

1979 TOWN CODE

1979

THE CODE OF THE TOWN
OF
LONGBOAT KEY, FLORIDA

The Charter
and
The General Ordinances

PUBLISHED BY ORDER OF THE TOWN COMMISSION

Michie City Publications Company
Charlottesville, Virginia
1971

Supplemented, beginning with Supplement No. 2, 3-75,
by
Municipal Code Corporation
Tallahassee, Florida

1979 TOWN CODE

Readopting Ordinance No. 73-2

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, as amended by Supplement No. 1, 8-72, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force on and after February 21, 1973, and all ordinances of a general and permanent nature adopted on final reading and passage on or before August 9, 1972, and not contained in such Code are hereby repealed from and after February 21, 1973, except as hereinafter provided and Section 3 of Ordinance No. 195.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before February 21, 1973; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 21, 1973; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after August 9, 1972.

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Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding sixty days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect immediately in the manner provided by law.

PASSED on first reading this 7th day of February, 1973.

PASSED on second reading and finally adopted this 21st day of February, 1973.

§ 22-69

Longboat Key Town Code

§ 22-70

Article XIII. G-1 District.Sec. 22-69. Intent of district.

The G-1 Golf and Country Club District is intended to apply to an area used exclusively for a golf and country club. (Ord. No. 160, § 7, 10-15-69.)

Sec. 22-70. Permitted uses.

(a) Principal uses. Within any G-1 District, no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:

- (1) The use and improvement of lands as a course for the game of golf in accordance with generally recognized standards and rules therefor.
- (2) A country club having swimming pools, tennis courts or other recreational uses.

(b) Accessory uses. The following uses may be used in conjunction with one or more of the principal uses:

- (1) Clubhouse and other buildings which, with the premises thereof, may contain restaurant and beverage facilities for the sale of food and beverage, alcoholic or otherwise, recreation room facilities, locker rooms and shops for the sale of golfing and other sporting and accessory equipment and paraphernalia connected with the activities conducted on the premises.
- (2) Tennis courts.
- (3) Swimming pools.
- (4) Putting greens.
- (5) Practice driving ranges.
- (6) Maintenance areas.
- (7) Storage of tools and equipment used in connection with maintenance of the premises.
- (8) Garaging and rental of mechanized vehicles for use on the golf course.
- (9) Comfort stations.
- (10) Other accessory uses customarily provided on a golf course or associated with a country club. (Ord. No. 160, § 7, 10-15-69.)

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ORDINANCE NO. 75-20

(Adopting Supplement No. 2, 3-75)

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE CODE OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES HEREINAFTER SET OUT

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, and Appendix A, Subdivision Regulations and Appendix B, Zoning, as amended by Supplement No. 2, 3-75, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force after adoption on second reading and all ordinances of a general and permanent nature adopted on final reading and passage on or before February 5, 1975 and Ordinance No. 75-4 adopted on March 19, 1975, and all ordinances of a general and permanent nature not contained in such Code are hereby repealed from and after the effective date and second reading of this ordinance.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before February 5, 1975; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 5, 1975; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after February 5, 1975.

Section 4. It shall be unlawful to commit within the limits of the Town any act which is and shall be recognized by the State of Florida as a misdemeanor, including

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the State Uniform Traffic Control Act. The commission of any such act within the Town shall be considered a violation of the laws of the Town and traffic infractions may be administered and disposed of in accordance with the Florida Uniform Disposition of Traffic Infractions Act.

Section 5. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 6. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 7. This ordinance shall take effect immediately in the manner provided by law.

Passed on first reading this 10th day of September, 1975.

Passed on second reading and finally adopted this 15th day of October, 1975.

/s/ _____
Mayor

Attest:

/s/ _____
Town Clerk

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ORDINANCE NO. 76-3

(Adopting Supplement No. 3, 9-75)

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE CODE OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, and Appendix A, Subdivision Regulations and Appendix B, Zoning, as amended by Supplement No. 2, 3-75, as amended by Supplement No. 3, 9-75, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force after adopted on second reading and all ordinances of a general and permanent nature adopted on final reading and passage on or before September 10, 1975, and all ordinances of a general and permanent nature not contained in such Code are hereby repealed from and after the effective date of this ordinance; except as hereinafter provided in Section 3.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing on or before the second reading of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the second reading of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after the second reading of this ordinance.

Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by

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any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect immediately in the manner provided by law.

Passed on first reading this 7th day of January, 1978.

Passed on second reading and finally adopted this 4th day of February, 1978.

Mayor

Attest:

Town Clerk

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ORDINANCE NO. 77-13

(Adopting Supplement No. 4, 12-76)

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE CODE OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, and Appendix A, Subdivision Regulations and Appendix B, Zoning, as amended by Supplement No. 2, 3-76, as amended by Supplement No. 3, 9-76, as amended by Supplement No. 4, 12-76, of which Code not less than two copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force after adopted on second reading and all ordinances of a general and permanent nature adopted on final reading and passage on or before December 1, 1976, and all ordinances of a general and permanent nature not contained in such Code and adopted before December 1, 1976, are hereby repealed from and after the effective date of this ordinance; except Ordinance No. 76-28 and as hereinafter provided in Section 3.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing on or before the second reading of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the second reading of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after the second reading of this ordinance.

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Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect upon second reading, in accordance with law and the Charter of the Town of Longboat Key.

Passed on first reading this 18th day of May, 1977.

Passed on second reading and finally adopted this 1st day of June, 1977.

/s/ _____
Vice-Mayor

ATTEST:

/s/ _____
Deputy Town Clerk

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ORDINANCE NO. 78-16

Adopting Supplement No. 5, 1-78

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE CODE OF THE TOWN OF LONGBOAT KEY, ENTITLED "THE CODE OF THE TOWN OF LONGBOAT KEY, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. There is hereby adopted by the Town Commission that certain Code entitled "The Code of the Town of Longboat Key, Florida," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 22, both inclusive, and Appendix A, Subdivision Regulations and Appendix B, Zoning, as amended by Supplement No. 2, 3-75, as amended by Supplement No. 3, 9-75, as amended by Supplement No. 4, 12-76, as amended by Supplement No. 5, 1-78, of which Code not less than two (2) copies have been and are now filed in the office of the Town Clerk.

Section 2. The provisions of such Code shall be in force after adopted on second reading and all ordinances of a general and permanent nature adopted on final reading and passage on or before February 1, 1978, and all ordinances of a general and permanent nature not contained in such Code and adopted before February 1, 1978, are hereby repealed from and after the effective date of this ordinance (through Ordinance No. 78-1).

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing on or before the second reading of this ordinance, nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance adopting or amending any official zoning map; nor shall it affect any ordinance adopted on final reading and passage after the second reading of this ordinance.

Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the Town or in any rule, regulation or order promulgated by

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any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the Town of such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the Town or such rule, regulation or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 6. This ordinance shall take effect upon second reading in accordance with law, and the Charter of the Town of Longboat Key.

Passed on first reading this 25th day of October, 1978.

Passed and adopted finally on second reading this 15th day of November, 1978.

/s/ Sidney A. Ochs
Mayor

Attest:

/s/ E. Jane Pool
Deputy Town Clerk

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Part I. The Charter

Editor's note---On March 20, 1975, the town's voters approved Ord. No. 75-2, adopted by the town commission on Feb. 19, 1975, which ordinance adopted a new Charter as herein set out. Absence of a history note indicates that a section derives unchanged from Ord. No. 75-2. The town's previous Charter was derived from: Special Acts 1957, Ch. 1540, and Special Acts, Chs. 59-1511, 59-1512, 61-2432, 65-1862, and 69-1265.

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- § 2. Body corporate and politic.
- § 3. Boundaries.
- § 4. Form of government.
- § 5. Powers of municipality.
- § 6. Powers of town commission.
- § 7. Amended Charter; references.

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- § 1. Commission districts.
- § 2. Creation of commission; residency requirements, election and terms of office of commissioners.
- § 3. Nominations; character of service.
- § 4. Holdover commissioners.
- § 5. Elections generally.
- § 6. Conduct of elections.
- § 7. Hours polls to be open; canvass of returns; certification of election.
- § 8. Judge of qualifications.
- § 9. Vacancies.
- § 10. Recall of town commissioners.
- § 11. Mayor and vice-mayor.
- § 12. Functions and powers of mayor.
- § 13. Relationship of town commission with administration.
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- § 1. Appointment; qualifications; compensation.
- § 2. Removal.
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- § 4. Powers and duties of the town manager.

Article IV. Town Clerk

- § 1. Appointment and qualifications.
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- § 1. Finance director.
- § 2. Fiscal year.
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Article I. Boundaries, Powers and Form of Government

Sec. 1. Purpose.

We, the people of the Town of Longboat Key, desiring to avail ourselves of the right to establish a home rule charter form of government do, in accordance with the Constitution and the Laws of the State of Florida, ordain and establish this charter and form of government for the Town of Longboat Key, Florida.

Sec. 2. Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, as its limits are hereinafter set forth, shall be and continue to be a body politic and corporate to be known and designated as the "Town of Longboat Key," and as such shall have perpetual succession.

Sec. 3. Boundaries.

The corporate limits of the Town of Longboat Key in Sarasota and Manatee Counties, Florida are hereby fixed, defined, established and particularly described as:

Begin at Meander Corner No. 8 lying on the line between Section 15 and Section 22, as shown on the official Government Township Plat of Township 35 South, Range 16 East. Said meander corner lies approximately 145 feet east of the center line of Gulf of Mexico Drive (State Road 789).

(1) Thence run north 10°30' east a distance of 7,560 feet for a point of beginning.

(2) Thence south 49°30' east 12,300 feet.

(3) Thence south 35° east, 39,660 feet to the westerly line of the city limits of the City of Sarasota, Florida.

(4) Thence south along the city limits of the City of Sarasota, Florida, 1,860 feet.

(5) Thence south 41° west through New Pass and crossing the center line of New Pass Bridge 325 feet north of the center of the draw span, 7,860 feet into the Gulf of Mexico.

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(6) Thence north 35° west, 40,380 feet.

(7) Thence north 49°30' west, 15,330 feet to a point in the mouth of Longboat Pass.

(8) Thence north 69°44' east, 5,300 feet.

(9) Thence north 40°30' east, 4,470 feet to the point of beginning.

All lying and being in Manatee and Sarasota Counties, Florida, and containing 10,848 acres.

All of the foregoing bearings are referred to true north, and adjustments necessary to satisfy Calls 1 to 5 must be made by equal linear adjustments to Calls 3 to 6.

Sec. 4. Form of government.

The form of government of the Town of Longboat Key established under this Charter shall be a "commission-manager" form as herein defined. The commission shall consist of seven (7) electors to be nominated and elected as hereinafter provided. The commission shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided, and shall appoint a chief administrative officer to be known as "town manager" to exercise all the powers, perform the duties and assume the responsibilities hereinafter provided.

Sec. 5. Powers of municipality.

In accordance with the Constitution of the State of Florida and the Statutes of the State of Florida, the Town of Longboat Key shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services; and it may exercise any of its powers for municipal purposes, except when expressly prohibited by law, provided:

(a) The town shall not lease to others any recreational facilities of the town for a period of more than ten (10) years; and

(b) The town shall not grant any franchise for utilities, transportation or other services for a period of more than thirty (30) years; and

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(c) The town shall not sell any real property owned by the town unless the town commission first determines that such real property may not be needed for current or future municipal use, and not less than seven (7) days prior to sale thereof, causes a notice to be published in a newspaper of general circulation within the town giving notice of such intention to sell.

Sec. 6. Powers of town commission.

(a) All powers of the Town of Longboat Key except those vested in the town manager, town clerk, town attorney and municipal court and except as otherwise provided in this Charter are vested in the town commission. The town commission may prescribe by ordinance or resolution the manner in which such powers are exercised. The town commission shall have power to pass all ordinances and laws not inconsistent with the Constitution and the Laws of the United States and the State of Florida as in its judgment may be necessary and proper for the government and preservation of peace and order within the town.

(b) The town commission shall have the power to prescribe such fines, penalties and forfeitures as it determines to be required to provide for the enforcement of ordinances of the town; provided, no such fine shall be more than five hundred dollars (\$500.00) and no such imprisonment shall be for a period longer than sixty (60) days, or both such fine and imprisonment.

(c) Until otherwise provided by law, the municipal court of the town is hereby vested with and granted jurisdiction for the trial of all persons charged with violating ordinances of the town where such offenses were committed within the corporate limits of the town. (Ord. No. 75-4, § 1, 3-19-75)

Sec. 7. Amended Charter; references.

(a) This Charter constitutes the amended Charter of the Town of Longboat Key and is adopted pursuant to Florida Statutes, Section 166.031, as amended by Laws of Florida, Chapter 73-129.

(b) References to "Charter" throughout refer to this amended Charter; references to "town" refer to the Town of Longboat Key; references to "commission" refer to the town

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commission; and references to "manager" refer to the town manager.

Article II. Town Commission

Sec. 1. Commission districts.

There are hereby created five (5) commission districts in the Town of Longboat Key as presently established by ordinance of the town. All district boundaries shall run as nearly as possible along lot lines or street lines and as nearly as possible in an east-west direction. All districts shall have substantially an equal number of electors registered therein.

The town commission shall by ordinance redistrict the town within three (3) months after the close of any fiscal year that the number of registered electors in any district exceeds by thirty per cent (30%) the number of registered electors in any other district in order that all districts may have substantially an equal number of electors registered therein; provided that final action in any redistricting ordinance shall be completed by the commission at least sixty (60) days prior to any special, preliminary or general election. A district boundary shall not run through a residential structure, and all residential structures shall lie wholly within one district or another.

Sec. 2. Creation of commission; residency requirements, election and terms of office of commissioners.

There is hereby created a town commission to consist of seven (7) electors of the Town of Longboat Key, one (1) elected from each of the five (5) commission districts and two (2) elected at large. One (1) of such commissioners shall reside in and be nominated from District Number One; one (1) of such commissioners shall reside in and be nominated from District Number Two; one (1) of such commissioners shall reside in and be nominated from District Number Three; one (1) of such commissioners shall reside in and be nominated from District Number Four; one (1) of such commissioners shall reside in and be nominated from District Number Five; and two (2) of whom may reside in any district and shall be nominated by any qualified electors. Such commissioners shall be elected by the qualified electors residing in all five (5) districts at a general election and shall hold office for two

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(2) years beginning on the day after their election as provided herein. One (1) commissioner at large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner at large and commissioners from even-numbered districts shall be elected in odd-numbered years.

Sec. 3. Nominations; character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided, all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with official duties.

Sec. 4. Holdover commissioners.

Persons serving in the office of town commissioner at the time when this Charter becomes effective shall continue to serve until the expiration of their respective terms.

Sec. 5. Elections generally.

