ shall be collected two times per week on regular schedules between March 1 and September 30 and once per week on regular schedules between October 1 and February 28. Garbage and trash accumulated by businesses shall be collected two times per week all year. Pickups may not occur on holidays but pickups normally scheduled to be made on a holiday may be rescheduled by the City.
- (b) The City will remove a limited amount of yard debris during the scheduled garbage/trash collection periods. Once per week, the City will remove one pile of yard debris which shall include grass trimmings, cuttings, tree limbs, palm fronds, and small trees, not to exceed the volume dimensions which measures four feet by four feet by eight feet. Limbs and small trees shall be cut so as to not exceed eight feet in length. Individuals placing yard debris for collection which exceeds these size standards, shall coordinate through City Hall for proper removal as a "special pickup" as provided herein. NOTE: residents will not be charged for the initial four feet by four feet by eight feet volume but will be charged a special pick-up fee for the additional volume. Upon the clearing of a lot(s) the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date of the activity. The owner is responsible for removing such debris and may be cited for a violation of this ordinance should such debris be produced by persons or entities who are not the customer of the City. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the City. Any attempt to have the City collect materials not resulting from the customers property where debris is located or to collect materials from commercial landscaping/construction projects shall be a violation of this Ordinance. Yard

debris may be taken to the Public Works Department by the resident or contractor and dumped at no charge.

- (c) Highly flammable or explosive materials or chemicals shall not be placed in trash cans or containers, including dumpsters, for regular collection but shall be disposed of, in each case, as directed by statute at the expense of the owner or possessor thereof.
- (d) Paint in liquid form will not be accepted. Dried paint will be accepted. Cat litter or sawdust can help speed the process of drying the paint.
- (e) Televisions and electronics will not be accepted. Items can be taken to Bay County for disposal.
- (f) The removal of wearing apparel, bedding, or other refuse from homes or businesses where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Bay County Health Department. Such refuse shall not be placed in regular trash cans or containers for collection.
- (g) Property owners or occupants requesting removal of household appliances, or "white goods", containing refrigerant and fluorocarbons are required, prior to pick-up, to remove the chemicals prior to pick-up as may be directed by the City. All doors on refrigerators and freezers must be removed prior to their placement on the right-of-way. Furniture and other large items as deemed appropriate by the City may also be collected by the sanitation department for a fee upon prior arrangements by the customer. This fee will be established by the City as part of its rate schedule and may be performed by contract or otherwise. Property owners or occupants wishing to utilize the white goods or furniture curbside service must contact City Hall to arrange for pick-up and items should not be placed at the curbside until the day of scheduled pick-up. Items placed on the curb without prior notification to the City are subject to all costs, fees, and charges to the City and by the City, including but not limited to, the white goods/furniture pickup charge and a penalty of \$25 per white good or furniture piece, and/or a code violation citation. Those customers who do not decommission appliances containing refrigerant will be billed for the cost incurred by the City for this service. All charges related to white goods or furniture pickup will either be paid in advance or added to the customer's monthly billing.
- (h) Upon the clearing of a lot(s) or portion of a lot(s), the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date of the activity, The owner is responsible for removing such debris and may be cited for a violation of this ordinance should such debris produced by persons or entities who are not the customer of the City. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the City. Any attempt to have the City collect materials not resulting from the customer's property where debris is located shall be a violation of this Ordinance.
- (i) Customers may make arrangements with the City Sanitation Department to dump excess debris, garbage, or refuse into the appropriate dumpsters at the City Yard at a determined price per pound. The City yard will be open between the hours of 7:30 a.m. and 3:30 p.m. CST, Monday through Friday, except for holidays. Such arrangements should be made in advance in person or by calling City Hall; customers using this service shall obtain a City dump slip prior to dumping. Customers may contact the City to pick up their debris for a charge of \$25.00 in addition to the weight charge.

Section 2. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Code of Ordinances. Section numbers may be assigned and changed whenever necessary or convenient.

Section 5. This Ordinance shall become effective immediately upon its passage.

INTRODUCED at a Regular Council Meeting on the 9th of November, 2016, and **ADOPTED** by the City Council on the 13th day of December, 2016.