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be a preliminary and general election. The preliminary election shall be held on the first Tuesday of February and the general election shall be held on the third Tuesday of March. The names of the two (2) candidates who receive the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election; provided, should any one (1) candidate in the preliminary election receive a majority of all votes cast for a designated seat on the town commission, such candidate shall be declared elected without the necessity of being voted upon in the general town election and shall assume office at the same time and in the same manner as those elected in the general town election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

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Sec. 6. Conduct of elections.

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in said town and shall provide when and how special elections shall be called and held, which are not provided for by the terms of this Charter. All elections shall be conducted substantially in accordance with the laws governing state elections insofar as there is no conflict with the terms of this Charter.

Sec. 7. Hours polls to be open; canvass of returns; certification of election.

The polls shall be open at the voting places from 7:00 a.m. to 7:00 p.m., or as otherwise provided by law, on the same day, and the time shall be regulated by the customary time in standard use in the Town of Longboat Key on the date of the particular election. The result of the voting, when ascertained, shall be certified by return in duplicate, signed by the clerk and a majority of the inspectors of election, one (1) copy being delivered by such clerk and inspectors to the mayor and the other to the town clerk, both of whom shall transmit such returns to the town commission at a meeting to be held at twelve noon on the day following the election. At such meeting, the town commission shall canvass the returns and the result as shown by such returns shall be declared by the commission to be the result of the election. The town clerk shall thereupon furnish a certificate of election to each person shown to have been elected, and each such person shall take office at 8:00 p.m. at the meeting to be held on the day following the general municipal election.

Sec. 8. Judge of qualifications.

The town commission shall be the judge of the election and qualification of its own members, subject to review by the courts. Any member of the town commission who shall be convicted of a crime involving moral turpitude shall forfeit his office.

Sec. 9. Vacancies.

(a) Vacancies in the town commission shall be filled by the town commission, with any person so appointed to be a qualified elector from the district of the vacated commissioner, to serve until the next general municipal election. At the

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next general municipal election, the vacancy shall be filled by election, the person elected in such election to serve the remaining unexpired term of the town commissioner whose vacant office is being filled. If a vacancy is not filled by the town commission within thirty (30) days after the vacancy occurs, a special election shall be held within sixty (60) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of the commissioner whose vacant office is being filled.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

Sec. 10. Recall of town commissioners.

All members of the town commission shall be subject to recall as provided by the laws of the State of Florida.

Sec. 11. Mayor and vice-mayor.

(a) The town commission shall at a meeting to be held at 8:00 p.m. on the day following the general municipal election, or thereafter when necessary to fill a vacancy, elect one (1) of its members as mayor of the town and another of its members as vice-mayor of the town. In case the members of the town commission are unable to agree within five (5) days after the time fixed herein or within five (5) days after any vacancy occurs, upon the selection of the mayor and vice-mayor, then such officers shall be chosen by lot, conducted by the town attorney, who shall certify the result of such lot in the minutes of the town commission.

(b) In the event of illness, disability, death or absence of the mayor, the vice-mayor shall have all powers, duties and authority of the mayor; and in the event the vice-mayor signs any instrument in place of the mayor, then it shall be presumed without further proof that the mayor was either ill, disabled, deceased or absent from the town. In the event of the illness, disability, death or absence from the town of both the mayor and vice-mayor, a quorum of the town commission may by resolution entered in the minutes of the town commission, appoint an acting mayor for such length of time or for such particular purpose as may be necessary.

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Sec. 12. Functions and powers of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, shall have a voice and a vote in the proceedings of the commission but no veto power, and may use the title of mayor in any case in which the execution of legal instruments or other necessity arising under the general laws of the state so requires; but this shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. The mayor may take command of the police and govern the town by proclamation during times of grave public danger or emergency, provided such public emergency has been declared by a majority of available members of the town commission. The powers and duties of the mayor shall be such as are conferred by the town commission in pursuance of the provisions of this Charter, and no others.

Sec. 13. Relationship of town commission with administration.

(a) Except for purposes of inquiry, the town commission and its members shall deal with the administrative service solely through the town manager; and neither the commission nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.

(b) The provisions of section 13(a) shall not limit or restrict the right of the town commission or any of its members from inspecting or making inquiry regarding any work performed by any department or division of the town and shall not limit or restrict the right of the town commission to make investigations as provided in section 25 of this article.

(c) Neither the town commission nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the town manager or any subordinate is empowered to appoint, but the town commission may express its views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

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Sec. 14. Meetings.

(a) At 8:00 p.m. on the Wednesday following each general municipal election under this Charter, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town, at which time the newly elected commissioners shall assume the duties of office. Thereafter the town commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month.

(b) All meetings of the town commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.

Sec. 15. Special meetings.

The mayor, or any two (2) members of the commission, may call special meetings of the commission upon at least two (2) hours' written notice to each member, served personally, or left at the member's place of business or usual place of residence; provided, the aforesaid requirement of written notice of special meetings may be waived at said special meeting by the unanimous vote of the entire town commission recorded in the minutes of the meeting; but in any event, there shall be no such requirement of written notice where notice is given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting.

Sec. 16. Penalty for absence.

Absence from four (4) consecutive regular meetings of the commission shall operate to vacate the seat of a member, unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered in the minutes.

Sec. 17. Enactment of ordinances.

(a) All action of the town commission of a legislative character shall be by ordinance, and each such ordinance shall contain an enacting clause substantially in the following form: "Be it ordained by the Town of Longboat Key."

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(b) Each proposed ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(c) The subject of each ordinance shall be clearly stated in the title, and each ordinance shall be enacted in the following manner or as otherwise provided by law:

(1) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, as required by state law but not less than ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the municipality where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance; provided, the town commission with an affirmative vote of five (5) members may enact any emergency ordinance without complying with the requirements of this paragraph.

(2) The majority of the members of the town commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of the majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution, but the affirmative vote of not less than three (3) members shall be necessary to adopt any ordinance or resolution, and the passage of all ordinances shall be taken by "yeas" and "nays" and entered in the minutes. On final passage, the vote of each member of the town commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the town commission shall become effective ten (10) days after passage or as otherwise provided therein.

(3) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk.

(d) Codes, including the building code and other codes of the Town of Longboat Key, which codes are themselves in printed form and are on file and available for public inspection at the office of the town clerk, need not be published

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in a newspaper in order to become effective, but may by apt reference be made a part of any town ordinance now or hereafter adopted; provided further that where an amendment is made to the general zoning ordinance by reference to the official town zoning map, that neither the zoning map nor the applicable portion thereof need be published in a newspaper or posted as herein provided.

Sec. 18. Emergency measures.

(a) An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate protection and preservation of the peace and safety, health or property of the town or its inhabitants, or providing for the usual daily operations of the municipality or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance.

(b) Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services shall be passed as an emergency ordinance. Emergency ordinances shall be effective upon the date specified in the ordinance itself.

Sec. 19. Codification of ordinances.

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.

Sec. 20. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the town clerk, which oath shall be in the form prescribed for state officers by the Constitution of the state.

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Sec. 21. Official bonds.

The town commission or town manager, in fixing the salary of any officer, clerk or employee shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof, which bond shall be procured from a regularly accredited surety company authorized to do business under the laws of Florida, the premiums on such bonds to be paid by the town. All such bonds shall be filed in the office of the town clerk.

Sec. 22. Appointment of advisory boards.

The town commission may appoint such advisory boards or committees as it deems necessary or desirable. The members of such boards shall serve without compensation and either at the pleasure of or for such term as may be designated by the town commission.

Sec. 23. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.

Sec. 24. Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(b) In the continuing development of the town's plans for the use of lands and structures within the town, the town commission shall consider all of the needs of the town, including but not limited to, plans for vehicular and pedestrian traffic, offstreet facilities, furnishing utilities, control of the intensity of use of lands and structures, avoidance of

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congestion of population by proper regulation of density, modes and means of transportation, and the needs for parks, open spaces, cultural, recreational and other facilities and shall consider such other factors as it determines to be proper and in the best interest of the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(c) The town commission shall maintain on permanent record at the town hall a current map delineating the entire area of the town and the manner in which each area is zoned.

Sec. 25. Investigations.

The town commission shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated, and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor or such other officer authorized by the town commission and shall be served by any officer authorized by law to serve such process. The town commission in making such investigation shall have the power to cause testimony to be given under oath and shall have the power to apply to any court of competent jurisdiction to punish for contempt any person refusing to testify or to produce any books, papers, documents or other evidence under his control which relates to the matter under investigation.

Article III. Town Manager

Sec. 1. Appointment; qualifications; compensation.

The town commission shall appoint a town manager who shall serve at the pleasure of the town commission and for such compensation as determined by the commission. The manager shall be appointed solely on the basis of executive and administrative qualifications and need not be a resident of the town or state at the time of appointment but may reside outside the town while in office only with the approval of the town commission.

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Sec. 2. Removal.

The town commission may remove the town manager from office without cause or hearing prior to the time the town manager has served in that capacity for six (6) months; however, if the town commission thereafter desires to remove the town manager, such removal shall be accomplished in accordance with the following procedures:

(a) The town commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

(b) Within five (5) days after delivery to the manager a copy of the resolution, the manager may file with the town commission a written request for a public hearing. This hearing shall be held at a town commission meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the town commission a written reply not later than five (5) days before the hearing.

(c) The town commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if a public hearing has not been requested, or at any time after the public hearing, if requested.

The manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the town commission in suspending or removing the manager shall not be subject to review by any court or agency.

Sec. 3. Acting town manager.

By letter filed with the town clerk the manager shall designate, subject to approval of the town commission, a qualified town administrative officer to exercise the powers and perform the duties of manager during any temporary absence or disability. During such absence or disability, the town commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the disability shall cease.

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Sec. 4. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town and shall be responsible to the town commission for the administration of all town affairs and shall establish such departments and divisions of responsibility as shall be necessary and proper for administration of the affairs of the town and performance of its municipal functions. The manager shall be responsible for the preservation of peace and the protection of persons and property within the town and shall be the director of all public safety forces. Subject to such personnel regulations as may be adopted by ordinance or resolution of the town commission, the manager shall appoint, remove and fix compensation for the chiefs and all subordinate officers of the police, fire and other safety forces of the town, and shall have the following powers and duties:

(a) To appoint a chief of police who shall be responsible to the town manager for the management, control, administration and discipline of the police forces. The number and ranks of police officers shall be determined by ordinance of the town commission.

(b) To appoint a fire chief who shall be responsible to the town manager for the management, control, administration and discipline of the fire forces. The number and ranks of fire officers shall be as determined by ordinance by the town commission.

(c) To appoint and, when deemed necessary for the good of the service, to suspend or remove all town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(d) To direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.

(e) To attend all town commission meetings and shall have the right to take part in discussion but may not vote.

(f) To see that all laws, provisions of this Charter and acts of the town commission, subject to enforcement by the

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manager or by officers subject to the manager's direction and supervision, are faithfully executed.

(g) To prepare and submit the annual budget and capital program to the town commission.

(h) To submit to the town commission and make available to the public a complete report of the finances and administrative activities of the town as of the end of each fiscal year.

(i) To make such other reports as the town commission may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.

(j) To keep the town commission fully advised as to the financial condition and future needs of the town and make such recommendations to the town commission concerning the affairs of the town as deemed desirable.

(k) To be purchasing agent for the town, by whom all purchases of supplies shall be made, and shall approve all vouchers for the payment of same. In the capacity of purchasing agent, the manager shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall be conformed to such regulations as the town commission may from time to time prescribe, but in any case at least three (3) bids shall be obtained in the purchase or sale of personal property involving amounts in excess of twenty-five hundred dollars (\$2,500.00).

(l) To perform such other duties as are specified in this Charter or may be required by the town commission. (Ord. No. 75-4, § 2, 3-19-75)

Article IV. Town Clerk

Sec. 1. Appointment and qualifications.

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of the professional qualifications of such individual.

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Sec. 2. Powers and duties.

The town clerk shall be head of the department of records and custodian of all official records of the town and shall be responsible to the town commission for the proper administration of all affairs concerning the records of the town placed under the town clerk's authority under this Charter, and shall:

(a) Serve as clerk to the town commission and recorder of all its official actions.

(b) Serve as clerk of the municipal court.

(c) Serve as the election official for the town.

(d) Authenticate documents of the town where required and be custodian of the town seal.

(e) Attest all bonds, contracts and other instruments on behalf of the town.

(f) Administer oaths required or authorized under any laws, this Charter, or ordinance of the town.

(g) Keep as a permanent record all written contracts and bonds where the town is a party in interest.

(h) Perform such other duties as prescribed by law or by this Charter or by any ordinances of the town or by direction of the town commission or town manager. (Ord. No. 75-4, § 3, 3-19-75)

Article V. Town Finances

Sec. 1. Finance director.

The town manager shall appoint a finance director whose duties shall include:

(a) To collect and invest all funds of the town, provided the town commission shall direct the policy of investment of such funds, the investment or deposit of such funds to be done and made by competitive bids therefor, after due notice, or in such other manner as in the judgment of the town commission may be deemed in the best interest of the town;

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provided, all deposits of monies belonging to the town shall be secured by negotiable interest bearing United States, state, county, school district or municipal bonds or surety company bonds in an amount not less than the amount in such deposits.

(b) To pay out on behalf of the town by checks or other orders for payments all payments due from the town, provided the town commission shall provide by ordinance or resolution the manner in which all checks or other orders for payment are to be signed, which shall require at least one countersignature.

(c) To supervise all accounting procedures.

(d) To submit monthly financial reports to the town commission showing all receipts and disbursements.

(e) To audit the accounts of any officers of the town upon such officer's death, resignation, removal or expiration of term, and to notify the town manager and town commission if any of such officers are found to be indebted to the town.

(f) To certify as to available funds.

(g) To furnish to the town manager such fiscal services as required.

Sec. 2. Fiscal year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September, or otherwise as may be provided by law.

Sec. 3. Submission of budget and budget message.

On or before the first day of August of each year, the town manager shall submit to the town commission a budget for the ensuing fiscal year and an accompanying message.

Sec. 4. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in

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financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable.

Sec. 5. Budget.

The budget shall contain an organizational chart showing the functions of all departments and divisions of the town shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the town manager deems desirable or the town commission may require. In organizing the budget, the town manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income and retained surplus.

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Sec. 6. Capital program.

(a) Submission to town commission. The town manager shall prepare and submit to the town commission a five-year capital program at least three (3) months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 7. Town commission action on budget.

(a) Notice and hearing. The town commission shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(b) Amendment before adoption. After the public hearing, the town commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

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(c) Adoption. On or before the last town commission meeting of each fiscal year, the town commission shall, by ordinance which may be made effective immediately, adopt the town budget for the ensuing fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the town commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, shall establish the salaries of the town manager, town attorney and municipal judge, and shall constitute a levy of the property tax specified therein.

Sec. 8. Public records.

Copies of the budget and the capital program, if adopted, shall be public records and shall be made available to the public in the town hall.

Sec. 9. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the town commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the town commission may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the town commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the town commission without delay, indicating the estimated amount of the deficit, any remedial action taken, or the manager's

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recommendations as to any other steps to be taken. The town commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year, the town manager may transfer part of all or any unencumbered appropriation balance among programs within a department, office or agency, and upon written request by the town manager, the town commission may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Sec. 11. Budget work programs and allotments.

At such time as the town manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The town manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year and may revise such allotments during the year if deemed desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 9 of this article.

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Sec. 12. Certificate of available funds.

(a) Before any contract or other obligation involving the expenditure of money shall be entered into, or any order for expenditure of money shall be entered into, or any order for expenditure of money shall be authorized by the town commission or any officer of the town, the finance director shall first certify in writing that the funds required for any such obligation are, or within the fiscal year shall be in the treasury of the town to the credit of the fund to be drawn upon; provided, the town commission may provide for contracts or other obligations involving the expenditure of money in any immediately ensuing fiscal year, provided the finance director shall first certify in writing as to reasonable anticipation that such funds will be available to the town during such immediately ensuing fiscal year; and provided further that no such certification shall be required in connection with the issuance of bonds by the town under the provisions of this article or pursuant to any applicable general or special laws of the State of Florida.

(b) Money to be derived from bonds which have been sold and are in the process of delivery, and money which has been pledged to the town by federal, state or county agencies shall be deemed to be in the treasury to the credit of the appropriate fund.

(c) The finance director's certificate shall be filed with the town manager and town clerk, and thereafter such funds shall be considered encumbered and unavailable for other expenditures until the town is discharged from the particular obligations.

(d) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

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Sec. 13. Systems of accounts and forms.

The finance director shall prescribe and require, except as may be prescribed and required by law, the use of plain and uniform system of keeping books of accounts by all town departments, officers or employees who are charged with the receipt or disbursement of any of the funds of the town, or who may be authorized to purchase materials or supplies or to employ labor for the town; shall prescribe the forms of vouchers or other evidence of the receipt of money from the town or for the establishment of demands against the town; and shall require periodic reports from each department, office, officer or employee of the town receiving and disbursing funds of the town, showing all sums received and disbursed, from what source and for what purpose.

Sec. 14. Audit of accounts.

At the end of each fiscal year, and oftener if so required by the town commission, the finance director shall audit the accounts of the several departments, officers and employees, and shall audit all other accounts in which the municipality is interested. The finance director shall at all times have access to and may inspect and make copies of all books on which entries are made or are required to be made, relating to the receipt or expenditure of money on account of the town, and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto. The town commission, at the end of each fiscal year of the town, shall cause the books of accounts of the town to be audited by an independent certified public accountant selected by the town commission who shall, upon completion of the audit, deliver to each member of the town commission, the finance director and the town manager a copy of said audit; and a copy of said audit shall remain on file in the office of the finance director for inspection by any person desiring to inspect the same. A summary of said audit furnished to the town as provided by this section shall be published in a newspaper of general circulation in the Town of Longboat Key within a period of not more than thirty (30) days after the completion of any such audit.

Sec. 15. Audit and certification of claims.

All claims and demands against the town, before they are allowed by the town commission, shall be examined and adjusted and their correctness certified by the finance director, who

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shall keep a record of all accounts and doings and a record of all contracts to which the town is a party, with an index thereto, and such books shall be opened to the inspection of all parties interested.

Sec. 16. Investment advisory committee.

The town commission shall appoint an investment advisory committee consisting of three (3) or more members of the town commission, which committee shall be authorized to consult with persons experienced in finance. Annually and at such other times as requested by the town commission, the committee shall render written reports as to the character and extent of the town's investments, together with recommendations for any revisions in the town's investment program.

Sec. 17. Bonds generally.

The town commission shall have the power to provide by ordinance for the issue and sale of negotiable bonds of said town for the purpose of constructing, maintaining, operating, improving, enlarging and extending the waterworks and the sewage system of said town; for rebuilding, reconstructing and restoring the same or any part thereof; and for constructing, repairing, altering, enlarging, improving and furnishing public buildings for said town; and for grading and curbing, or grading, curbing and paving, and for altering, widening and repaving the streets, avenues and thoroughfares of said town and doing the necessary drainage in connection with such work; for sanitary and storm drainage and the construction of canals, ditches and sewers for such drainage within or without the corporate limits of the town; for constructing, altering and repairing viaducts, bridges, underpasses and overpasses for carrying streets, avenues or thoroughfares over or under any railway track or tracks in said town; for constructing, repairing and enlarging a municipal incinerator or incinerators for the consumption of trash, garbage and other refuse, for the purpose of constructing hospitals and libraries, airports, aviation terminals or landing fields and facilities thereof; for the acquisition and establishment of a system for the transportation of persons and property for hire over the streets of the town; for the acquisition and construction of walls, causeways, bridges and beaches, either within or without the corporate limits of said town; for the acquisition of any local public utilities, including electric light and telephone systems; for the acquisition of lands for public parks and as sites for public buildings of the State

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of Florida; for refunding any preexisting bonded indebtedness and for any other lawful municipal purpose; but negotiable bonds of said town shall never be issued in an amount greater than twenty per cent (20%) of the assessed valuation of the real property of said town and not until previously approved by a majority of the votes cast by the qualified electors residing in the town in a special election called, held and conducted for such purpose under the authority of and pursuant to the provisions of the Constitution and General Laws of Florida, and provided that at least thirty (30) days' notice thereof shall be published not less than once a week for four (4) consecutive weeks in a newspaper published in Manatee and Sarasota Counties. In arriving at the amount of negotiable bonds outstanding in order to determine the amount of such bonds that may be issued, the classes of bonds known as improvement bonds which are secured by lien certificates issued against abutting property, shall not be considered.

Sec. 18. Revenue certificates.

The town commission shall have the power to provide by ordinance or resolution for the issue and sale of revenue certificates payable solely from revenues derived from the operation of any utility or facility owned or operated by the town to be acquired or established by the town, or from funds of the town derived from sources other than ad valorem taxes, or from any combination thereof, for the same purposes for which the town may issue municipal general obligations bonds as enumerated in section 17, or for the purpose of constructing or acquiring any of the utilities or facilities or performing any of the works or other matters set forth in this Charter; and in the absence of any pledge of the taxing power of the town, no election shall be required to authorize the town to issue any such revenue certificates.

Sec. 19. Procedure.

No bonds, notes, debentures, time warrants, revenue certificates, certificates of indebtedness or other obligations of the town shall be sold or disposed of except in the manner herein provided. Preliminary to such proposed sale, the town commission, by resolution, shall briefly describe the securities that will be offered for sale, including date of issue, maturity date or dates, rate or rates of interest, purpose for which the same will be issued, and the character of the security, if any, therefor; shall affirmatively determine that necessity exists for making such sale; and shall

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direct the town clerk to advertise for sealed bids for the purchase of the described securities intended thus to be sold. Thereupon the town clerk shall cause an advertisement for sealed bids for the purchase of said described securities to be published once a week for at least two (2) consecutive weeks prior to the day of sale in a newspaper of general circulation in the Town of Longboat Key and in a financial journal published in the City of New York. In such advertisement, notice shall be given that the right is reserved to reject any and all bids; that no bid for less than ninety-five per cent (95%) of par value and accrued interest shall be considered; and that every bid must be accompanied by a certified or cashier's check for at least two and one-half per cent (2 1/2%) of the total amount of the bid price as evidence of good faith and as liquidated damages to the town in the event of acceptance and subsequent failure to perform.

Sec. 20. Authority as to bonds supplemental.

The authority granted to the town in sections 17 to 19 inclusive of this article to issue general obligation bonds, revenue bonds and other bonds, notes or other obligations shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing or hereafter provided under any other law, either general, special or local; provided, however, that the issuance of general obligation bonds or revenue bonds, or any other bonds, notes or other obligations under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds.

Article VI. Town Attorney

Sec. 1. Appointment and qualifications.

The town commission shall appoint a town attorney who shall serve at the pleasure of the town commission. The town attorney shall be a member of the Florida Bar with a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

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Sec. 2. Assistant town attorneys.

The town attorney may appoint members of the Florida Bar as his assistants, provided the terms of such appointments and compensation of such appointees shall be made with the advice and consent of the town commission.

Sec. 3. Duties.

The town attorney shall:

(a) Serve as legal adviser to the town, the town commission and all of the governmental and proprietary functions of the town and its departments, divisions, officers, boards and committees;

(b) Prepare or review all proposed ordinances and resolutions of the town;

(c) Approve as to form and legal correctness all written contracts entered into by the town, and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;

(d) Prosecute and defend all legal actions wherein the town is a party in interest;

(e) Serve as prosecuting attorney for the town in the municipal court, or if the municipal court shall be discontinued according to law, to serve as prosecuting attorney for the town in any court of competent jurisdiction;

(f) Perform such other legal services as requested by the town commission or town manager.

Article VII. Municipal Court

Sec. 1. Municipal court.

There shall be and there is hereby established in the Town of Longboat Key a municipal court to be known as the Longboat Key Municipal Court for the trial of all offenders against the municipal ordinances. Such court shall be presided over by a judge appointed by the town commission who shall be a lawyer duly admitted to practice law in the State of Florida and shall be appointed by the town commission to

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serve at the pleasure and for such compensation as determined by the town commission. In the absence or disability of the municipal judge, the town commission shall, on like basis, appoint an associate municipal judge, who possesses the same qualifications as required of the municipal judge, to serve during said absence. The municipal judge is hereby authorized and empowered to promulgate rules and regulations for the government of said municipal court, to fix the time at which said court shall convene, and to prescribe the sessions at which all persons within the jurisdiction of said court shall have their cases set for trial. The costs of all proceedings in said court shall be in accordance with a schedule to be made up by the municipal judge with the concurrence and approval of the town commission, and shall be set forth as a rule or regulation of said court; provided, however, said costs shall not exceed those allowed by law in courts of record. (Ord. No. 75-4, § 4, 3-19-74)

Sec. 2. Powers.

The municipal judge shall have power by his warrants to have brought before him any person or persons charged with the violation of the town ordinances and shall have exclusive original jurisdiction over all proceedings of a criminal nature for the violation of any ordinances of the town. In the proper exercise of the functions of the municipal court within its jurisdiction as herein defined, the municipal judge shall have power and is authorized to issue and cause to be served, any and all writs and processes such as are issued by courts in the State of Florida, and the police of the Town of Longboat Key are authorized and it is made their duty to execute and serve any and all such writs and processes anywhere within the State of Florida, and to make proper returns upon the same to such court and in the same manner as is required of sheriffs in the execution of similar papers. The municipal judge shall have power and authority to take bail for the appearance of an accused person, or in the absence of the municipal judge for Longboat Key, such judge may designate one (1) or more town officials or police officers to take bail for the appearance of an accused person. If such accused person fails to appear, the municipal judge shall have the power and authority to declare such bond or security estreated. The municipal judge shall also have the power and authority to require the attendance of witnesses for the town and for the accused person, to administer oaths, take affidavits, and to inquire into the truth or falsity of all charges preferred, to decide on the guilt or innocence of the accused, and to fix and impose such penalties by sentence as are prescribed and

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provided for under the ordinances of the town, and to have all powers incidental and usual to the due enforcement of such town ordinances.

Sec. 3. Appeals; procedure.

Anyone aggrieved by a judgment in the municipal court may appeal from the judgement of such court to the circuit court in and for Sarasota and Manatee Counties. The practice and procedure for such appeals shall be as provided under the Florida Appellate Rules, adopted by the supreme court of Florida, as amended from time to time.

Sec. 4. Preservation of order; disposition of money collected as fines.

The municipal court shall have authority to preserve order and decorum and shall be invested with the same powers to that end, by fine and imprisonment, as are possessed and authorized to be exercised by courts of record within the state. All fines, penalties and fees collected in the municipal court and by the police of the town shall be part of the revenue of the town and shall be paid to the town on the day on which collected, and receipts taken therefor.

Sec. 5. Remission of fines and penalties.

No fine or other penalty imposed by the municipal court shall be remitted except by action of the town commission upon the recommendation of the municipal judge, provided that this section shall not be construed as precluding the municipal judge from suspending sentences imposed by such court.

Sec. 6. Discontinuance of municipal court.

The town commission may provide by ordinance that the municipal court of the Town of Longboat Key be discontinued in accordance with the Constitution and Laws of the State of Florida. In the event said municipal court is discontinued by ordinance of the town or by law of the State of Florida, then this Article VII and any references to the municipal court in Article I, section 6(a) and (c); to the municipal judge in Article V, section 7(c); and to the duties of the town clerk in Article IV, section 2(b), shall be deemed deleted from this Charter.

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Article VIII. Charter Amendments

Sec. 1. Proposal of Amendments.

Amendments to this Charter may be framed and proposed:

(a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or

(b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten per cent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed, and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.

Sec. 2. Method of referendum.

Upon adoption of an ordinance or resolution by the town commission as provided in section 1(a) of this article or upon delivery to the town commission of a written petition as provided in section 1(b) of this article, the town commission shall, not less than thirty (30) nor more than sixty (60) days thereafter, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this Charter.

Sec. 3. Referendum on Charter amendments.

(a) Any proposed amendment to the Charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

☐

For.

☐

Against.

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(b) Before any proposed amendment to this Charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.

Sec. 4. Adoption of amendment.

Any proposed amendment to the Charter adopted by a majority of the qualified electors of the town voting in such referendum shall become effective when filed with the office of the department of state of the State of Florida.

Sec. 5. Supplemental method of amendment.

The foregoing method of proposing amendments and mechanics of holding referendums thereon shall be supplemental to the provisions of all other laws relating to amendment of municipal charters.

Article IX. Transitional and Separability

Sec. 1. Existing Charter not inconsistent with amended Charter.

All provisions of the Charter of the Town of Longboat Key, being Chapter 57-1540, Laws of Florida, as amended, which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the town subject to modification or repeal in the same manner as other ordinances of the town.

Sec. 2. Existing ordinances not inconsistent with amended Charter.

All existing ordinances of the town, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the town commission in regular course.

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Sec. 3. Title to all properties reserved.

The title rights, ownership of property, and all claims of the Town of Longboat Key, including all suits, actions and choses in actions owned by the town, shall continue under this Charter, and no pending causes shall be abated as a result of adoption of this Charter.

Sec. 4. Obligation of contracts preserved.

No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the adoption of this Charter.

Sec. 5. Officers held over until successors qualify.

All officers of the town heretofore elected or appointed and holding office in the town shall continue to hold their respective offices and to discharge their duties thereof until their successors are elected or appointed under the provisions of this Charter. This Charter shall not affect or impair any vested rights or privileges of any persons who are town officers or employees at the time of its adoption.