CITY OF MEXICO BEACH, FLORIDA

Tom Bailey, Mayor

ATTEST:

Adrian Welle, City Clerk

SEAL

ORDINANCE NO. 659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE APPROPRIATION OF FUNDS OF THE BUDGET FOR THE FISCAL YEAR 2016-2017, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL FUND AND SEWER FUND AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach, Florida adopted its FY 2016-2017 budget on September 26, 2016.

WHEREAS, it is desired to amend said approved budget to provide for capital improvement to Sewer and purchase a brush truck for the fire department

WHEREAS, the City Council has determined that it is in the best interests of the people of the City of Mexico Beach that this ordinance be enacted, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

The FY 2016-2017 general fund budget be updated from \$3,348,358 to \$3,353,358 with a break down in line items as described in Attachment A.

The FY 2016-2017 sewer fund budget be updated from \$1,534,134 to \$1,554,134 with a break down in line items as described in Attachment A.

This ordinance shall become effective as provided by law.

INTRODUCED at the Regular Meeting of the City Council on the 9th day of November, 2016. Adopted at the Regular Meeting of the City Council on the 13th day of December, 2016.

CITY OF MEXICO BEACH, FLORIDA

Tom Bailey, Mayor

ATTEST:

Adrian Welle, City Clerk

Revenue Budget

FY 17 Current

FY 17 Amendment 1

001-343-3433	Fire/ESU Impact Fees	\$	48,308.00	\$	53,308.00
420-343-3434	Sewer Impact Fees	\$	40,000.00	\$	60,000.00

Expense Budget

420-535-6300	Improvements O/T Buildings	\$	40,000.00	\$	60,000.00
001-522-6400	Machinery and Equipment	\$	48,308.00	\$	53,308.00

Difference

\$	5,000.00	Brush Truck
\$	20,000.00	Sewer Lift Stations
\$	25,000.00	
\$	20,000.00	Sewer Lift Stations
\$	5,000.00	Brush Truck
\$	25,000.00	

RESOLUTION 2016-06

RESOLUTION OF THE CITY COUNCIL OF MEXICO BEACH, FLORIDA, CONSENTING TO AND AUTHORIZING THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO DO ALL ACTS NECESSARY TO COMPLETE THE BRIDGE REPLACEMENT, REHABILITATION, AND INSPECTION PROJECT FOR, FPID NUMBER 430464-1-52-01, 36th STREET OVER BAYOU BRIDGE NO. 466001, PURSUANT TO AN OFF SYSTEM PROJECT AGREEMENT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach, Florida, a political subdivision of the State of Florida, acting by and through its duly authorized City Council, approved that certain Off System Project Agreement (Agreement) with the State of Florida Department of Transportation (Department) for the bridge replacement, rehabilitation, and inspection project for the, FPID Number 430464-1-52-01, 36th Street over Bayou Bridge No. 466001 (Project); and

WHEREAS, pursuant to Section 8 of the Agreement, the City is required to adopt a formal resolution of the City Council, consenting to and authorizing the Department for the City, if necessary, to take property (both real and personal) that is necessary to complete the Project and, if necessary, to further do all acts necessary, including securing all environmental and regulatory permits, easements, temporary construction easements and rights of entry associated with the Project, in the name of the City;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA that:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The City, by this resolution, duly adopted by its City Council and executed by the Mayor, confirms the Agreement approved by the City Council concurrently with this resolution, and consents to and authorizes the Department for the City, if necessary, to take property (both real and personal) that is necessary to complete the Project, and if necessary, to further do all acts necessary, including securing all environmental and regulatory permits, easements, temporary construction easements and rights of entry associated with the Project, in the name of the City.
3. A certified copy of this resolution shall be forwarded to the Florida Department of Transportation at 1074 Highway 90, Chipley, Florida 32428.
4. This resolution shall be effective upon passage and adoption by the City Council of Mexico Beach, Florida.

PASSED AND ADOPTED this 13th day of December, 2016.
THE CITY COUNCIL OF MEXICO BEACH, FLORIDA

By: _____
Tom Bailey, Mayor

ATTEST:

Adrian Welle, City Clerk

RESOLUTION 2016-07

RESOLUTION OF THE CITY COUNCIL OF MEXICO BEACH, FLORIDA, TO APPROVE A TEMPORARY ROAD CLOSURE PURSUANT TO COMPLETION OF BRIDGE REPLACEMENT PROJECT.