Sec. 6. Separability clause.

If any article or any part hereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof, or any other section or part thereof, unless it clearly appears that such other article or part thereof, or section or part thereof, is wholly or necessarily dependent for its operation upon the article or part thereof, or section or part thereof, held to be invalid or unconstitutional.

Article X. Effective Date and Referendum Requirements

Sec. 1. Referendum requirements and procedures.

(a) The provisions of this Charter shall not become operative until ratified by a majority of the qualified electors of the Town of Longboat Key voting on the question of

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the approval or disapproval of the same at a referendum to be called and held in the Town of Longboat Key for the purpose of approving or disapproving same.

(b) The referendum for the approval or disapproval of this Charter shall be called and held by the town commission of the Town of Longboat Key on the twentieth day of March, 1975. The places of voting in such election shall be the same places of voting in regular municipal elections. The town commission shall give notice of such referendum by publication of notice thereof in a newspaper of general circulation in the Town of Longboat Key once a week for four (4) consecutive weeks (four (4) publications being sufficient), with the first publication being at least twenty-eight (28) days prior to the date of the referendum.

(c) At such referendum, the question of the approval or disapproval of this Charter and the provisions hereof shall be submitted to the qualified electors of the Town of Longboat Key in substantially the following form, which shall be printed on the ballot as follows:

"Shall the Amended Charter for the Town of Longboat Key be ratified and approved?

☐ Yes

☐ No

(d) If a majority of the qualified electors of the Town of Longboat Key actually voting on such question in such referendum shall vote for the approval of the amended Charter, then the remainder of this Charter, in addition to article X, shall become effective and operative at 12:01 a.m. on the twenty-first day of March, 1975, one (1) day following the date of the referendum. If a majority of the qualified electors of the Town of Longboat Key actually voting on such question at such referendum shall vote against the approval of the Charter, then this Charter shall not be effective or operative, and the same shall be void and of no effect, and the present Charter of the Town of Longboat Key shall remain in full force and effect.

(e) The laws and ordinances in effect in the Town of Longboat Key at the time of such referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and

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govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provided for in this Charter. (Ord. No. 75-4, § 5, 3-19-75)

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<u>Ord. No.</u>	<u>Date</u>	<u>Section</u>	<u>Disposition</u>	
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PART II. THE CODE

CHAPTER 1

GENERAL PROVISIONS

- § 1-1. How Code designated and cited.
- § 1-2. Definitions and rules of construction.
- § 1-3. Catchlines of sections.
- § 1-4. Altering of Code prohibited.
- § 1-5. Effect of repeal or amendment of ordinances.
- § 1-6. Amendments to Code.
- § 1-7. Severability of parts of Code.
- § 1-8. General penalty; continuing violations; violations deemed nuisances.
- § 1-9. Cost of giving notice relative to application for permit.
- § 1-10. Assessment of court cost for law enforcement education expenditures.
- § 1-11. Ordinances concerning land use and control.
- § 1-12. Effect of county ordinances.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Longboat Key, Florida", and may be so cited.

Charter reference---Town authorized to codify its ordinances, Art. II, § 19.

State law reference---Town authorized to revise and codify its ordinances, Fla. Stats., § 165.192.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the town commission or the context clearly requires otherwise:

Commission, town commission. Whenever the words "commission" or "town commission" are used, they shall mean the town commission of the Town of Longboat Key.

Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such

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notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County. The words "the county" or "this county" shall mean the County of Sarasota or County of Manatee or both if the sense requires.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper or proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

Month. The word "month" shall mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Official time standard. Whenever particular hours are specified in this Code relating to the time within which any act shall be performed by any person, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the town.

State law reference---Official time, Fla. Stats.. § 1.02.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

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State law reference---Similar state law, Fla. Stats.,
§ 1.01.

Personal property. Includes every species of property
except real property, as herein defined.

Preceding, following. The words "preceding" and "follow-
ing" mean next before and next after, respectively.

Property. The word "property" shall include real and
personal property.

Public place. The term "public place" shall mean any
park, cemetery, school yard or open space adjacent thereto and
any lake or stream.

Real property. Shall include lands, tenements and here-
ditaments.

Sidewalk. The word "sidewalk" shall mean any portion of
of a street between the curb line and the adjacent property
line, intended for the use of pedestrians, excluding parkways.

Shall; may. The word "shall" is mandatory. The word
"may" is permissive.

Signature or subscription. Includes a mark when the
person cannot write.

State. The words "the state" or "this state" shall be
construed to mean the State of Florida.

Street. The word "street" shall be construed to embrace
streets, avenues, boulevards, roads, alleys, lanes, viaducts
and all other public or private highways in the town.

Tenant, occupant. The words "tenant" or "occupant",
applied to a building or land, shall include any person hold-
ing a written or oral lease of or who occupied the whole or
a part of such building or land, either alone or with others.

Time. Words used in the past or present tense include
the future as well as the past or present.

Town. The words "this town" or "the town" shall mean
the Town of Longboat Key, Florida.

Written or in writing. Shall be construed to include
any representation of words, letters or figures, whether by
printing or otherwise.

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Year. The word "year" shall mean a fiscal year beginning October first of each year and ending September thirtieth of the following year. (Ord. No. 73-24, § 1, 9-26-73)

State law reference---Definitions, Fla. Stats., § 1.01.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. Altering of Code prohibited.

It shall be unlawful for any person in the town to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the town to be misinterpreted thereby. (Code 1965, § 1-4)

Sec. 1-5. Effect of repeal or amendment of ordinances.

The repeal or amendment of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed or amended took effect.

The repeal or amendment of an ordinance shall not affect any punishment or penalty incurred before the repeal or amendment took effect, nor any suit, prosecution or proceeding pending at the time of the repeal or amendment, for an offense committed under the ordinance repealed or amended.

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and

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subsequent ordinances numbered or omitted are readopted as a new Code by the town commission.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

"That section _____ of the Code of Ordinances of the Town of Longboat Key is hereby amended to read as follows: _____."

The provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code, is to be added, the following language shall be used:

"That the Code of Ordinances of the Town of Longboat Key is hereby amended by adding a section, to be numbered _____, which said section reads as follows: _____."

The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be. (Code 1965, § 1-6)

Sec. 1-7. Severability of parts of Code.

It is hereby declared to be the intention of the town commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-8. General penalty; continuing violations; violations deemed nuisance.

Whenever in this Code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of

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any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be, by the town, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

The violation of any building, dredge and fill, subdivision or zoning ordinance of the town, shall in addition to the penalties herein prescribed, be subject to abatement by injunction order of a court of competent jurisdiction. (Code 1965, § 1-8)

Cro's reference---Penalty for violation of subdivision ordinance, App. A, § 11.40; penalty for violation of zoning ordinance, App. B, § 12.10.

Charter reference---Punishment for violations of ordinances, § 142.

State law reference---Town authorized to punish violators of its ordinances and laws, Fla. Stats., § 165.19.

Sec. 1-9. Cost of giving notice relative to application for permit.

Whenever any application is made to the town for the granting of a permit of any kind whereby it is necessary to publish newspaper notice or to notify property owners or others by mail, the person making application shall deposit with the town the estimated cost and expense of giving such notice, and the amount so estimated shall be deposited in the town treasury. The officer of the town with whom such application may be filed shall be charged with the duty of collecting such expenses and costs. (Code 1965, § 1-9)

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Sec. 1-10. Assessment of court cost for law enforcement education expenditures.

The municipal court shall assess one dollar (\$1.00) as a court cost against every person convicted for violation of this Code or other municipal ordinance; provided, that no such assessment shall be made against any person convicted for violation of any provision of this Code or other municipal ordinance relating to the parking of vehicles.

Assessments collected under this section shall be used only for law enforcement education expenditures for the law enforcement officers of this town. (Ord. No. 158, § 2, 10-1-69)

Sec. 1-11. Ordinances concerning land use and control.

All ordinances of the town, including the building code as amended and the zoning code as amended, concerning land use and control and other measures designed to reduce flood losses within the town shall take precedence over any conflicting laws, ordinances or codes of the town. (Ord. No. 224, § 1, 6-15-72)

Sec. 1-12. Effect of county ordinances.

No ordinance enacted by the County of Sarasota relating to any subject, activity or offense which the Town of Longboat Key is authorized by law to regulate or control shall be effective or enforceable within the territorial limits of the town unless and until the same shall be concurred in by ordinance of the Town of Longboat Key. (Ord. No. 74-35, § 1, 12-4-74)

Editor's note---Ord. No. 74-35 did not specifically amend the Code, hence codification as § 1-12 was at the editor's discretion.

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Chapter 2

ADMINISTRATION

Cross references—Elections generally, Ch. 9; police department, Ch. 17; zoning board of adjustment, App. A. §§ 8.10—8.34.

Article I. In General

- § 2-1. Administration of oaths and taking affidavits by town clerk.
- § 2-2. Legal defense and payment of judgments against commissioners, officers, etc.
- § 2-3. Liability insurance on town owned motor vehicles.
- §§ 2-4, 2-5. Reserved.

Article II. Social Security for Town Employees

- § 2-6. Declaration of policy.
- § 2-7. Exclusions.
- § 2-8. Authority to execute agreements with state agency.
- § 2-9. Authority to withhold employee contributions from wages.
- § 2-10. Authority of town to appropriate for contributions.
- § 2-11. Records to be kept by town; adherence to regulations of state agency.
- § 2-12. Adoption of Title II of Social Security Act.
- § 2-13. Town finance director designated custodian of funds and withholding and reporting agent.

Article III. Rules of Conduct for Town Meetings

- § 2-14. Types of meetings; when held.
- § 2-15. Location of meetings, open to public.
- § 2-16. Agenda.
- § 2-17. Presiding officer.
- § 2-18. Decorum.
- § 2-19. Order of business.
- § 2-20. Addressing the commission.
- § 2-21. Voting.
- § 2-21.5. Procedure for preparation of ordinances and resolutions.

Article IV. Accounting and Bookkeeping Procedures

- § 2-22. Compliance with accepted practices and standards.
- § 2-23. Cash receipts; records of receipts and disbursements.
- § 2-24. Annual inventory of town equipment.
- § 2-25. Reserved.
- § 2-26. Bank accounts for town funds.
- § 2-27. Check vouchers for disbursement of town funds.

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ARTICLE I. IN GENERAL

Sec. 2-1. Administration of oaths and taking affidavits by town clerk.

The town clerk may administer an oath to and take affidavit of any person charging another with an offense by breach of an ordinance. The deputy town clerk may, in the absence of the town clerk from the town hall, administer oaths or affidavits of complaints (Ord. No. 73-32, §§ 1, 2, 1-2-74; Ord. No. 78-14, § 1, 10-25-78).

Cross reference—Clerk to maintain municipal court docket, record of cases, and record of fines and payments, § 2-25.

Sec. 2-2. Legal defense and payment of judgments against commissioners, officers, etc.

(a) *Liability of town.* To the extent not covered by insurance contracts in force from time to time, the town may indemnify and hold harmless its town commissioners, officers and department heads from all costs, including court costs and attorney's fees arising out of claims, suits, litigation or threat of same against such individuals because of acts or circumstances connected with or arising out of their official duty or employment as such commissioner, officer or department head of the town. The town reserves the right, in its sole discretion, to settle or not settle such claim at any time, and to appeal or not to appeal from any adverse judgment or ruling, and in such event will indemnify and hold harmless any such commissioners, officer or department head from such judgment, or execution or levy thereon. The commissioner, officer or department head against whom such claim is made shall cooperate with the town, its attorneys and agents in every respect requested in the defense of the claim, including but not limited to appearances at depositions and trials, presentation and preservation of evidence and obtaining of witnesses. In the event that the defendant commissioner, officer or department head shall be awarded damages or court costs against the plaintiff or be awarded an affirmative judgment against the plaintiff upon a counterclaim against the plaintiff which was litigated by the town in such action, such sum shall be assigned and paid over to the town in consideration of its undertaking described in this section; provided, however, that the sums paid to the town under this section shall not exceed its costs and attorney fees incurred in defending and litigating such claim.

(b) *Interpretation and construction.* This section shall not be construed so as to relieve any insurance company or other entity liable to defend such claim, suit or litigation, or liable for payment of such judgment or claim from any such liability, nor shall this section be construed so as to waive any provision of law affording the town immunity from any suit in whole or part, or to waive any other substantive or procedural rights the town may have.

(c) *Exceptions.* This section shall not apply nor shall the town be responsible in any manner to defend or pay for claims arising out of acts or omissions of town commissioners, officers or department heads which constitute felonies or gross malfeasance or misfeasance in office.

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(d) *Decision of town commission final* In each case coming within the purview of this section, the town commission shall be the sole judge as to whether the act or omission complained of does in fact arise out of, or is connected with, the duty or employment of the commissioner, officer or department head involved and it shall likewise be the sole judge of whether such act or omission constitutes gross malfeasance or misfeasance, if such question is raised. The judgment of the town commission shall be final and binding upon the commissioner, officer or department head involved. (Ord. No. 77-14, §§ 1-4, 6-1-77)

Sec. 2-3. Liability insurance on town-owned motor vehicles.

The Town of Longboat Key shall carry liability insurance on all motor vehicles, including motorcycles, owned and operated by the town, in an amount of one hundred thousand dollars (\$100,000.00) with respect to any one person and three hundred thousand dollars (\$300,000.00) with respect to any one accident or disaster; provided, however, such coverage may be limited by the usual and customary limitations and conditions contained in standard liability policies written by stock or mutual insurance companies doing business in the State of Florida. (Ord. No. 78-25, § 1, 1-17-79)

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

ARTICLE II. SOCIAL SECURITY FOR TOWN EMPLOYEES

State law reference—Social security for public employees, Fla. State, §§ 650.01 to 650.10.

Sec. 2-6. Declaration of policy.

It is hereby declared to be the policy and purpose of the town to extend, effective as of January 1, 1980, to the employees and officials thereof not excluded by law, nor excepted in this article, the benefits of the system of old-age and survivors insurance, authorized by the Federal Social Security Act, and amendments thereto, and by Chapter 650, Florida Statutes, as amended, and to cover by such plan all services which constitute employment as defined in Section 650.02, Florida Statutes, performed in the employ of the town by employees and officials thereof, except the town attorney and the town commission. (Code 1965, § 18-1)

Sec. 2-7. Exclusions.

There is hereby excluded from this article any authority to include in any agreement entered into under section 2-6, any service, position, employee or official now covered by or eligible to be covered by an existing retirement system. (Code 1965, § 18-2)

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Sec. 2-8. Authority to execute agreements with state agency.