WHEREAS, the Florida Department of Transportation ("DEPARTMENT") proposes to undertake and complete one bridge replacement project in Fiscal Year 2019 in Bay County, Florida, and

WHEREAS, this bridge replacement project includes:

FPID Number 430464-1-52-01, 36th Street over Bayou Bridge No. 466001 (the "PROJECT"), and

WHEREAS, The City Council of Mexico Beach, Florida supports the DEPARTMENT'S efforts in these regards, and

WHEREAS, it is necessary that 36th Street, owned and maintained by the City of Mexico Beach, be temporarily closed for an approximate duration of 210 days and there will be a detour available at Boat Ramp Rd, owned by the St. Joe Company and leased to the City of Mexico Beach, to successfully complete the PROJECT, and

WHEREAS, said road closure will reduce construction time and costs, minimize right of way purchase and/or construction easements, and/or minimize wetland impacts, and

WHEREAS, said road closure will be performed in accordance with the Construction Plans dated August 2016, including any updates and/or revisions thereof as exist on file with the DEPARTMENT for this PROJECT (the "PLANS"), which are herein incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA that:

1. The City Council of Mexico Beach, Florida, does hereby authorize the DEPARTMENT to temporarily close 36th Street in accordance with the PLANS.
2. The City Council of Mexico Beach, Florida, does hereby agree that the City will continue to maintain City-owned detour roads during construction of the PROJECT.
3. A certified copy of this resolution shall be forwarded to the Florida Department of Transportation at 1074 Highway 90, Chipley, Florida 32428.
4. This resolution shall be effective upon passage.

PASSED AND ADOPTED this 13th day of December, 2016.

THE CITY COUNCIL OF MEXICO
BEACH FLORIDA

By: _____
Tom Bailey, Mayor

ATTEST: _____
Adrian Welle, City Clerk

November Emergency Services report

24 total calls

18 medicals

6 fires (4 in the city, & 2 mutual aid requests)

Training was done with the training officer, fire behavior and scene size up

Questions?

Monthly Report

Nov-16

Utilities Department

44	Locates
563	Rereads/Gulf County
12	Read in Read Out
7	Service Line Repair
3	New Installation
78	Field Maintenance (meter boxes, degreasing, weed trimming, etc.)
17	Customer Service (check readings, check for leaks, locate meter, etc.)
33	Turn Offs
17	Reconnects
8.922	Million gallons of water used
0.346	Max Daily Usage
0.298	Daily Avg.
208	Lift Stations checked for the month (26 lift stations checked 8 times each)

Public Works Departments

17	Field Maintenance
13	Beach Cleaning
2	Beach Raking

Canal Department

We dredged 7 times for the month of November, we've had a lot of problems with our push boat over the last month. One electrical problem but mainly from sinking.

Sanitation Department

Waste Pro- 253,360 lbs / 126.68 tons
New Incinerator Operation- lbs / tons
Yard Debris - trucks or cubic yards

Work Orders: 8



**City of Mexico Beach
Financial Report FY 2016/2017
Month Ended October 31 2016**

Unaudited – Intended for Management Purposes Only

GENERAL FUND AT-A-GLANCE

Category	Budget	YTD Actual	% To Date	% Prior Year
Revenues	\$3,348,358	\$537,246.76	1.10%	2.50%
Expenditures	\$3,348,358	\$486,147.56	4.79%	7.03%
Revenues Over Expenditures	\$0	\$51,099.20		

GENERAL FUND REVENUES

General Fund Revenues for the month ended October FY 17 were \$537,246.76. Last year's revenues for the month were \$34,407.28; \$502,839.48 more than FY 16 collected revenues.

GENERAL FUND EXPENDITURES

General Fund expenditures for the month ended October FY 17 were \$486,147.56 and FY 16 expenditures were \$150,418.77 a difference of \$335,728.79. The breakdown of expenses for FY 17 is: \$99,235.25 personnel costs, \$32,024.47 in operating costs, and \$341,178.70 in capital.