The mayor (or other chief executive officer) is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Florida Industrial Commission, as state agency, for the purpose of extending the benefits provided by such system of old-age and survivors insurance to the employees and officials of this town, as provided in sections 2-6 and 2-7, which agreement shall provide for such methods of administration of the plan by the town as are found by the state agency to be necessary and proper, and shall be effective with respect to services in employment covered by such agreement performed on and after January 1, 1960. (Code 1965, § 18-3)

Sec. 2-9. Authority to withhold employee contributions from wages.

Withholdings from salaries, wages or other compensation of employees and officials for the purpose provided in this article are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency designated by such laws or regulations to receive such amounts. (Code 1965, § 18-4)

Sec. 2-10. Authority of town to appropriate for contributions.

There shall be appropriated from available funds derived from general funds and cigarette funds, such amounts, at such times, as may be required to pay promptly the contributions and assessments required of the town as employer by applicable state or federal laws or regulations, which shall be paid over to the lawfully designated state agency at the times and in the manner provided by law and regulations. (Code 1965, § 18-5)

Sec. 2-11. Records to be kept by town; adherence to regulations of state agency.

The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations, and shall adhere to the regulations of the state agency. (Code 1965, § 18-6)

Sec. 2-12. Adoption of Title II of Social Security Act.

The town does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges and other conditions thereunto appertaining, of Title II of the Social Security Act, as amended, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement authorized by this article. (Code 1965, § 18-7)

Sec. 2-13. Town finance director designated custodian of funds and withholding and reporting agent.

The town finance director is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the

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contribution of the town, and the town finance director is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purpose of this article. (Code 1965, § 18-8)

ARTICLE III. RULES OF CONDUCT FOR TOWN MEETINGS

Editor's note—Ord. No. 79-1, adopted Jan. 17, 1979, did not specifically amend the Code, hence inclusion of § 1 thereof as Art. III, §§ 2-14--2-21.5, was at the discretion of the editor.

Sec. 2-14. Types of meetings; when held.

(a) *Regular meetings.* The town commission shall hold a regular monthly meeting on the first Wednesday of each month in the town chambers at 8:00 p.m. or at such time of day as the commission may decide; provided, however, when the day fixed for regular meetings falls on a day designated by law as a legal holiday, such meeting shall be held on another day as designated by the town commission.

(b) *Special meetings.* The mayor, or any two (2) members of the commission, may call special meetings of the commission upon at least two (2) hours' written notice to each member, served personally, or left at the member's place of business or the usual place of residence; provided, the aforesaid requirement of written notice of special meetings may be waived at said special meetings by the unanimous vote of the entire town commission recorded in the minutes of the meeting; but in any event, there shall be no such requirement of written notice where notice is given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting. Said notice shall be signed by the town manager or a commissioner and shall state the date and hour of the meeting, and the purpose for which such meeting is called. No business shall be transacted thereat, except such as stated in the notice. A copy of such notice shall likewise be posted on the Town Hall bulletin board.

(c) *Workshop meetings.* The town commission may meet in workshop for study and discussion of the affairs of the town in the commission chambers of the Town Hall but no formal or binding action may be taken at such meetings. Unless the town commission shall determine otherwise, regular workshop meetings shall be held on the second and fourth Tuesdays of each month at 2:00 p.m. (Ord. No. 79-1, § 1(1)–(3), (5), 1-17-79)

Sec. 2-15. Location of meetings, open to public.

All meetings of the town commission for the purpose of transacting town business, whether action is taken or not, shall be held in the town commission chambers of the Town Hall, unless the commission indicates another location, and shall be open to the public. (Ord. No. 79-1, § 1(4), 1-17-79)

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Sec. 2-16. Agenda.

(a) *Generally* The town manager shall prepare an agenda for all formal and workshop meetings, except special meetings.

(b) *Formal meetings* The agenda for formal meetings, whether regular or special, shall include only such matters as the commission or members thereof may have directed from the previous workshop meeting, together with such other and subsequent matters as may be recommended for consideration by the town manager. Said agendas for regular and special meetings will be prepared and made available to the public, the press and to each commissioner at least three (3) days in advance of the dates established for all regular meetings. Notice of special meetings shall constitute the agenda for such special meetings. Except with the majority consent of all commissioners present at any regular or special meeting, no item not on the agenda shall be discussed at said meetings.

(c) *Workshop meetings* The town manager shall prepare the agenda for workshop meetings. Items for this agenda shall be presented to the town manager no later than 10:00 a.m. Thursday morning preceding the workshop meeting for which the item is to be scheduled. The town manager shall prepare the agenda at least three (3) days in advance of the workshop meeting.

(d) *Distribution* The agenda for workshop meetings, including backup materials prepared by the town manager, shall be distributed to the members of the town commission and the press in sufficient time to allow the members of the town commission to contact the manager regarding any item on the agenda and to enable the members of the town commission to acquaint themselves with the background material presented by the town manager. When an item on the agenda for workshop meetings requires the passage of a resolution or an ordinance, a copy of said resolution or ordinance will be forwarded to each commissioner together with the agenda. The town attorney shall be notified by the town commission at the workshop held prior to the distribution of the agenda for the next regular meeting, of all agenda items requiring the passage of ordinances or resolutions. The purpose of this section is to allow the town attorney sufficient time to prepare or amend ordinances or resolutions and provide copies to the commission to allow the members of the town commission sufficient time to acquaint themselves with the ordinances or resolutions, or amendments thereto, prior to the meeting in which ordinances or resolutions are scheduled for adoption.

Each member of the town commission and the town attorney shall be provided with a copy of the agenda as far in advance of the meeting as time will permit. Copies shall concurrently be made available to the news media and a copy thereof shall be posted on the Town Hall bulletin board. A reasonable number of extra copies of the agenda will be available for the public. (Ord. No. 79-1, § 1(5), 1-17-79)

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Sec. 2-17. Presiding officer.

The mayor shall preside at all meetings, if present; in his absence, the vice mayor, and in his absence, the mayor pro tem of the commission shall preside. (Ord. No. 79-1, § 116, 1-17-79)

Sec. 2-18. Decorum.

The presiding officer shall preserve strict order and decorum at all meetings.

- (a) During commission meetings, commission members shall maintain order and decorum. Every commissioner desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself to the question under debate. Each commissioner desiring to be recognized shall be recognized once before the commissioner shall be recognized a second time. Every commissioner desiring to question the administrative staff shall address his question to the town manager who shall be entitled either to answer the inquiries himself or designate some member of the staff for that purpose. A commissioner once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions of another member. All members of the commission shall accord the utmost courtesy to each other, to town employees, and to public members appearing before the commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Commissioners shall confine their remarks to the issues before the commission.
- (b) Members of the administrative staff and employees of the town shall observe the same rules of procedure and decorum applicable to members of the commission.
- (c) Public members attending commission meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the commission. The chair may cause to be ejected any person making personal, impertinent or slanderous remarks or who becomes boisterous while addressing the commission. (Ord. No. 79-1, § 117, 1-17-79)

Sec. 2-19. Order of business.

All regular meetings of the commission shall be open to the public promptly at the hour set on the day of each meeting. The members of the commission, town manager, acting town manager, town clerk and town attorney shall take the regular stations in the commission chambers and the business of the commission shall be taken up for consideration and disposition in substantially the following order:

- (a) Meeting called to order
- (b) Pledge of Allegiance.

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- (c) Proclamations and special presentations.
- (d) Communications and committee reports.
- (e) First and second readings of ordinances and public hearings.
- (f) Resolutions.
- (g) Other public hearings.
- (h) Unfinished business.
- (i) New business.
- (j) Other business, if allowed by the town commission.
- (k) Public to be heard.
- (l) Questions from the press. (Ord. No. 79-1, § 1(8), 1-17-79)

Sec. 2-20. Addressing the commission.

Any person desiring to address the commission regarding an item on the agenda shall first secure the permission of the chair.

- (a) *Written communications.* Taxpayers or residents of the town and other interested parties, or their authorized representatives may address the commission by written communications in regard to matters then under discussion.
- (b) *Oral communications.* Taxpayers or residents of the town and other interested parties, or their authorized representatives may address the commission by oral communications on any matter concerning the town's business or any matter over which the commission has jurisdiction or control; provided, however, that preference shall be given to those persons who may have notified the town manager in advance of their desire to speak in order that the same may appear on the agenda of the commission; otherwise they may request permission at that point in the meeting providing for the public to be heard.
- (c) *Reading of protests, petitions or communications.* Taxpayers or residents of the town and other interested parties, or other authorized representatives, may address the commission by reading of protests, petitions or communications relating to any matter over which the commission has jurisdiction or control by notifying the town manager in advance of the meeting in sufficient time to be placed on the agenda.
- (d) *Anonymous communications.* Unsigned communications shall not be introduced to the commission.
- (e) *Matter of addressing commission; time limited.* Each person recognized for the purpose of addressing the commission shall step forward to the podium, with microphone thereon, and shall give his or her name and address in an audible tone for the record, and unless further time is granted by the commission, shall

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limit his or her address to three (3) minutes or such additional time as may be granted by the chairman or by action of a majority of the commission. All remarks shall be addressed to the commission as a body and not to any member thereof. No person, other than a commissioner and the person having the floor, shall be permitted to enter into any debate or discussion without the permission of the chair. (Ord. No. 79-1, § 1(9), 1-17-79)

Sec. 2-21. Voting.

The "ayes" and "nays" may be called for on any question. Whenever the "ayes" and "nays" are not unanimous, the town clerk shall poll the commission and record the vote of each member. (Ord. No. 79-1, § 1(10), 1-17-79)

Sec. 2-21.5. Procedure for preparation of ordinances and resolutions.

(a) *Preparation of ordinances.* No ordinance shall be prepared for presentation to the commission unless ordered by a majority vote of the commission, or requested by the town manager, or prepared by the town attorney on his own initiative.

(b) *Approvals required prior to presentation to commission.* All ordinances, resolutions and contract documents shall, before presentation to the commission, have been approved as to content, form and legal correctness by the town attorney or his authorized representative, and shall have been examined and approved for administration by the town manager or his authorized representative, where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would involve and have been approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the town manager with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or the objection is not withdrawn and approval in writing given, then the town manager shall so advise the commission and give the reasons advanced by the department head for withholding approval. (Ord. No. 79-1, § 1(11), 1-17-79)

ARTICLE IV. ACCOUNTING AND BOOKKEEPING PROCEDURES

Sec. 2-22. Compliance with accepted practices and standards.

The town finance director shall comply with accepted accounting practices and standards to insure good internal control. (Ord. No. 211, § 1, 1-19-72)

Sec. 2-23. Cash receipts; records of receipts and disbursements.

The town finance director shall issue receipts for all moneys coming into his possession from any and all sources for which he is held accountable. A copy of the receipt issued by the town finance director shall be delivered to the person making
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payment and shall specify the purpose for which the payment was made. The town finance director shall keep such records that will enable him to account for all cash receipts and disbursements and to properly account for all budgeted items of cash receipts and disbursements as adopted by the town in its annual budget. (Ord. No. 211, § 2, 1-19-72)

Sec. 2-24. Annual inventory of town equipment.

The town finance director shall prepare an annual physical inventory of all furniture, fixtures and equipment owned by the town. Such inventory shall show the identification number placed on each and every item of furniture, fixtures and equipment. Thereafter the inventory shall be checked annually. (Ord. No. 211, § 3, 1-19-72)

Sec. 2-25. Reserved.

Editor's note—Section 2 of Ord. No. 78-14, adopted Oct. 25, 1978, repealed former § 2-25, pertaining to maintenance by town clerk of court docket, record of cases and payment of fines, and derived from Ord. No. 211, § 4, adopted Jan. 19, 1972.

Sec. 2-26. Bank accounts for town funds.

The town finance director shall maintain necessary bank accounts for all funds of the town and shall require the necessary collateral for such public funds. (Ord. No. 211, § 5, 1-19-72)

Sec. 2-27. Check vouchers for disbursement of town funds.

Check vouchers for the disbursement of funds for the town shall be prepared in three (3) copies as follows:

- (a) Original copy to be mailed or given to payee.
- (b) Second copy to be attached to invoice or bill paid showing necessary approval and filed alphabetically.
- (c) The third copy to be filed numerically for each fund. (Ord. No. 211, § 6, 1-19-72)

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CHAPTER 2A

AIRCRAFT AND AIRPORTS

- § 2A-1. Certificates required.
- § 2A-2. Operation of aircraft, including helicopters, in violation of federal regulations prohibited.
- § 2A-3. Landing within town limits prohibited; exceptions.
- § 2A-4. Height at which aircraft to be flown.
- § 2A-5. Penalty.

Editor's note--Ord. No. 73-20, adopted Aug. 22, 1973, did not specifically amend the Code, therefore, codification of §§ 1---5 as Ch. 2A, §§ 2A-1---2A-5, was at the editor's discretion.

Sec. 2A-1. Certificates required.

It shall be unlawful for any person to operate any aircraft, including helicopters, over the territory within the town limits without first having then in effect a pilot's certificate issued by the department of commerce of the United States and a valid certificate or air-worthiness for such aircraft issued by such department of commerce. (Ord. No. 73-20, § 1, 8-22-73)

Sec. 2A-2. Operation of aircraft, including helicopters, in violation of federal regulations prohibited.

It shall be unlawful for any person to operate any aircraft, including helicopters, over the territory within the town limits in violation of any regulation of the department of commerce of the United States or any other authorized department governing the operation of aircraft. (Ord. No. 73-20, § 2, 8-22-73)

Sec. 2A-3. Landing within town limits prohibited; exceptions.

It shall be unlawful for any person to land any aircraft, including helicopters, within the town limits at any time except at established airports; provided nothing in this section shall be construed to prohibit emergency landings by the U. S. Coast Guard or other governmental agencies and landings by law enforcement officers in the performance of their law enforcement duties. (Ord. No. 73-20, § 3, 8-22-73; Ord. No. 74-5, § 1, 3-6-74)

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Sec. 2A-4. Height at which aircraft to be flown.

It shall be unlawful for any person to operate any aircraft, including helicopters, over any building within the town limits at a height of less than one thousand (1,000) feet above the ground, except U. S. Coast Guard emergency aircraft or other governmental aircraft and mosquito control aircraft. (Ord. No. 73-20, § 4, 8-22-73)

Sec. 2A-5. Penalty.

Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in a sum not more than five hundred dollars (\$500.00), or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 73-20, § 5, 8-22-73)

CHAPTER 3

ALCOHOLIC BEVERAGES

Cross reference---Registration of certain employees handling liquor, beer, etc., §§ 11-12---11-16.

State law reference---Alcoholic beverages generally, Fla. Stats., § 561.01 et seq.

- § 3-1. License tax---Levy; amount; collection.
- § 3-2. Same---Receipt.
- § 3-3. Hours of sale.

Sec. 3-1. License tax---Levy; amount; collection.

The town auditor and clerk is hereby authorized to levy and collect a license tax on each manufacturer, distributor, vendor, caterer and club having a place of business within the town that holds a state license for the sale of intoxicating beverages. The license fee for the same shall be up to, but not exceeding fifty (50) per cent of the state and county license tax, as provided by the laws of the state. (Code 1965, § 4-1)

Cross references---Licenses generally, Ch. 12; taxation generally, Ch. 21.

State law reference---Authority of municipality to levy and collect license tax, Fla. Stats., § 561.36.

Sec. 3-2. Same---Receipt.

The town auditor and clerk shall provide a receipt for the payment of a municipal license tax to the manufacturer distributor, vendor, caterer and club paying same, so that they shall be entitled to a reduction in the state and county license tax in the amount so paid for such municipal license tax. (Code 1965, § 4-2)

Sec. 3-3. Hours of sale.

It shall be unlawful for any person to sell, offer for sale, serve, dispense, consume or allow to be consumed any alcoholic or intoxicating beverages in the town, in any place or establishment licensed by the state or the town for the sale of alcoholic or intoxicating beverages, except between and during the following hours:

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- (a) 7:00 a.m. on Monday to 2:00 a.m. on Tuesday.
- (b) 7:00 a.m. on Tuesday to 2:00 a.m. on Wednesday.
- (c) 7:00 a.m. on Wednesday to 2:00 a.m. on Thursday.
- (d) 7:00 a.m. on Thursday to 2:00 a.m. on Friday.
- (e) 7:00 a.m. on Friday to 2:00 a.m. on Saturday.
- (f) 7:00 a.m. on Saturday to 2:00 a.m. on Sunday.
- (g) 12:00 noon on Sunday to 2:00 a.m. on Monday except
beers and ales may be sold or served from 7:00 a.m.
on Sunday to 2:00 a.m. on Monday.
- (h) 7:00 a.m. on December 31st of any year unless the
day falls on a Sunday then from the hour set forth
in paragraph (g) to 4:00 a.m. of January 1st of any
year.

It shall be unlawful to keep open for business or to admit the public or for the public to remain or to permit the consumption of alcoholic or intoxicating beverages in or upon the premises in which alcoholic or intoxicating beverages are sold at retail during the hours within which the sale of such alcoholic or intoxicating beverages are prohibited; providing, that in case such establishments are open for business during such hours, bars, tables and counters shall be cleared of all alcoholic or intoxicating beverages and no alcoholic or intoxicating beverages may be consumed by the public during such hours. (Code 1965, § 4-3; Ord. No. 75-6, § 1, 6-4-75)

State law reference---Hours of sale, authority of town to regulate, Fla. Stats., §§ 562.14, 562.45.

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Chapter 4

ANIMALS AND FOWL

Article I. In General

- § 4-1. Quarantine.
- § 4-1.5. Keeping livestock, fowl or domestic animals.

Article II. Dogs and Cats

- § 4-2. Licenses required; issuance of license.
- § 4-3. Issuance of license tags.
- § 4-4. Collars required; tags to be attached to collars.
- § 4-5. Use of unauthorized tag prohibited.
- § 4-6. Removal of collars or tags.
- § 4-7. Annual census of licensed animals.
- § 4-8. Vaccination required.
- § 4-9. Confinement when rabies suspected.
- § 4-10. Leash or lead required; exceptions; female dogs or cats in heat.
- § 4-11. Impoundment.
- § 4-12. Pound.
- § 4-13. Dog and cat warden generally.
- § 4-14. Records of dog and cat warden.
- § 4-15. Delivery to warden.
- § 4-16. Causing annoyance to neighborhood, etc., prohibited.
- § 4-17. Cruel and inhumane treatment.
- § 4-18. Prohibited on beaches.
- § 4-19. Disposition of fees and fines.
- §§ 4-20—4-29. Reserved.

**Article III. Confinement of Animals in
Unattended Motor Vehicles**

- § 4-30. Purpose and intent.
- § 4-31. Definitions.
- § 4-32. Areas embraced.
- § 4-33. Placing or confining animals in unattended motor vehicles.
- § 4-34. Authority of law enforcement officer to impound animal; procedure.
- § 4-35. Penalty.

ARTICLE I. IN GENERAL

Sec. 4-1. Quarantine.

Should the town commission determine that a state of emergency exists within the town by reason of animals being infected by rabies or other infectious and dangerous disease which shall constitute a danger to the public health, safety and general welfare of the town, the town commission may by resolution declare a state of emergency to

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exist and during such period of time, all dogs, cats and other animals and pets shall be kept confined or on a leash or lead by the owners or keepers thereof. During such period of time as such emergency shall continue, the town by resolution may promulgate such other emergency regulations as may be deemed necessary for the protection of the health, safety and general welfare of the town. (Ord. No. 147, § 5-21, 4-10-69)

Sec. 4-1.5. Keeping livestock, fowl or domestic animals.

No livestock, fowl or domestic animals, other than household pets, shall be kept or maintained within the town. (Ord. No. 77-28, § 1, 12-7-77)

ARTICLE II. DOGS AND CATS

State law references—Town authorized to license and regulate dogs, Fla. Stats., § 168.09; damages by dogs and liability of owners therefor, Fla. Stats., §§ 767.01 to 767.04.

Sec. 4-2. Licenses required; issuance of license.

It shall be unlawful for any resident to keep a dog or cat within the town without first having obtained a license to keep such dog or cat. It shall be the duty of the town finance director to issue such licenses. The definition of a resident under this chapter is a person residing on Longboat Key for a period of ninety (90) days or more. (Ord. No. 147, § 5-2, 4-10-69)

Cross reference—Licenses generally, Ch. 12.

Sec. 4-3. Issuance of license tags.

It shall be the duty of the town finance director, on or before the first day of October of each year, to provide himself with a suitable number of metallic dog and cat tags or checks with the word "Longboat" and the year ensuing, ending September thirty-first, thereon, which tags shall be furnished by him to all applicants therefor upon payment of one dollar (\$1.00). (Ord. No. 147, § 5-17, 4-10-69; Ord. No. 229, § 1, 9-27-72)

Sec. 4-4. Collars required; tags to be attached to collars.

Every dog or cat over the age of six (6) months, whether kennel licensed or individually licensed, and if individually licensed, whether on or off the owner's premises, shall at all times wear a substantial durable collar to which shall be attached securely the license tag provided for in the preceding section. (Ord. No. 147, § 5-18, 4-10-69)

Sec. 4-5. Use of unauthorized tag prohibited.

No tag shall be used on the collar of any dog or cat other than the one for which it is issued. (Ord. No. 147, § 5-19, 4-10-69)

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Sec. 4-6. Removal of collars or tags.

No person shall remove the collar or tag, or both, from any dog or cat without the consent of the person to whom the license is issued. (Ord. No. 147, § 5-20, 4-10-69)

Sec. 4-7. Annual census of licensed animals.

The dog and cat warden shall, on or immediately after October first of each year, make diligent inquiry from house to house within the corporate limits of the town, or in any other lawful manner, as to the number of dogs or cats owned and whether any such dogs or cats are unlicensed. Upon finding any dogs or cats unlicensed, the dog and cat warden shall forthwith give notice in writing to the owners of such unlicensed dogs or cats and unless a license shall be secured not later than five (5) days after the date of such notice, at the regular license fee plus one dollar (\$1.00) for each such unlicensed dog or cat as a penalty for the owner's neglect in securing the same, such unlicensed dogs or cats shall be seized and impounded. The dog and cat warden shall

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have the authority to seize any unlicensed dog or cat either on or off the owner's premises without the necessity of any arrest warrant or court order and impound such dog or cat in the dog and cat pound. He shall give a receipt to the owner of any dog or cat so seized and impounded, describing each dog or cat clearly and stating the date of such seizure. Such unlicensed dog or cat shall be released to the owner at the dog and cat pound upon payment of the regular license fee, plus a penalty of three dollars (\$3.00) for each day within five (5) calendar days after the date of seizure. In the absence of such payment, such unlicensed dog or cat may be put to death humanely in the dog and cat pound or otherwise disposed of on the sixth calendar day after the date of seizure. (Ord. No. 147, § 5-14, 4-10-69; Ord. No. 229, § 2, 9-27-72)

Sec. 4-8. Vaccination required.

Prior to the issuance of any dog or cat license by the town finance director, any resident owning or keeping a dog or cat within the town shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian or other properly qualified person approved by the town manager. Evidence of such vaccination shall consist of a certificate signed by the person administering the vaccine and containing pertinent data for the identification of such dog or cat so vaccinated and the time of such vaccination. A copy of such certificate shall be filed by the town finance director at the time of issuance of such license. (Ord. No. 147, § 5-3, 4-10-69)

Sec. 4-9. Confinement when rabies suspected.

Upon the appearance of any suspicious symptoms of rabies, any dog or cat must be promptly retained, confined and guarded until any possibility of the presence of rabies is removed. The health officer of the town shall be promptly notified of the existence of suspicion of rabies in any dog, cat or other animal by the owner, or the person in charge of such animal. (Ord. No. 147, § 5-4, 4-10-69)

Sec. 4-10. Leash or lead required; exceptions; female dogs or cats in heat.

No dog or cat, whether licensed or unlicensed, muzzled or unmuzzled, inoculated or not inoculated against rabies, shall be allowed upon the streets of the town or in public places, such as railroad depots, hotels, restaurants, theaters, public conveyances and the like, or upon property other than that of its owner, unless on suitable dependable lead or leash not longer than eight (8) feet, or unless within reasonable control of its owner or other person known to the dog or cat, such reasonable control not to exceed a distance of three hundred (300) feet, or unless on property other than that of its owner with the express or implied consent of the owner of such property. However, a female dog or cat in heat, within public places or on streets or other premises, must be on a lead or leash at all times. (Ord. No. 147, § 5-5, 4-10-69)

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Sec. 4-11. Impoundment.

Any dog or cat running at large shall be seized promptly by any police officer or by the dog or cat warden and impounded in the dog and cat pound. The owner of any such licensed dog or cat, or if such dog or cat is unlicensed, the owner of such dog or cat, if known, or if, upon reasonable diligent inquiry, may be known, shall be notified promptly by mail and also, if possible, by phone or other means not later than on the day the dog or cat is seized, that such dog or cat has been seized and is impounded in the dog and cat pound awaiting redemption. No such dog or cat shall be redeemed by or released to anyone save the owner or his duly authorized agent, and then only upon payment of the regular license fee, if unlicensed, plus the sum of two dollars (\$2.00) per day for care, custody and feeding of such dog or cat, plus one dollar (\$1.00) for neglect to pay a license fee, and if licensed, the sum of two dollars (\$2.00) per day only for care, custody and feeding. If such impounded dog or cat shall not be redeemed and released to the owner or agent, and the required fees and costs paid at the time of such release on or before the fifth calendar day after the day of seizure, such dog or cat may be put to death humanely in the dog and cat pound on the sixth calendar day after day of seizure; except, that a dog or cat impounded on account of being rabid or having been bitten by a rabid dog, cat or other animal shall be held for a period of fifteen (15) days after seizure, unless death occurs before the expiration of the fifteen (15) days. Bodies of all dogs and cats killed shall be disposed of by the dog and cat warden on the same day as killed, and in as sanitary and proper way as meets with the demands of public health and welfare. (Ord. No. 147, § 5-7, 4-10-69)

Sec. 4-12. Pound.

The town shall either maintain a public pound or make provisions to use the county pound or humane society pound in Sarasota or Manatee Counties, and the chief of police is given the authority to make use of any of the above for any of the provisions under this article, and the same shall be under the general supervision of the chief of police. (Ord. No. 147, § 5-13, 4-10-69)

Sec. 4-13. Dog and cat warden generally.

The chief of police shall either designate a police officer as town dog and cat warden or appoint a town dog and cat warden and fix his compensation, subject to the approval of the town commission. It shall be the duty of the dog and cat warden to properly conduct the dog and cat pound and to enforce the provisions of this article. (Ord. No. 147, § 5-6, 4-10-69)

Sec. 4-14. Records of dog and cat warden.

The dog and cat warden shall keep a careful record of all dogs and cats received by him, describing each dog and cat carefully and describing fully and clearly the disposition of such dog or cat. He shall deliver to the chief of police, on each Monday, a duplicate copy of all such records of receipts and disposals covering the preceding calendar week. (Ord. No. 147, § 5-8, 4-10-69)

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Sec. 4-15. Delivery to warden.

It shall be unlawful for any person to refuse to deliver his dog or cat to the dog and cat warden when properly requested to do so under the provisions of this article. (Ord. No. 147, § 5-12, 4-10-69)

Sec. 4-16. Causing annoyance to neighborhood, etc., prohibited.

It shall be unlawful for any person to keep, harbor or own any dog or cat which, by loud, frequent or habitual barking, yelping, howling or by constant threat of attacking and biting, shall cause annoyance to the neighborhood or to people passing upon the streets. (Ord. No. 147, § 5-10, 4-10-69)

Sec. 4-17. Cruel and inhumane treatment.

It shall be unlawful for any person to be cruel or inhumane to a dog or cat, such cruelty and inhumanity consisting of cruelly beating, torturing, mutilating, cruelly killing, failing to provide food, drink and shelter or abandoning old, sick or disabled dogs or cats. (Ord. No. 147, § 5-11, 4-10-69)

Cross reference—Confinement of animals in unattended motor vehicles, § 4-30 et seq.

State law reference—Cruelty to animals, Fla. Stats., §§ 825.01 to 825.18.

Sec. 4-18. Prohibited on beaches.

It shall be unlawful for any person owning any dog or cat or having any dog or cat in his care, custody or control, to permit or allow such dog or cat to be upon any beaches within the town. (Ord. No. 147, § 5-15, 4-10-69)

Cross reference—Pets prohibited on public beach accesses, § 4A-3(a).

Sec. 4-19. Disposition of fees and fines.

All money collected as pound fees, etc., as prescribed in this article, shall be expended for efficient management of the pound and for the enforcement of this article, and for other dog and cat purposes. Any surplus after September 30th of each year shall be transferred to the general fund of the town treasury. All money collected as license fees shall be turned over to the town finance director every Monday morning. (Ord. No. 147, § 5-9, 4-10-69)

Secs. 4-20—4-29. Reserved.

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ARTICLE III. CONFINEMENT OF ANIMALS IN
UNATTENDED MOTOR VEHICLES

Sec. 4-30. Purpose and intent.

It is hereby declared to be the purpose and intent of this article to protect animals from placement or confinement in unattended motor vehicles without adequate ventilation or under such other conditions or for such a period of time as may reasonably be expected to cause suffering, disability or death. (Ord. No. 77-12, § 1, 5-18-77)

Sec. 4-31. Definitions.