Description	Fiscal Year 2016 Budget	Fiscal Year 2017 Budget	2016 Actual	2017 Actual
Revenue				
Property Taxes	\$1,684,316	\$1,795,615	\$307.47	\$0
Other Taxes	\$373,372	\$312,749	\$15,372.37	\$34,497.88
Licenses & Permits	\$36,500	\$42,000	\$2,978.57	\$2,553.72
Intergovernmental Revenue	\$5,070,605.28	\$148,478	\$0	\$478,542.28
Charges for Services	\$66,325	\$87,033	\$4,910	\$9,757.06
Fines & Forfeitures	\$2,000	\$2,000	\$1,093.90	\$344.52
Miscellaneous Revenue	\$112,500	\$118,500	\$9,744.97	\$11,551.30
Other Sources	\$1,817,971.01	\$675,331	\$0	\$0
Revenue Total	\$9,163,589.29	\$3,348,358	\$34,407.28	\$537,246.76
Expense				
Personal Services	\$1,389,025	\$1,429,742	\$90,428.15	\$99,235.25
Operating Expenditures	\$1,294,461.01	\$788,864	\$20,235.58	\$32,024.47
Capital Outlay Expenditures	\$6,090,088.28	\$779,382	\$25,876.62	\$341,178.70
Debt Service	\$118,575	\$118,017	\$13,878.42	\$13,709.14
Other Sources	\$268,000	\$213,335	\$0	\$0
Expense Total	\$9,160,149.47	\$3,137,212	\$150,418.77	\$486,147.56

*Items will be confirmed during audit

Cash Account	
General Fund Operating	PENDING
General Fund Reserve	\$1,002,927
Canal Reserve	PENDING
Paving & Maintenance	PENDING
Utility Tax Fund	PENDING
Parks & Recreation Impact Fees	\$36,989
Police Impact Fees	\$16,239
Fire/ESU Impact Fees	\$87,493
Water Operating	PENDING
Water Impact Fee	\$174,627
Sewer Operating	PENDING
Sewer Impact Fee	\$889,248
Sanitation Operating	PENDING

Summary

This report is based on detail information produced by the City Clerk's Office. If you would like additional information, or have any questions about this report, please call 648-5700, Adrian Welle.

2016 Building Permits

2015 2014 2013

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total	Total	Total
New House	3	3	1	4	2			2	1	2	8		26	25	19	8
Duplex		1											1	2	0	0
Triplex													0	1	0	0
HVAC	3	6	3	7	6	6	6	1	4	3	4		49	63	46	28
Roof	1	5	5	11	2	8	5	4	7	6	4		58	55	48	54
Siding				1		1							2	3	2	4
Electric	5	4	1	8	2	2	2	7	5	7	13		56	56	44	34
Plumbing	6	7	5	2	5	2		1	2	1	9		40	36	26	12
Storage Shed	1				2	1		1		1	4		10	8	5	4
Cell Antenna							1						1	1	1	0
Screen Enclosure													0	4	3	4
Demolition		1			2		1	1					5	2	4	4
Kitchen Remodel													0	2	0	0
Carport/Garage		2	1	2		1	1						7	2	3	2
Door					2						1		3	5	2	2
Porch			1										1	0	5	2
Gas													0	1	0	0
Stair Replace			1			1							2	1	2	0
Security System													0	1	0	1
Renovation	2	1	1							1			5	5	8	6
Reinspection					1	1	1						3	2	0	0
Seawall					1						1		2	1	2	0
Boat House													0	1	2	0
Boat Cover													0	0	2	1
Boat Lift													0	2	1	1
Dock, Steps			2										2	1	1	0
Pool				1		1	1	2	1		1		7	3	1	3
Pool Heater													0	0	0	1
Soffit													0	1	0	0
Fire Safety								1					1	1	2	1
Windows/Siding	2	1			2					1	2		8	2	11	10
Addition				2						2			4	1	2	1
Deck		1				1		1					3	2	5	5
Sign													0	1	1	1
Bathroom									1		1		2	1	0	0
Awnings				1	1								2	1	0	1
Sewer													0	0	3	0
Replace Shower													0	0	1	0
Pole Barn			1					1		1			3	0	1	3
Foundation				1		1	1			1			4	0	2	0
Garage Repair													0	0	1	0
Police Modular													0	0	1	0
Telecom Repair													0	0	1	0
Septic Abandon													0	0	2	0
Pergola													0	0	0	2
Elevator	1												1	0	0	0
Cover Stoop													0	0	1	0
Amended Permit													0	1		
	24	32	22	40	28	26	19	22	21	26	48	0	308	294	261	195