For the purpose of this article, certain terms are defined as follows:

- (a) *Animal*: All species of mammals, except humans, and all species of birds.
- (b) *Animal shelter*: Any facility maintained within Sarasota or Manatee Counties for the confinement and maintenance of dogs and other animals that come into its custody in the performance of its official duties, for the relief of suffering of dogs and other animals or for the confinement, maintenance, safekeeping and control of dogs and other animals that come into its custody.
- (c) *Town*: The Town of Longboat Key, a political subdivision of the State of Florida.
- (d) *Law enforcement officer*: The police officer or any other officer having jurisdiction within the town.
- (e) *Motor vehicle*: Any vehicle defined as a motor vehicle by Chapter 316 of the Florida Statutes. (Ord. No. 77-12, § 2, 5-18-77)

Sec. 4-32. Areas embraced.

All of the incorporated areas of the town shall be embraced by the provisions of this article. (Ord. No. 77-12, § 8, 5-18-77)

Sec. 4-33. Placing or confining animals in unattended motor vehicles.

- (a) *Responsibility of owner of animal*. No person owning or otherwise having charge or custody of an animal shall place or confine such animal or allow an animal to be placed or confined or to remain in an unattended motor vehicle without sufficient ventilation or under other conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- (b) *Responsibility of motor vehicle owner or operator*. No person owning or otherwise having dominion or control over a motor vehicle shall place or confine an animal or allow an animal to be placed or confined or to remain in

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an unattended motor vehicle without sufficient ventilation or under other conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may reasonably be expected to cause suffering, disability or death.

- (c) *Exceptions.* Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry, or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes. (Ord. No. 77-12, §§ 3-5, 5-18-77)

Sec. 4-34. Authority of law enforcement officer to impound animal; procedure.

Any law enforcement officer who finds an animal in a motor vehicle that in the judgment of the law enforcement officer is in violation of this article may use any lawful means to remove the animal. The law enforcement officer removing the animal shall take said animal, or have said animal delivered, to an animal shelter. The law enforcement officer shall, in the event the owner or custodian of said animal cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and department, and the address where the animal may be claimed by the owner thereof. In addition, the law enforcement officer shall notify the animal control officer of the county of the fact that the animal was taken and the name of the animal shelter to which the animal was delivered. The animal will be surrendered to the owner if the owner claims the animal within ten (10) days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. The animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of reasonable maintenance charges. If the owner does not reclaim the animal within the specified time, the shelter having custody of the animal may dispose of the animal in any reasonably humane manner. (Ord. No. 77-12, § 6, 5-18-77)

Sec. 4-35. Penalty.

Any person, firm, company, corporation or association, or the managing agent of any person, firm, company, corporation or association, who violates this article shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in a sum not more than five hundred dollars (\$500.00) with each day of such violation constituting a separate offense. (Ord. No. 77-12, § 7, 5-18-77)

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Chapter 4A

BEACHES

Cross reference—Mooring boats or other watercraft on beach, § 5-6(b).

Article I. In General

- § 4A-1. Time restriction; exemptions; penalty.
- § 4A-2. Possession of alcoholic beverages prohibited; penalty.
- § 4A-3. Regulation of activities on public beach accesses; penalty for violation
- §§ 4A-4—4A-11. Reserved.

Article II. Removal of Dead Fish

- § 4A-12. Purpose.
- § 4A-13. Responsibility of owners for removal.
- § 4A-14. Beaches littered with dead fish deemed nuisance.
- § 4A-15. Notice to abate.
- § 4A-16. Procedure for abatement by town upon failure of owner to comply; assessment of lien for costs, collection.
- § 4A-17. Penalty for violation of section 4A-13.

ARTICLE I. IN GENERAL

Sec. 4A-1. Time restriction; exemptions; penalty.

(a) All persons and vehicles are prohibited from being present on any public access to the beach within the Town of Longboat Key and on public property known as Beer Can Island from 11:00 p.m. to 5:00 a.m. daily

(b) This section shall not apply to authorized personnel in vehicles, meaning all official, state, county and town personnel and vehicles engaged in police and fire protection and maintenance duties.

(c) Any person found guilty of violating this section or any order issued pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-10, §§ 1—3, 5-19-76)

Sec. 4A-2. Possession of alcoholic beverages prohibited; penalty.

(a) It shall be unlawful for any persons to have in their possession, beer, wine, whiskey or any other alcoholic beverage on any public access to the beach within the Town of Longboat Key and on public property known as Beer Can Island.

(b) Any person found guilty of violating this section or any order issued pursuant thereto shall, upon conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days. (Ord. No. 76-11, §§ 1, 2, 5-19-76)

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Sec. 4A-3. Regulation of activities on public beach accesses; penalty for violation.

(a) No person entering upon and using the public beach accesses within the Town of Longboat Key and public property including property referred to as Beer Can Island, shall:

- (1) Build fires;
- (2) Litter the premises;
- (3) Deface, damage or defile the premises;
- (4) Bring or allow pets on the premises;
- (5) Change clothing on the premises;
- (6) Bed down on the premises;
- (7) Use profane or obscene language or conduct themselves in a disorderly manner.

(b) Any person who violates this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in a sum not more than five hundred dollars (\$500.00) or shall be imprisoned for no more than sixty (60) days. (Ord. No. 76-16, §§ 1, 2, 5-19-76)

Secs. 4A-4—4A-11. Reserved.

ARTICLE II. REMOVAL OF DEAD FISH

Sec. 4A-12. Purpose.

The town commissioners find and declare that there is a general need in the Town of Longboat Key for the measures provided by this article and that this law is enacted in the exercise of the police power for the protection of the health, safety and welfare of the people of the Town of Longboat Key. (Ord. No. 76-14, § 1, 5-19-76)

Sec. 4A-13. Responsibility of owners for removal.

For the purpose of promoting the health, safety and welfare of the people of the Town of Longboat Key, every owner of land is required to remove dead fish from the beaches of the land owned by said owners. (Ord. No. 76-14, § 2, 5-19-76)

Sec. 4A-14. Beaches littered with dead fish deemed nuisance.

Those beaches upon which are located dead fish in such numbers as to create a nuisance or unsanitary condition are hereby determined to be detrimental to the health, safety and welfare of the citizens of the Town of Longboat Key and further are hereby determined to be a public nuisance. (Ord. No. 76-14, § 3, 5-19-76)

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Sec. 4A-15. Notice to abate.

If the town manager, or any other town official or agent designated by resolution by the town commission of the Town of Longboat Key, shall find any of the conditions described in section 4A-14 of this article existing on such beach within the incorporated areas of the Town of Longboat Key, the town manager shall give written notice to the owner of record of said beach by certified mail, return receipt requested, at his address as shown on the most recent county tax roll, notifying such owner of the condition and demanding that such condition be abated within seven (7) days from the date of receipt of said letter. Upon the failure of such property owner to comply within the time prescribed, the town manager shall notify the town commission of the existence of said condition. (Ord. No. 76-14, § 4, 5-19-76)

Sec. 4A-16. Procedure for abatement by town upon failure of owner to comply; assessment of lien for costs, collection.

Upon receipt by the town commission of notification from the town manager of the existence of conditions described in section 4A-14 of this article and failure to comply with the notice prescribed in section 4A-15 of this article, said commission shall, by resolution, direct the clearing of such beach and assess a lien on behalf of the Town of Longboat Key against the said property for the costs hereinafter described. A certified copy of said resolution shall be mailed to the owner of record by certified mail, return receipt requested, together with a notice that said owner shall have not more than twenty (20) days from receipt of said resolution to file written objections as to the reasonableness of the assessed costs with the town commission. Thereafter the commission shall hear and determine the validity of said objections. Upon determining the invalidity of all objections, or failure to file objection within twenty (20) days, a notice of lien in such form as said commission shall determine shall be filed in the office of the clerk of circuit court in which the lot or parcel of land is situate and recorded as other liens are recorded, and in the office of the town clerk of the Town of Longboat Key. The costs of such removing of dead fish, and the necessary expenses for preparation of the assessment lien, filing and recording same and legal expenses, if any, incident thereto, shall be assessed against said land and shall be collected by the town clerk on November 1st next succeeding the date of filing of said lien, and if not collected shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection thereof may be enforced. On the date of filing of the lien as aforesaid, the town commissioners shall also file a copy of said lien with the tax collector of the county in which the lot or parcel is situate. (Ord. No. 76-14, § 5, 5-19-76)

Sec. 4A-17. Penalty for violation of section 4A-13.

Any person, firm, company, corporation or association, or the managing agent of any person, firm, company, corporation or association, who violates section 4A-13 of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof,

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shall be fined in a sum not more than five hundred dollars (\$500.00) or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 76-14, § 6, 5-19-76)

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CHAPTER 5

BOATS AND WATERWAYS

Article I. In General

- § 5-1. Use of nets prohibited; penalty.
- § 5-2. Reserved.

Article II. Boats and Watercraft

- § 5-3. Speed limitations.
- § 5-4. Reckless boat operation, water skiing, skin diving, etc.
- § 5-5. Disturbing the peace from watercraft.
- § 5-6. Mooring of boats; placing of nets or other obstructions.
- § 5-7. Lights; horns; bells; identification numbers.
- § 5-8. Abandonment of boats.
- § 5-9. Sanitary and health regulations.
- § 5-10. Designation of areas for regulated water activities.

Cross reference---Prohibition against depositing garbage and refuse in pools, lakes or tidal water, § 10-3.

Article I. In General

Sec. 5-1. Use of nets prohibited; penalty.

(a) It shall be unlawful for any person to place any haul net, gill net, stop net or seine except for cast nets in any manner whatsoever within any manmade canal, bayou, lagoon, channel or waterway within the boundaries of the Town of Longboat Key.

(b) Any person, firm, company, corporation or association or the managing agent of any person, firm, company, corporation or association who violates this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not more than five hundred dollars (\$500.00), or shall be imprisoned for no more than sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 74-3, §§ 1, 2, 4-17-74)

Editor's note---Section 4 of Ord. No. 74-9 repealed former § 5-1, 5-2, derived from Code 1965, §§ 6-201, 6-202, and pertaining to commercial salt water fishing and placement

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of nets being evidence thereof. At the editor's discretion, §§ 1, 2 of Ord. No. 74-9 have been codified as a new § 5-1.

Charter reference---Town authorized to regulate and control fishing, § 7(k).

State law reference---Salt water fisheries, Fla. Stats., § 370.01 et seq.

Sec. 5-2. Reserved.

Note---See the editor's note following § 5-1.

Article II. Boats and Watercraft

State law reference---Regulation of boats, Fla. Stats., §§ 371.011 to 371.68.

Sec. 5-3. Speed limitations.

No boat or other watercraft shall be operated upon any waters, within the town, at a rate of speed which causes waves to damage, or cause damage to docks, wharves, seawalls, shoreline, boats or personal property contained in boats moored or tied to docks or wharves. (Code 1965, § 6-1)

Sec. 5-4. Reckless boat operation, water skiing, skin diving, etc.

(a) It is unlawful for any person to operate a boat, or any other watercraft, within the town, in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(b) It is unlawful for any person water skiing, within the town, to endanger his life or limb, or the property, life or limb of another person, by reckless or negligent skiing.

(c) It is unlawful for any person water skiing, within the town to cause the operator of the boat towing him, or the operator of another boat to change the operation or movement of such boat so as to place such operator in the position of endangering the person or property of any person.

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(d) It is unlawful for any person skin diving, swimming or engaging in other water activity, to engage in such activity in such a way as to endanger his life or limb, or the property, life or limb of another person. (Code 1965, § 6-2)

Sec. 5-5. Disturbing the peace from watercraft.

No boat or other watercraft shall be operated within the waters of the town with an outboard or inboard motor not having a properly muffled exhaust. No boat or other watercraft shall be operated within the waters of the town so close to shore, or in any manner that the operation thereof disturbs the peace and tranquility. No operator of any boat or other watercraft shall cause excessive noise. The following acts, among others, are declared to be disturbing to the peace of the Town of Longboat Key and in violation of this section, but shall not be deemed to be exclusive:

- (1) *At night:* The operation between the hours of 11:00 p.m. and 6:00 a.m. of any power-equipped watercraft within any man-made canal, bayou, lagoon, channel or waterway within the boundaries of the Town of Longboat Key, except leaving a dock or returning to a dock. (Code 1965, § 6-3; Ord. No. 76-4, § 1, 2-4-76)

Sec. 5-6. Mooring of boats; placing of nets or other obstructions.

(a) No boat or other watercraft of any kind whatsoever shall moor to or tie up to a private seawall or dock, or be beached upon private property within the town without the permission of the owners of such seawall, dock or private property.

(b) It shall be unlawful for any person to moor or tie a boat or other watercraft to another, broadside, or to tie or moor such boat or other watercraft to any dock, seawall, pier or beach in any manner that may reasonably cause damage to persons or property.

(c) No net, line or any obstruction shall be placed within or across any waterway, channel or canal in such a manner that such net, line or other obstruction does or may interfere with or prevent the unhampered and unobstructed operation of boats and other watercraft therein and thereon. (Code 1965, § 6-4)

Sec. 5-7. Lights; horns; bells; identification numbers.

(a) It shall be unlawful for any boat to be operated within the waters of the town, without navigational or other lights, as prescribed therefor by the Inland or International Piloting Rules and Regulations of the United States Coast Guard. Between the hours of sunset and sunrise, it shall be unlawful for any boat to be operated on the waters of the town without carrying a clearly visible light and exhibiting the same upon the approach of any other boat or watercraft.

(b) The indiscriminate or unnecessary use of searchlights, horns, whistles or bells on or from any boat or other watercraft within the corporate limits of the town is prohibited.

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(c) No boat or other watercraft shall be operated within the waters of the town that does not show identification numbers prescribed by law, or appropriate government regulation. (Code 1965, § 6-5)

Sec. 5-8. Abandonment of boats.

It shall be unlawful for any person to abandon any boat or other watercraft within the waters of the town or to moor any boat or other watercraft in such a manner that such boat or other watercraft is or may become a menace to navigation. The presence of an unattended or unmoored boat or other watercraft within the waters of the town shall be prima facie evidence of a violation hereof by the owner of such boat or other watercraft. (Code 1965, § 6-6)

Sec. 5-9. Sanitary and health regulations.

(a) All boats and other watercraft, and the persons thereon, docked, moored or tied to land, docks, piers, seawalls or other mooring devices, within the town limits, shall observe all health and sanitary regulations of the town and other ordinances of the town.

(b) It shall be unlawful for any person on any boat or other watercraft to dump or dispose of garbage, paper, bottles, cans, refuse or other debris into the waters of the town or on any lands adjacent thereto.

(c) It shall be unlawful for any boat or other watercraft, or persons thereon, to use any vacant lot or property contrary to the zoning ordinance of the town, this Code or other ordinances of the town, for cooking of meals, washing of clothes, bathing, shower bathing, hanging out washing, erection of tents or canvases, stringing of lights or for any other use contrary to zoning or building regulations applicable to such property. (Code 1965, § 6-7)

Sec. 5-10. Designation of areas for regulated water activities.

The town commission does hereby declare that the public health, safety and welfare of the citizens of the town and others, requires designation of areas within which the operation of boats and other watercraft may be regulated or prohibited, and in which swimming, water skiing, skin diving and other water activity, or any of them, may be prohibited or regulated.

The chief of police of the town is hereby authorized to designate areas, prescribing the water activities that may be conducted therein and reasonable regulations for the conduct thereof. The chief of police may, in the interest of safety, prohibit boats and other watercraft from operating within such designated area and may prohibit swimming, water skiing, skin diving and other water activities, or any of them, from being conducted in such areas, or any of them. Such regulations and prohibitions shall be made in order to facilitate and protect persons engaging in such respective water activities.

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When such areas are designated and the regulations applicable thereto are determined, a description of such area and a copy of such regulations applicable thereto shall be filed in the town clerk's office and published once in a newspaper of general circulation within the town. Such regulations and the boundaries of such designated area shall be conspicuously posted at the area affected. It shall be unlawful to violate any of such regulations. (Code 1965, § 6-8)

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Cross references—Coastal construction, Ch. 7; dredging and filling generally, Ch. 8; automatic fire-fighting detection and prevention devices, § 9B-2; flood control, Ch. 9C; minimum floor elevation established, § 9C-9; licensing of contractors, §§ 12-5, 12-9; restriction on when construction or repair of buildings may be performed in residential areas, § 14-2(e); plumbing regulations, Ch. 16; signs and billboards, Ch. 18; permit for drainage culvert construction, §§ 19-1—19-4; developer required to pay inspection fee for certain improvements, § 19-4.1; subdivisions generally, App. A; zoning regulations generally, App. B.

Article I. In General

- § 6-1. Standard Building Code—Adopted.
- § 6-2. Same—Amendments.
- § 6-2.1. Town governmental buildings and grounds may be exempt from certain requirements and fees under this chapter.
- § 6-3. Administration and enforcement of chapter; appointment of building inspector.
- § 6-4. Right of entry of building inspector.
- § 6-5. Authority of building inspector to require tests or test reports.
- § 6-6. Plans and drawings—Copy to be kept at work site; inspection.
- § 6-7. Same—Compliance with.
- § 6-8. Certificate of occupancy—Required.
- § 6-9. Same—Issuance; temporary certificate.
- § 6-9.5. Bond required for multifamily construction.
- § 6-9.7. Filing of documents prerequisite to furnishing utility services to condominiums.
- § 6-10. Bulkheads: Permit required, application; general design criteria.
- § 6-11. Stopping of dangerous, nonconforming, etc., work.
- § 6-12. Dangerous, unsanitary, etc., buildings or structures.
- § 6-13. Civil actions to correct violations of chapter.

Article II. Permits

- § 6-14. Required.
- § 6-15. Application; compliance with subdivision and other town ordinances required; issuance; application for certificate of occupancy.
- § 6-16. Fees.
- § 6-17. Invalidation of permit.

Article III. Housing

- § 6-18. Minimum standards; Town Code prevails in case of conflict.
- § 6-19. Conversion of existing structures.
- §§ 6-20—6-22. Reserved.

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Article IV. Nuisances

- § 6-23. Declaration of nuisance.
- § 6-24. Town manager to inspect buildings and make recommendations.
- § 6-25. Public hearing—Required upon finding of probable nuisance; service of notice.
- § 6-26. Same—Contents of notice.
- § 6-27. Same—Conduct.
- § 6-28. Same—Decision to be by resolution; condemnation generally.
- § 6-29. Same—Posting of copy of resolution.
- § 6-30. Abatement by town; town's expenses to constitute lien.

Article V. Moving of Buildings

- § 6-31. Permit required.
- § 6-32. Application for permit.
- § 6-33. Liability insurance required; amount.
- § 6-34. Required information.
- § 6-35. Building code to apply.
- § 6-36. Approval; notification of property owners surrounding proposed location; fee for expense of notification.
- § 6-37. Permit fee.

ARTICLE I. IN GENERAL

Sec. 6-1. Standard Building Code—Adopted; copies on file in clerk's office.

The Standard Building Code, 1976 edition (excluding Chapter 1, Administration), together with all amendments thereto adopted by the Southern Building Code Congress, is hereby adopted as part of the building code of the town. If any provision of this chapter shall conflict with any adopted provision of the Standard Building Code, the provision of this chapter shall prevail. Three (3) or more copies of said code are on file with the town clerk, identified as official copies and shall be kept there available for public use, inspection and examination. (Code 1965, § 7-1; Ord. No. 148, 4-16-69; Ord. No. 157, § 1, 10-1-69; Ord. No. 73-27, § 1, 9-28-73; Ord. No. 74-33, § 1, 11-6-74; Ord. No. 76-15, § 1, 5-19-76)

Cross reference—Automatic fire-fighting, detection and prevention regulations supplemental to building code, § 9B-2.

State law reference—Adoption of certain minimum building codes, Fla. State, § 553.70 et seq.

Sec. 6-2. Same—Amendments.

Secs. 2204.1—2204.6. The provisions of sections 2204.1 through 2204.6 of the Standard Building Code adopted in section 6-1 are hereby repealed. (Ord. No. 74-23, § 1, 8-7-74)

Sec. 2401.4. The Standard Building Code adopted in section 6-1 is amended by adding Section 2401.4 to Chapter XXIV with respect to elevators and escalators:

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"(a) A minimum of one (1) electric motor-driven elevator shall be provided in any building erected after the effective date of this amendment and having three (3) or more stories; said elevator shall be sized to accommodate a standard size stretcher and attendants. The minimum dimensions of said stretcher are as follows: Length, seventy-nine (79) inches; width, twenty-two and one-half (22½) inches.

"(b) Said elevator shall be installed in compliance with the elevator requirements of the Florida Industrial Code 185 E-1-P.A.C. and the American Standard Safety Code for Elevators, Dumbwaiters and Escalators (ASA-A17.1-1966) of the American Standards Association." (Ord. No. 176, § 1, 6-17-70; Ord. No. 73-27, § 2, 9-26-73)

Cross reference—Electrical provisions relative to elevators, § 9A-2.

Sec. 2803. The Standard Building Code adopted in section 6-1 is amended by adding section 2803:

"Aluminum Carport Construction:

"(A) *Design and Fabrication Generally, Insulation.* The design, fabrication and erection of light aluminum and/or metal structures shall be in strict accordance to good engineering practice and acceptable trade standards. All dissimilar materials used shall be properly insulated from each other, where necessary, to prevent galvanic corrosion (electrolysis). The building official may require engineering data and criteria to be furnished on any structure.

"(B) Minimum Specifications:

1. *Posts:*

- a. Steel posts shall be 0.051 gauge with baked enamel finish or 0.126 aluminum posts.
- b. All posts shall be at least three (3) inches by three (3) inches.
- c. Posts shall be imbedded in cement.
- d. Imbedded area of post shall be painted with asphalt paint.
- e. Footer shall be eighteen (18) inches or twelve (12) inches by thirty (30) inches below grade.

2. *Panels:*

- a. 0.040 panels shall be used for the first three (3) panels on either end.
- b. 0.032 panels may be used in between.
- c. Twenty-eight (28) by twenty-four (24) gauge steel.

3. *Fasteners:*

- a. The three (3) end panels shall be secured with one-fourth-inch bolts and two-inch washers.
- b. All other panels may be secured by No. 12 self-tapping screws with one-half-inch washers.
- c. To reduce flutter to a minimum, add a corner brace from the post to the corner at a forty-five (45) degree angle. Size of aluminum angle to be two (2) inches by two (2) inches by one-eighth ($\frac{1}{8}$) inch thick.

4. *Valances:*

- a. Valances and gutters shall be 0.032.

5. *Beams:*

- a. Seven and one-half ($7\frac{1}{2}$) inches by three (3) inches by 0.125 inch aluminum I-beams, or equivalent. Span sixteen (16) feet, eight and three-quarters ($8\frac{3}{4}$) inches.
- b. Nine and one-quarter ($9\frac{1}{4}$) inches by one and three-quarters ($1\frac{3}{4}$) inches by 0.061 foot steel C-beam or equivalent. Span twenty-one (21) feet, nine and one-quarter ($9\frac{1}{4}$) inches." (Ord. No. 74-34, § 1, 12-4-74)

Sec. 6-2.1. Town governmental buildings and grounds may be exempt from certain requirements and fees under this chapter.

The town manager may waive, in his discretion, the requirements for licensed contractors and fees for repairs or additions to the Town of Longboat Key governmental buildings and grounds. (Ord. No. 76-15, § 2, 5-19-76)

Cross references—Building permit fees, § 6-16; licensing of contractors, §§ 12-5, 12-9.

Sec. 6-3. Administration and enforcement of chapter; appointment of building inspector.

The duty of administering and enforcing this chapter is hereby conferred upon the building inspector, who shall be appointed by the town manager with the approval of the town commissioners. Assistants to the building inspector, as needed, may be appointed by the building inspector, with the approval of the town manager. (Code 1965, § 7-2; Ord. No. 157, § 1, 10-1-69)

Sec. 6-4. Right of entry of building inspector.

The building inspector and any of his assistants may enter any premises, building or structure in the town for the purpose of making inspections or of performing any duty imposed by this chapter or any other ordinance of the town. (Ord. No. 157, § 1, 10-1-69)

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Sec. 6-5. Authority of building inspector to require tests or test reports.

The building inspector may require tests or test reports. If required, tests are to be made at the expense of the owner or builder and by an approved laboratory or other agency. Copies of such test reports or the results of all such tests shall be kept on file by the building inspector. (Ord. No. 157, § 1, 10-1-69)

Sec. 6-6. Plans and drawings—Copy to be kept at work site; inspection.

A copy of the plans and drawings approved by the building inspector shall be kept at the site of the work, and shall be open to inspection by the building inspector or his authorized representative. (Ord. No. 157, § 1, 10-1-69)

Sec. 6-7. Same—Compliance with.

No work for which a building permit has been obtained shall be done except in conformity with the plans and specifications submitted at the time application for the building permit was made. (Ord. No. 157, § 1, 10-1-69)

Sec. 6-8. Certificate of occupancy—Required.

No new structure shall be occupied and no change in use or occupancy of a structure or building shall be made until after the building inspector shall have issued a certificate of occupancy therefor, subject to approval by the town manager. (Ord. No. 157, § 1, 10-1-69)

Cross reference—Application for certificate of occupancy, § 6-15(d).

Sec. 6-9. Same—Issuance; temporary certificate.

(a) *Issuance.* In all cases where development plan approval is required by the town commission under other ordinances now or hereafter enacted, certificates of occupancy shall not be issued for completed structures until the utilities, service facilities and open areas as shown on the approved development plan have been completed in accordance with the development schedule for that stage of construction.

(b) *Temporary certificate.* The town commission may authorize a temporary certificate of occupancy for time stated therein and a variance from the provisions of this section where there are practical difficulties or peculiar hardship in carrying out the strict letter of the provisions of this section, however, no temporary certificate shall be granted until consideration of the request by the town commission and only upon the deposit of a cash bond or surety bond to guarantee the completion of all phases of that stage of the project not completed at the time of issuance of a temporary certificate of occupancy. The bond shall be in a form satisfactory to the town attorney and shall be a penal sum of one hundred twenty-five (125) per cent of the estimated cost of construction. (Ord. No. 157, § 1, 10-1-69; Ord. No. 73-0, § 1, 5-16-73)

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Sec. 6-9.5. Bond required for multifamily construction.

(a) *Amount; guarantor in case construction abandoned.* Prior to the time an application is made for a building permit for multifamily dwellings to be constructed within the town, the developer shall deliver to the town a secured obligation satisfactory to the town commission in the sum of seven thousand five hundred dollars (\$7,500.00), plus one percent of the cost of improvements as determined by the amount of the building permit. If the secured obligation to be delivered is a corporate surety bond, the surety company must be licensed to do business in the State of Florida and be on the United States Treasury Department's list of approved surety companies. The secured obligation shall guarantee that the site will be promptly restored to, as nearly as possible, its original state if, and in the event, the construction is abandoned and that in default thereof, the amount of the security be, on demand, paid over to the town for its use in effecting the restoration or retained by it as a forfeiture in lieu of the inability to fix damages if the restoration costs would exceed the amount of the security. Construction shall be deemed to have been abandoned if the applicant, or his successors or assigns, so notifies the town manager or if work on the premises ceases prior to the completion of the improvement and is not resumed within thirty (30) days of the expiration of the building permit.

(b) *Forfeiture; notice.* In the event the applicant, his successors or assigns fail to restore the site prior to abandonment, the town shall notify the applicant and his surety, guarantor or security agent, as the case may be, by certified mail, addressed to the last address furnished by the parties to the town demanding performance or the deposit of the guarantee sum. Not later than ten (10) days after the posting by the town of such notice, the applicant or his surety, guarantor or security agent shall deposit in the office of the town clerk the sum demanded by the town, either the estimated cost of restoring the site to its original condition as nearly as possible or the full sum of the secured obligation in the event the restoration costs would exceed the amount of the security.

(c) *Refund of surplus.* In the event there is a surplus in the deposit made on the town's demand, after completing the improvements, the town shall refund to the depositor on his order such surplus after cost and expenses. If the amount is forfeited, the applicant shall not be relieved of his obligation to complete the improvement or restore the site. (Ord. No. 77-25, § 1, 1-4-78)

*Cross reference—*Suspension or abandonment of construction invalidates building permit, § 6-17.

Sec. 6-9.7. Filing of documents prerequisite to furnishing utility services to condominiums.

(a) *Applicability.* This section shall govern any and all lands located within the incorporated limits of the Town of Longboat Key.

(b) *Filing of certain documents required.* Any person or corporation proposing to create a condominium or cooperative within the Town of Longboat Key pursuant to Chapter 718 and Chapter 719, Florida Statutes, shall:

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- (1) File with the town manager copies of all preliminary, if filed, and final condominium and cooperative plans, declaration of condominium bylaws, articles of incorporation of an owner-association relating to such condominium or cooperative; and
- (2) Shall furnish the town manager with certified copies, by the developer, of all documents relating to such condominium or cooperative recorded in the county where the condominium or cooperative is located.

(c) *Compliance prerequisite to providing utility service.* No public utility or service shall be provided to any condominium or cooperative building until the person or corporation proposing such condominium or cooperative shall have complied with the provisions of this section. (Ord. No. 78-2, §§ 1-3, 4-5-78)

Editor's note—Ord. No. 78-2, adopted April 5, 1978, did not expressly amend the Code, hence inclusion of §§ 1-3 thereof as § 6-9.7 was at the discretion of the editor.

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